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The School of Salamanca: A Case of Global Knowledge Production

Thomas Duve*

What is today known as the “School of Salamanca” emerged in a time of fundamental political, religious, economic and cultural transformations. Many of these were linked to early modern (proto-)globalisation and its consequences: the Iberian Empires were expanding and their territories soon spanned the globe. Europeans encountered territories as well as cultural and political systems they had not known before. At the same time, reformations divided the *res publica christiana*, leading to huge political turmoil, wars and the formation of different confessional cultures. The media revolution enabled communication at speeds and scales hitherto unknown and facilitated access to old as well as to an avalanche of new knowledge. Not least because of these changes, early modern republics and monarchies, empires, religious orders and the Roman Curia refined their techniques of governance. It was in this context that new universities were founded and traditional ones grew, professionalisation increased, and the sciences flourished.

The University of Salamanca, founded in 1218, played a key role in this development, particularly since the Catholic kings had converted it into their privileged site of knowledge production. In Salamanca, humanists and jurists, cosmographers, theologians and canonists trained the imperial elite. Here, future bishops and members of the *Audiencias*, jurists and missionaries studied the measurement of space and time, the economy, language, faith, law, justice and injustice. The preeminent scholars of the time came to Salamanca to teach, publishing houses established their *officinae* in the city, and probably in few places in the Empire so much information about explorations and discoveries in the Caribbean and the Americas – but also about the violence, exploitation and abuses committed by the European invaders – circulated. Missionaries returned to their *alma mater*, university professors came from New Spain to publish their books, members of the powerful religious orders sent reports to their monasteries. The Castilian elite asked for advice, and not least the emperor repeatedly consulted scholars from Salamanca to give their opinion on the most pressing issues of the time.

Thus, in Salamanca, more than in any other place in Castile, information from different areas and fields was collected, processed and integrated into theoretical reflection. Huge treatises were written, which became objects of study for generations of students. Many of them were dedicated to questions of law and justice. Often, these books saw several editions, were

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translated, excerpted, abridged in *compendia* and summaries. Salamanca seemed – and often still is taken to be – synonymous with scientific innovation and knowledge production in the *Siglo de Oro Español*. It is therefore not by chance that the names of Francisco de Vitoria, Domingo de Soto, Domingo Bañez, Martín de Azpilcueta, Melchior Cano and Francisco Suárez, who all of them had at some time taught at Salamanca, still to this day stand *pars pro toto* for a century during which key insights into the natural world, economics, theology and philosophy, as well as into law were formulated. The University of Salamanca and its famous “School of Salamanca” have become an important part of the history of theology, philosophy, cosmography, natural sciences and law.¹

It was the same centrality of the University of Salamanca, however, which converted it into a centre of knowledge production deeply entangled with other places. Universities and seminaries in Europe, America and Asia taught according to the methods, and in some cases also following the statutes, of Salamanca. However, as the chapters of González González,

¹ There is an abundant literature on the School of Salamanca and its historical context, and it is of course impossible to list all these works in this introductory chapter. A comprehensive introductory study of the School with many further references on the historical and theological context is Belda Plans, *La Escuela de Salamanca y la renovación de la teología en el siglo XVI*. Scholars like Barrientos García, Brufau Prats, Pereña and others have published seminal studies on the School of Salamanca that are indispensable for all research on the school. For more references see also three extensive bibliographies on the history of the University of Salamanca and the School: Rodríguez-San Pedro Bezares and Polo Rodríguez, “Bibliografía sobre la Universidad de Salamanca (1800-2007)”; Pena González, *Aproximación bibliográfica a la(s) “Escuela(s) de Salamanca”*; Ramírez Santos and Egío, *Conceptos, autores, instituciones*. Ramírez and Egío do not only provide an updated systematic bibliography but also include a thoughtful introduction on some of the developments in research over the last decades. Important legal historical studies on the School of Salamanca that furnish specific bibliographies on individual topics include, for example, Decock, *Theologians and Contract Law. The Moral Transformation of the Ius Commune (ca. 1500-1650)*; Gordley, *The Philosophical Origins of Modern Contract Doctrine*; Jansen, *Theologie, Philosophie und Jurisprudenz in der spätscholastischen Lehre von der Restitution*; Scattola, *Krieg des Wissens*. For an introduction to the larger context of law and morality in the early modern period from the perspective of legal history, see Decock and Birr, *Recht und Moral in der Scholastik der Frühen Neuzeit 1500-1750*. There is a huge amount of literature on Salamanca’s role in the history of political thought (with Anthony Pagden and Annabel Brett as central reference points), imperial politics, international law, human rights, the discussions about the rights of indigenous peoples, and increasingly also on Salamanca and slavery. Not least the ‘historical turn in international law’ initiated by Martti Koskenniemi has led to a wave of new publications on the School, most of them concentrating on the history of the ‘rediscovery’ of the School in the 19th century and its significance for international law. Important insights into the moral foundations of early modern law and politics have been gained through the works of Paolo Prodi, Adriano Prospero and others following them. Though they do not concentrate exclusively on the School of Salamanca, they reveal the importance of moral theology and its practice for the early modern Catholic world. Since the late 1970s, Spanish legal historians like Jesús Lalinde Abadía and Bartolomé Clavero have increased our awareness of the importance of religion in early modern Iberian legal history and its colonial contexts. A recent collection on early modern political and social thought with contributions on colonial law and other aspects has now been presented by Tellkamp (ed.), *A Companion to Early Modern Spanish Imperial Political and Social Thought*; a companion to the School of Salamanca is being prepared by Braun and Astorri (eds.), *A Companion to the Spanish Scholastics*. For a general survey of the history of the period see now Bouza, Cardim and Feros, *The Iberian World* and Barreto Xavier, Palomo and Stumpf (eds.), *Monarquías Ibéricas*.

Álvarez Sánchez and Lanza/Toste in this volume show with great clarity, this also meant that Salamanca's methods were not simply copied, but translated – in the broader sense of cultural translation² – into local realities on different continents. In the same vein, in Mexico, Manila and elsewhere excerpts, copies, rewritings, new manuscripts and printed books were produced that drew on ideas and practices stemming from Salamanca and elsewhere, but created something new. In the end, actors were convinced that, notwithstanding the different places and situations they were living in, they were all subject to universal principles, contributed to their realisation by putting them into practice under a variety of local conditions and shared a basic consensus about how to proceed in doing so. The chapters of Folch, Cobo, Moutin, Camacho, Egío and Aspe Armella present case studies of how actors negotiated the tension between universality and locality in New Spain, the Philippines and in the context of the contact with China, respectively. Some of the books written in the New World were printed, read and commented on in Salamanca, and thus gave rise to new deliberations in the university and the monastery of San Esteban. The letters the teachers received from their former students now serving in America or Iberian Asia, and the stories the latter told when they returned to Salamanca, contained rich information and raised questions the theologians tried to answer in their classes and in their treatises. In other words: communication was not unidirectional, knowledge circulated and was continuously reshaped. Salamanca was an important node in a huge web of places in which normative knowledge was produced.³ It is this global perspective on knowledge production in the Iberian worlds this book wants to explore⁴.

Normative knowledge, however, is not only about theory, ideas, principles, or doctrines. It also comprises practices. It is, as it had been expressed for a modern context, “an activity

² In this article, the term “cultural translation” is used in the broad sense it has acquired in cultural studies. For a full discussion of this, see Duve, “Pragmatic Normative Literature”.

³ Within the extensive debate about “information” and “knowledge” and their respective definitions, I have opted for a distinction between the terms that conceives of information as the basic unit, as data with a general relevance and purpose. Information is converted into knowledge as soon as it is contextualised and integrated into a field of action, opening up possibilities for action. Knowledge can therefore be understood as the entirety of the propositions that the members of a group consider to be true or which are considered to be true in a sufficient amount of texts produced by members of this group, comprising all kind of patterns of thought, orientation and action. It comprises also implicit knowledge embedded in practices and organisational routines; on the different definitions, see for example Neumann, “Kulturelles Wissen”, 811 and Wehling, “Wissensregime”. My definition is narrower than the one used by Renn and Hyman, “The Globalization of Knowledge in History: An Introduction”, 21-22, who define knowledge as the capacity of an individual, group, or society to solve problems and to mentally anticipate the necessary actions; they provide an interesting list of forms of knowledge representations and forms of transmission. For a systematic overview, see also Abel, “Systematic Knowledge Research”. In the following discussion, “normative” knowledge refers to knowledge as “positively labelled possibilities”, a definition developed by Christoph Möllers in Möllers, *Die Möglichkeit der Normen*. On these aspects, see Duve, “Pragmatic Normative Literature”.

⁴ For the ideas underlying the book project, see the working paper sent to the authors with the invitation to participate and discuss their contributions in a workshop held in Buenos Aires in 2018: Duve, “La Escuela de Salamanca: ¿un caso de producción global de conocimiento?”.

of mind, a way of doing something with the rules and cases and other materials of law, an activity that is itself not reducible to a set of directions or any fixed description. It is a species of cultural competence, like learning a language.”⁵ The same applies – and even more so – to the early modern world, and this is why it was not least the mode of reasoning taught and practiced in Salamanca, and the way in which concrete cases were resolved according to it, that shaped the way justice was administered in many places. Wherever a missionary, a priest, a bishop, but also a judge, or a crown official who had studied in Salamanca or read books from there, exercised his office, he produced new normative statements drawing on what he had learned in or from Salamanca. The analyses of collections of decisions of judicial bodies, declarations of bishops, practices of teaching or the writing of opinions on central problems of colonial life (such as marriage, restitution, and just war) in the contributions of Aspe Armella, Camacho, Cobo, Egío, Folch, Moutin and Lanza/Toste, respectively, point to these pragmatic contexts of the production of normative knowledge. It was not least – as this introductory chapter seeks to highlight – the combination of the School’s dynamic intellectual and scientific development and its essentially pragmatic character, aiming at the *cura animarum*, that is central to understanding the School. It might well have been precisely this combination of theory and practice that contributed to the School of Salamanca’s worldwide impact on the formation of a language of normativity and normative practices, irrespective of whether we see the School as part of oppressive legal imperialism or as the beginnings of cosmopolitan law – or, indeed as both.⁶

This worldwide presence and translation of normative knowledge developed in Salamanca, the interconnectedness between Salamanca and other places as well as the pragmatic orientation of its method(s) of reasoning raise important questions.

First, they make us wonder what the defining criterion of the “School of Salamanca” can be, and how to decide who should be counted a member of the School, not least in geographic terms: only those who had learnt or taught Thomistic theology at Salamanca, as some scholars maintain? – However, if one restricts the School geographically to Salamanca, how should one classify the work done in Coimbra and Évora? Would Martín de Azpilcueta, who wrote his bestselling *Manual de Confessores* first in Coimbra, where he had been sent from Salamanca, count as a member of the School? And how to classify what was taught and written in Manila or in Mexico, or at seminaries and colleges in Córdoba del Tucumán, by scholars who had studied in Salamanca and then applied what they had learned, or by those who never touched Castilian soil, but were deeply immersed with Salamanca-style thinking and put it into practice? – The chapters in this volume show that there are good reasons to integrate them into a joint analysis together with those “Spanish” authors traditionally considered to be members of the School.

⁵ White, “Legal Knowledge”, 1399.

⁶ The significance of the political language is emphasised both by scholars who highlight the contribution of Salamanca to international law in a more defensive or even in some cases hagiographic manner and by those who are taking a more critical perspective. For a balanced assessment, see Koskenniemi, “Empire and International Law”.

And why – to raise further puzzling questions resulting from the pragmatic orientation of early modern moral theology as it was practiced in Salamanca – do we define the School as a group of authors, and not as a community of practices? Why do we not include their judgements in individual cases, in both the *forum externum* and the *forum internum*, or their opinions and practical advice into the set of sources that make up the School? What idea of the School of Salamanca underlies the historiography's nearly exclusive concentration on the big systematic treatises, and the general neglect of the many small books, the pragmatic literature? Did Salamanca not become so famous precisely because of the deliberations on practical issues, such as the legitimacy of the *conquista* or the respective powers of the pope and the emperor? Didn't it become so influential because of the thousands of acts of producing a normative statement – a judgment, an opinion, a canon in a Church Council – that were pronounced in accordance with the teachings and the practices learned in Salamanca and elsewhere?

Whilst some of these questions have been intensively discussed, most of them have been the subject of surprisingly little critical reflection.⁷ However, behind them lies a general problem that is important for the study of the School of Salamanca but reaches far beyond it: the conundrum of how to analyse and classify an intellectual phenomenon like the “School of Salamanca” that was culturally translated under the conditions of European expansion and the media revolution in many places all over the world. The suggestion made in this chapter is to understand the School of Salamanca not as a group of authors in one place, but as the denomination of a specific mode of producing normative knowledge, as a communicative process that was performed by a multitude of actors. Put simply, the “School of Salamanca” was not a group of authors, but a cultural practice, a specific mode of participating in the communicative system dedicated to normativity.⁸

To explain this, I will not start with the theoretical and methodological assumptions underlying this perspective,⁹ but instead concentrate on the classical authors and texts of the

⁷ The definition of the school has long been the subject of scholarly debate, see for example Belda Plans, *La Escuela de Salamanca y la renovación de la teología en el siglo XVI*, 147-206; Belda Plans, “Hacia una noción crítica”; Barrientos García, “La teología”; Barrientos García, “La Escuela de Salamanca: desarrollo y caracteres”; Bermejo, “¿Escuela de Salamanca y Pensamiento hispánico?”; Brufau Prats, *La Escuela de Salamanca ante el descubrimiento del Nuevo Mundo*, 123-124; Zorroza, “Hacia una delimitación de la Escuela de Salamanca”; Martín Gómez, “Francisco de Vitoria y la Escuela Ibérica de la Paz”.

⁸ On the need to open up the state-centered and legalistic concept of “law” to include other normative spheres, see Duve, “Von der Europäischen Rechtsgeschichte”; Duve, “Was ist Multinormativität?”; Duve, “Global Legal History: Setting Europe in Perspective”.

⁹ The methodological assumptions underlying this perspective are developed in a dialogue between the still emerging field of the history of knowledge and legal theoretical approaches that understand law as a communicative system. For a general introduction to the history of knowledge and for further references, see Burke, *What is the History of Knowledge?*. A good introduction to the field's current state of research is provided by Renn, “From the History of Science”; Daston, “The History of Science”; Müller-Wille, Reinhardt and Sommer, “Wissenschaftsgeschichte und Wissensgeschichte”. On the globalization of knowledge see Renn (ed.), *The Globalization of Knowledge*, especially Renn and Hyman, “The Globalization of Knowledge in History: An Introduction”. On the potential for fruitful dialogue between global

School and the historiography on it in order to show how in the School of Salamanca, both theory, pragmatic orientation and a certain way of acting, understood as “practices” in the praxeological sense, were inseparably intertwined (3., 4.). For this reason, the School can be seen as an epistemic community and a community of practice, characterized by a specific mode of producing normative knowledge (5.). The knowledge-historical perspective taken by this approach also enables us to understand the School of Salamanca as a case of global knowledge production, shifting our attention away from supposed origins, authors and places, to understanding and analysing it as one sphere in the multidirectional, complex processes of communication about normativity in the early modern period (6., 7.). Before engaging in this, however, it seems necessary to ask how the notion of the “School of Salamanca” emerged and what this term stood for at its beginnings, as well as what path-dependencies might have resulted from this initial understanding of the School (1., 2.).

1. Constructing the “School of Salamanca”

Without aiming to reconstruct the entire development of the historiography on the School of Salamanca¹⁰ it seems important to emphasize that, even though already the immediate students of Vitoria recognized him as their teacher and clearly had the idea of belonging to a school,¹¹ it was only in the later 19th century that the term “School of Salamanca” was coined and came to be presented as an important moment in the history of European political and legal thought, with Francisco de Vitoria as its most important representative, and international law as its most famous object. The reasons for this rediscovery are manifold.¹² The late 19th-century Spanish Vitoria-renaissance was part of an attempt to emphasize the Spanish contribution to the development of European science. It was Eduardo Hinojosa y Naveros, often considered the founding father of Spanish legal history, who on the occasion of his admission to the *Real Academia de la Historia* in Madrid in 1889 – introduced by Marcelino Menéndez y Pelayo, the famous author of *La Ciencia Española* – gave a public lecture on the significance of Francisco de Vitoria for the emergence of international law as

legal history and the history of knowledge see Renn, “The Globalization of Knowledge in History and its Normative Challenges”. The methodological assumptions underlying the analysis presented here are close – and in fact owe much – to the work of A.M. Hespanha, see Hespanha, “Southern Europe”. The combination of the concept of translation with an evolutionary perspective presented here was inspired not least by the writings of H.P. Glenn and his conceptualisation of “legal tradition”, see on this more extensively Duve, “Legal traditions”.

¹⁰ For a more detailed discussion, see Duve, “The School of Salamanca: a legal historical perspective”.

¹¹ See, for example, how Melchior Cano creates the idea of being part of a school led by Vitoria: Cano, *De locis Theologicis, Liber duodecimus, Prooemium*, fol. 385: *Fratrem Franciscum Vitoria [...] dicere audivi postqua[m] ab illi[us] schola discessi [...]*.

¹² On the history of the historiography and for further references, see Duve, “Rechtsgeschichte und Rechtsräume: wie weit reicht die Schule von Salamanca?”.

a scholarly discipline.¹³ This new field had not only seen a remarkably dynamic evolution during the 1880s. It was also of utmost importance for Spain where new university chairs, journals and institutes for the emerging discipline were being founded, not least because of the need to better understand Spain's position in the recent and still enduring conflicts with and between its former colonies and other European powers. In his presentation at the *Academia*, Hinojosa highlighted a series of aspects of Vitoria's work, in particular what he calls Vitoria's positivist scientific method, the foundation of Vitoria's legal thought in Aquinas's teachings, and his uniting legal and theological studies. For Hinojosa, studying Francisco de Vitoria not least meant drawing attention to the Spanish contribution to European cultural heritage, in answer to those who, according to Hinojosa, kept on denying Spain its proper place in this history.¹⁴

With his attempt to highlight Vitoria as the "father of international law" – as he was explicitly called by Menéndez y Pelayo on the same occasion – Hinojosa was part of a wider movement searching for the historical foundations of international law, not only in Spain.¹⁵ More and more jurists, also outside of Spain, pointed to the Salmantine theologians' vital role in the discipline's history as predecessors to Hugo Grotius. The Belgian scholar Ernest Nys did so from the early 1880s onwards and, more than three decades later, published Vitoria's famous *Relectiones* in 1917.¹⁶ In the US, James Brown Scott produced an English translation of Francisco de Vitoria's *De Indis recenter inventis* and *De iure belli* in 1917, and following other studies, published his monograph on *The Spanish Origin of International Law. Francisco de Vitoria and his Law of Nations* in 1932.¹⁷ Scholars of theology and philosophy contributed a series of studies on Vitoria to this first renaissance, not least in the context of Spanish Neo-Scholasticism. Luis G. Alonso Getino published various pieces in the journal *La Ciencia Tomista*, which had been founded in 1914, and some of his writings were later integrated into a new series *Biblioteca internacionalista Francisco de Vitoria*.¹⁸ It was in this general context, and more specifically in the attempts to refound philosophical and theological Thomism, that the term "School of Salamanca" seems to have been used first.¹⁹

¹³ Hinojosa y Naveros, *Discursos leídos ante la Real Academia de la Historia*. On Hinojosa see now Martínez Neira and Ramírez Jerez, *Hinojosa en la Real Academia*, which includes Hinojosa's text: *Influencia que tuvieron en el derecho público de su patria y singularmente en el derecho penal los filósofos y teólogos españoles anteriores a nuestro siglo* (1890), 105-226.

¹⁴ Hinojosa y Naveros, *Discursos leídos ante la Real Academia de la Historia*, 52.

¹⁵ See in general on this period Koskenniemi, *The Gentle Civilizer of Nations*; for the Spanish context, see Rasilla del Moral, *In the Shadow of Vitoria*.

¹⁶ Nys, *Le droit de la guerre et les précurseurs de Grotius*.

¹⁷ Scott, *The Catholic Conception of International Law*; Scott, *The Spanish Origin of International Law*. On Scott, see Scarfi, *The Hidden History of International Law in the Americas*.

¹⁸ Alonso Getino, *El Maestro Fr. Francisco de Vitoria*.

¹⁹ The German theologian Martin Grabmann seems to have been the first to use the term "School of Salamanca" in an essay published in 1917, which commemorated the 300th anniversary of the death of Francisco Suárez (Grabmann, "Die Disputationes metaphysicae des Franz Suarez", 29-73). He drew on earlier research done by the German Jesuit Ehrle in the Vatican library. In Grabmann's essay, the term "Theologenschule zu Salamanca" ("school of theologians at Salamanca") first appears in a footnote; later

Obviously, this engagement with Vitoria and the School of Salamanca was also part of the wider discussion about international law that intensified during and after WWI, as well as of the pan-American movements and their search for intellectual foundations, which had been gaining strength since 1900. It was accompanied by research on Spanish humanism, and the history of Spanish scholasticism broadly defined, that flourished in the interwar period: in Paris, Marcel Bataillon's *Erasme et l'Espagne* appeared in 1937,²⁰ and in Rome a year later R.G. Villoslada's *La Universidad de París durante los estudios de Francisco de Vitoria*. In Salamanca, important editions of sources were prepared, in the first place by Vicente Beltrán de Heredia, who from 1932 on began to publish the notes of students on Vitoria's ordinary lectures on the *Summa*.²¹ A small 1939 biographical and bibliographic monograph on Vitoria written by Beltrán de Heredia, the leading scholar on the School in these turbulent times, became an important point of reference. That this study appeared as volume 14 in a *Colección pro ecclesia et patria* points to the tenor of much research on Francisco de Vitoria and the School of Salamanca during the Franco period.

Many of these publications concentrated on highlighting the contribution of Spanish authors to the establishment of an international law that was intended to provide peace (one series of publications is even called '*Corpus Hispanorum de Pace*') and spread Christian values in a world in which *Hispanismo* had played and was supposed to play an important role.²² In a way, many authors still fought against the so-called Black Legend, if now under different political circumstances.²³ Authors from Salamanca took the lead in this, many of them experts in the history of the university and the Spanish history of the Dominican Order, and some – like Beltrán de Heredia – themselves members of that order. It was, therefore, not surprising that most of the research concentrated on Salamanca and the Dominicans, not least because the archives in Salamanca contained (and still contain) vast quantities of documentation to be explored. These scholars saw Salamanca as the centre that had exerted its influence over many places all over the world.²⁴

in the text he refers to studies on the "School of Salamanca and on Spanish and Portuguese scholasticism". The term was later used in the context of economic history, see Grice-Hutchinson, "El concepto de la Escuela de Salamanca".

²⁰ Bataillon, *Erasme et l'Espagne*.

²¹ On the manuscripts, see Beltrán de Heredia, *Los manuscritos del maestro fray Francisco de Vitoria*.

²² For a discussion from the perspective of the history of universities, see González in this volume. A certain apologetic tendency is still visible in the titles of major publications, not least that of the publication series *Corpus Hispanorum de Pace*; a selection of essays that develop this perspective can be found in Ramos (ed.), *Francisco de Vitoria y la Escuela de Salamanca*.

²³ See on this now the contributions in Villaverde and Castilla Urbano (eds.), *La sombra de la leyenda negra*.

²⁴ There has been an increasing number of studies on what is called the *proyección Americana* of Salamanca, see for example Cerezo, "Influencia de la Escuela de Salamanca"; on the *proyección* see also Barrientos García, *Repertorio de moral económica (1526-1670)*, 77-84; Rodríguez-San Pedro Bezares and Polo Rodríguez (eds.), *La Universidad de Salamanca y su confluencias americanas*.

2. Deconstructing the “School of Salamanca”

Looking at this picture, and notwithstanding the inevitable generalisations, we might say that the leading narrative from the 1880s until the end of the Franco regime put Francisco de Vitoria at the beginning of an intellectual movement whose exclusive location had been Salamanca, and which had been profoundly scientific, Dominican and Spanish. For most of the researchers during the first century of the Vitoria renaissance, and sometimes up to today, the main achievement of the School lay in its contribution to the formation of a science of international law and in a renewal of (moral) theology, grounded in a particular union of Spanish nation, Christian faith and Thomistic theology and philosophy. The School consisted of authors, had a centre, and influenced the peripheries.

From a legal historiographical perspective, Hinojosa and his contemporaries’ presentation of Vitoria as the founding father of international law and thus a major Spanish contribution to the history of European legal scholarship were a way of integrating the School into the big narrative of European legal history as a history of scientification (*Verwissenschaftlichung*) – a historical narrative on European legal history dating back to the Historical School of Law that Hinojosa had studied extensively when he was in Germany and then brought with him to Spain. Not least in 20th-century German-speaking legal historical research, the School of Salamanca began – after some earlier work by Josef Kohler²⁵ – to be studied more intensively under the influence of Carl Schmitt and then in the context of the brief renaissance of natural law after WWII as a theological contribution to the formation of the modern legal system.²⁶ Despite its considerable shortcomings and ideological twists, this approach paved the way for important research on the history of legal reasoning and institutions from this Catholic tradition, long underrated in legal historical scholarship.²⁷

Since the 1970s, the dominant narrative on the School outlined above has increasingly been criticized and challenged.²⁸ It is now being superseded by a number of different perspectives, including the deconstructive impetus of critical international law historiography, in-depth studies by historians of theology and philosophy, and in still scattered legal history studies. As a result of the latter, it is becoming increasingly clear that Francisco de Vitoria was himself part of a broad intellectual current that had not begun in Salamanca but arrived there with him – which also means that it arrived there later than in Paris, perhaps also later than in Cologne or Louvain. The more Salmantine authors are investigated, the clearer their thinking’s links to tradition become. Thus, going beyond a local (Salamanca) and national (Spanish) perspective and integrating Salamanca into a broader European and interdisciplinary context as well as abandoning the exclusive concentration on the history of international law has increasingly relativized the School’s special status. Hesitantly, but with ever more

²⁵ Kohler, “Die spanische Naturrechtslehre des 16. und 17. Jahrhunderts”.

²⁶ See for example Thieme, “Natürliches Privatrecht und Spätscholastik”.

²⁷ See for example Jansen, *Theologie, Philosophie und Jurisprudenz*; Decock, *Theologians and Contract Law*.

²⁸ For an example of an early critique, see Lalinde Abadía, “Anotaciones historicistas al iusprivatismo de la segunda escolástica”; Lalinde Abadía, “Una ideología para un sistema”.

convincing arguments, the “medieval – modern divide” is being overcome in this field, too.²⁹ Attention is increasingly being directed at the time before Columbus and at the lines that can be drawn between Vitoria and both earlier and contemporary authors in other places.³⁰ The apologetic and sometimes even hagiographic style of writing about Vitoria can still be found, but at the same time there are more and more studies from a postcolonial perspective that consider Vitoria and other thinkers of the School as simply another face of empire and as architects of colonialism and justifiers of exploitation and legal imperialism.³¹

Even Vitoria’s unique position in Salamanca is more and more frequently called into question. This is not so much due to a general scepticism about the search for “inventors” or “founding fathers” in literary and historical studies, a critical perspective astonishingly absent in legal historiography or research on the history of the School of Salamanca.³² More than that, a series of individual studies shows how much Vitoria relied on earlier authors and was embedded in comprehensive discursive contexts – notably with Domingo de Soto, who in the meantime has come to be regarded as the author with the greater impact on subsequent generations.³³ Many of Vitoria’s arguments against the *conquista* had been advanced before him, and many of the inventions attributed to him were firmly rooted in tradition: even the perhaps most famous argumentation regarding what has been called a *ius communicationis* is to be found *mutatis mutandis* in Cicero and Thomas Aquinas.³⁴ Thus, Francisco de Vitoria was doubtless an exceptional figure, an impressive teacher, but in the final analysis he was also a pupil of others and an interlocutor for many.³⁵ Quite the Scholastic, he took up the *auctoritates*, marshalling them with the particular circumstances of his time in mind, and integrating them in a specific period into a uniform schema of natural and international law.³⁶ What made him so special was not least that what he said was politically highly charged, and uttered in a historical context of theology marked by conflict and disputes between schools.³⁷

²⁹ On this need see Muldoon (ed.), *Bridging the Medieval-Modern Divide*; on late medieval philosophy, see Schmutz, “From Theology to Philosophy”; for medieval expansion to the Canary Islands, see Egío García and Birr, “Before Vitoria: Expansion into Heathen”; Egío García and Birr, “Alonso de Cartagena y Juan López de Palacios Rubios”.

³⁰ Fernández-Armesto, *Before Columbus*; Abulafia, *Discovery of Mankind*. For a legal historical perspective, see Pérez Voiturez, *Problemas jurídicos internacionales de la conquista de Canarias*; Olmedo Bernal, *El dominio del atlántico en la baja edad media*.

³¹ An often cited text is Anghie, *Imperialism, Sovereignty and the Making of International Law*; for a survey of recent postcolonial approaches to the study of the School of Salamanca, see for example Koskenniemi, “Vitoria and Us”.

³² On this criticism and its impact in the history of science, see for example Secord, “Knowledge in Transit”.

³³ See Scattola, “Domingo de Soto e la fondazione della scuola di Salamanca”; Wagner, “Zum Verhältnis von Völkerrecht und Rechtsbegriff bei Francisco de Vitoria”; Tellkamp, “Vitorias Weg zu den legitimen Titeln der Eroberung Amerikas”.

³⁴ Scattola, “Das Ganze und die Teile”; Pagden, “The Christian Tradition”.

³⁵ See for example Scattola, “Die Systematik des Natur- und Völkerrechts bei Francisco de Vitoria”.

³⁶ Scattola, “Das Ganze und die Teile”.

³⁷ On this context see Barrientos García, “La teología”; Quantin, “Catholic Moral Theology, 1550-1800”.

What does this critical assessment of the research tradition mean for the notion of a “School of Salamanca”? – When the School was basically considered to have been a national contribution to the history of European (legal) scholarship with Salamanca as its exclusive center, this implicit consensus determined the selection of the relevant sources (the big treatises) to be examined, the place to be looked at (the University of Salamanca), as well as the perspective of most of the legal historical research done (contributions to the history of scientificization of law). Due to the general approach of late 19th- and early 20th-century historical scholarship, intellectual history was basically a history of authors (not of books) in search of origins and founding fathers, not mechanisms of knowledge production. Notwithstanding the great importance of the findings made on the basis of this consensus and from these perspectives – and that we owe in part to scholars whose political framing of their research we might not share today –, it seems timely to open up our analysis to include other dimensions which were inherent to, and perhaps even characteristic of, the School but that have not yet been studied, not least because of the path-dependencies resulting from the historiographical tradition. Two aspects that seem especially important are the School’s pragmatic orientation, which has been emphasized by historians of theology, but only partially been considered in legal historiography,³⁸ and its being part of a process of global knowledge production, different aspects of which are explored in the case studies in this volume.

But what might a history of the School of Salamanca written as a history of – global – knowledge production that comprises both theory and practice look like; a history that looks far beyond Salamanca: at Mexico, Guatemala, Manila, Maranhão, China, Coimbra, Évora? – To understand this, we have to take a closer look at the often overlooked deep intertwinement and even inseparability of theory and practice in the School of Salamanca.

3. System-building and daily practice

As is well known and has been worked out in great detail in the last decades, the scholars at the University of Salamanca and the city’s Dominican monastery of San Esteban were working on no less a task than reflecting on the order of the world, in all its dimensions. The theologians could conceive of this order only as the divine order of being from which everything else – the natural order, the economic order and the normative order – derived. Since the 1530s, the key work for understanding reality was – at least for the Dominicans, but not only for them – the *Summa Theologiae* of Thomas Aquinas. Already during his stay in Paris, Francisco de Vitoria had assisted his teacher, Petrus Crockaert, in preparing an edition of Aquinas’s *Summa*. After his arrival in Salamanca in 1526, he based his lectures in the most im-

³⁸ Especially Juan Belda Plans has insisted on its pragmatic character, see Belda Plans, “Teología práctica y Escuela de Salamanca del siglo XVI”; for a legal historical perspective, see Decock, “From Law to Paradise”.

portant class, the *prima*, on it. From now on, the *Summa* provided the architecture of knowledge, scholasticism the methods and academic practices, and the *auctoritates* the content of the classes. Many of these *auctoritates* were contained in the *Summa* itself, in Aquinas's commentary on Peter Lombard's *Sentences*, the latter being a famous work that was still widely used, and in other collections of authorities. In the course of preparing their classes, theologians and canonists from Salamanca worked on their theological and philosophical systems and produced voluminous treatises, not least a specialized genre dedicated to questions of justice and law that developed out of the tradition of *Summa* commentaries: the treatises *De iustitia et iure* and *De legibus*.³⁹ These and other books from Salamanca, not least some of the "extraordinary" lectures, the famous *Relectiones*, have been studied by generations of students and make up the core of what is considered to be the most important legacy of the School.

For theologians, however, since the Middle Ages, the order of being was above all one that should guide human conduct.⁴⁰ Salamanca's prominent position as a place for consultation from the days of the Catholic kings onwards meant that many people turned there, and particularly to the Dominican monastery of San Esteban, with (nearly) all kinds of moral doubts. A whole series of circumstances contributed to the fact that there was widespread uncertainty about what was morally doubtful and what was not, what was just or unjust. The early modern information overload had made so many opinions available that orientation was difficult, and the Reformations within and outside of the Catholic world, heated controversies between so-called *doctores modernos* and others, produced contradictory statements on theological dogmas, but also on how to evaluate and judge key issues of social life. Moreover, European expansion across the Atlantic within a few decades transformed Castile from a backward agrarian economy into the centre of world trade, with enormous quantities of silver flowing into Seville, and a resulting wave of speculation, inflation and debt. Both economic and moral risks proliferated, and people were afraid that certain acts would put the salvation of their souls at risk.

All this gained momentum precisely in the decades between Vitoria's arrival in Salamanca in 1526 and his death in 1546. Classic, but now once again burning questions regarding the legitimacy of particular forms of trade, of moneylending and new banking instruments had to be resolved. Many of these very mundane questions inspired the School's great treatises. Domingo de Soto's *De iustitia et iure*, for example, focused on the many issues surrounding the question of "just price". Soto explicitly stated that it were these practical problems caused by trade and business that made him write his multi-volume treatise,⁴¹ which later went

³⁹ On these treatises see Folgado, "Los tratados De legibus y De iustitia et iure"; Barrientos García, "Los Tratados 'De Legibus' y 'De Iustitia et Iure' en la Escuela de Salamanca de los siglos XVI y XVII".

⁴⁰ On the emergence of practical ethics in the later Middle Ages and the history of theology, see Mandrella, "Der Dekalog als Systematisierungsschlüssel"; for later casuistry, also in the period of the School of Salamanca, see Müller, "Die Bedeutung des Dekalogs".

⁴¹ Soto, *De Iustitia et Iure*, Liber VI, 505: Eo denique destinati operis perventum nobis est, cuius praecepit gratia de illo coepimus cogitare. Haec inquam usurarum, contractuum, cambiorumque ac simoniarum sylva in animum potissime nobis induxit, ut tantam operem molem aggredieremur. See also:

through over 30 editions and is viewed as the central work of at least the first generation of the School of Salamanca.⁴²

Precisely because of this pragmatic orientation, Salamanca's scholars did not only produce great commentaries on Aquinas's *Summa*, or their treatises *De iustitia et iure*, or *De legibus*, but also pragmatic literature, smaller handbooks for those engaged in normative practice, particularly confession manuals.⁴³ These included bestsellers such as the *Manual de confesores* of Martín de Azpilcueta, an eminently pragmatic book, written by the most respected canonist and moral theologian of his time, which not only went through 90 editions but was also reworked into summaries, compendia and epitomes.⁴⁴ The *Relectiones*, too, which circulated in manuscript form (and were printed only later or, in some cases, not at all), attracted much attention. In many cases, they were dealing with highly disputed problems of mayor significance. Vitoria's *Relectiones* on the Indies and on just war are the most famous case, but not the only one. Domingo de Soto's and Melchior Cano's *Relectiones* on sacramental doctrine – the former's published only posthumously, whereas Cano's went through several editions already during the author's lifetime – dealt with highly charged theological questions of great and direct relevance for daily life.

Even the regular lectures on theology frequently touched upon practical questions, and were often openly critical, of current practices.⁴⁵ Vitoria, for example, commented in one of his lectures on theology on the common practice of fulfilling the duty of restitution – a prerequisite to receiving absolution in the confession – by acquiring a *compositio*, part of the so-called “crusader indulgence” (*Bulla de la Santa Cruzada*), at a fraction of the amount owed. This mode of restitution was offered in cases where one knew that one had to retribute a good acquired illegitimately, but could not find the person to whom one owed it – a frequent occurrence in a time of war, sudden deaths, pilgrimages, not least in the New World, where soldiers and merchants made unjustified booty and *encomenderos* exploited the indigenous population and then feared for the salvation of their souls. Vitoria called this practice, which was of huge economic significance for both the Church and the Crown, the “biggest joke in the world”. And this was not just his personal opinion or a random comment he made in class. Instead, it was the result of a thorough analysis of papal *potestas* and *dominium*, similar to the arguments he had employed in his 1539 *Relectio De Indis* regarding the pope's right to grant the recently discovered territories to the Spanish Crown. Moreover, from one of his letters we know that he did also practice as a confessor what he taught in class. In response

Soto, *De Iustitia et Iure*, Prooemium, 5: [...] peperit tamen humana libido per temporum iniquitatem, parturitque in dies novas fraudulentiae formas, quibus contra ius & fas suam quisque expleat insatiabilem avaritiam. Quapropter nihil aliud quam operae pretium arbitrandum est si iniqua pacta & conventa, & cambia, tamquam adeo multa usurae simoniaeque recentia genera in animum nobis induxerunt, nova de re veteri volumina aedere.

⁴² See Scattola, “Domingo de Soto e la fondazione della scuola di Salamanca”.

⁴³ See on this the contributions in Duve and Danwerth (eds.), *Knowledge of the pragmatici*.

⁴⁴ Bragagnolo, “Managing Legal Knowledge in Early Modern Times”.

⁴⁵ On teaching and academic practices in the faculty of theology in Salamanca since 1560 see now the monumental work of Barrientos García, *La Facultad de Teología de la Universidad de Salamanca*.

to request for advice on the practice of the *compositio* by acquiring the *Bulla de la Cruzada*, he wrote: “I do not preach against it [the *compositio*] ... but neither do I give absolution to anyone.” This is only one of many examples of how everyday problems of political, social and economic life, the systematic deliberations based on the *Summa*, and the pastoral office, the *cura animarum*, were intertwined.⁴⁶

However, since not only merchants and soldiers, but also the emperor, kings and cardinals consulted the scholars of Salamanca, the latter also dealt with the big political questions of their time. Expansions, reformations and wars called for intensive reflection on power, obedience, hierarchy and heresy, and major works on the history of legal and political thought have been written on these issues. Salmantine scholars took part in the Council of Trent and the many so-called *juntas*, ad hoc committees instituted by the emperor to consult on particular problems. They wrote expert opinions on the doctrine of justification, on the marriage of the English king Henry VIII, on Erasmianism, on the legitimacy of the Castilian presence in the Americas, on just war, on the baptism of members of indigenous peoples and on slavery. It was above all the positions adopted by Francisco de Vitoria on the moral problems raised by the invasion of the “New World” that made him – and with him, Salamanca – famous. The issues surrounding the *conquista*, too, were practical, not merely theoretical, problems. The question that was moving hearts and minds was not least whether it did endanger the salvation of those involved in the Conquest, including the souls of the emperor and his advisers.

In short, the authors of the School of Salamanca did not only write large systematic treatises but also pragmatic literature, and responded to specific and concrete individual questions. They did so because of the theological tradition and the practices that emerged from this especially in the *forum internum*, which obliged them to inquire into the details of each case to find an adequate answer, but also because in 16th-century Iberia, consultation was a deeply rooted cultural practice. At the highest level, this culture of consultation manifested itself in the royal *juntas*, in the importance of royal confessors, and in institutions such as the *Mesa da Consciência e Ordens*, established by the Portuguese crown in 1532.⁴⁷ In less exalted spheres, priests and moral theologians were dealing with a multitude of everyday requests for advice.⁴⁸ As confessors, they decided about sins, major or minor; as consultants, they gave their opinion on all matters of daily life: “We serve God by responding not to cases, but to those who ask in order to alleviate their conscience and who follow the advice they receive”, Francisco de Vitoria emphasized.⁴⁹ This priority of the concrete advice on each single case points to an essential characteristic of the School’s *modus operandi*: each case had to be con-

⁴⁶ See on this case Duve, “¿‘La mayor burla del mundo?’”.

⁴⁷ On the significance of the *confesores* and moral theology for the political culture and governance in Castile see for example Martínez Peñas, *El confesor del rey en el Antiguo Régimen*; Sosa Mayor, *El noble atribulado*. On the Mesa da Consciência e Ordens in the Portuguese monarchy, see Marcocci, “Conscience and Empire”.

⁴⁸ See González Polvillo, *El gobierno de los otros*; O’Banion, *The Sacrament of Penance*.

⁴⁹ Vitoria, “Disensiones del reverendo padre maestro fray Francisco de Vitoria”, 302: Y no es servicio de Dios responder a los casos, sino a los que preguntan por sanear sus conciencias y hacen lo que se les dice.

sidered carefully and individually, in its unique context, in order for the correct decision to be found, and this decision had to be made in the light of the existing knowledge about the principles of justice.

This already shows that finding the right answer to a problem was not simply a matter of knowing where to look for the relevant norms but the product of an *ars*. This *ars* could only be performed adequately by experts – and, as an *ars*, could only be learned from teachers, and through the integration in a “School” of practice. A brief look at this *ars* might thus help to illustrate why the reasoning of the School can only be understood adequately if it is considered not only as intertwined with daily life and practice, but as practice.

4. *Ars inveniendi*

What can be called an early modern *ars inveniendi*, the mode of how to reach an adequate answer for a moral doubt, was based on a specific practice of bringing together *ratio* and *auctoritas*.⁵⁰ The key for understanding this intellectual operation lies in 16th- and 17th-century theologians’ (and jurists’) fundamental epistemological assumption that the texts one could draw upon, the *auctoritates*, did not contain ready-made solutions for all cases. Instead, they were concretisations, and therefore only part of – but also the way to – a higher objective truth that could not be accessed directly. In considering a concrete question, therefore, the *auctoritates* that the author had selected from different repositories – *topoi*, *loci communes* – as of relevance had to be included in the process of reasoning, often within the framework of a concrete question, a *quaestio*. Since they formed the point of departure for one’s own argumentation, the appropriate and careful compilation and arranging of the *auctoritates* was of prime importance. This is why a lot of time and energy was spent on studying the authori-

⁵⁰ Obviously, the Thomistic method of the School of Salamanca as well as the relation between *ratio* and *auctoritas* are complex issues, and the manifold positions taken by different authors and generations of scholars cannot be analyzed in detail here. The most influential work on the history of moral theology that also discusses these issues is Mahoney, *The Making of Moral Theology*; see also on the modern period Theiner, *Die Entwicklung der Moralthologie*; Vereecke, *Storia della teologia morale moderna*; Vidal, *Historia de la teología moral*. More specifically on Salamanca, the best treatment of these questions from a theological perspective is offered by Belda Plans, *La Escuela de Salamanca y la renovación de la teología en el siglo XVI*, especially 207-312 (on Thomism) and 619-750 (on the relation between *ratio* and *auctoritas*). The question is closely related to the debate about whether early modern theological casuistry was more prudential or more juridical in character, see on this Quantin, “A propos des premières Summae confessorum. Théologie et droit canonique”. On the plurality of opinions in the slightly later *Barockscholastik* and early modern probabilism as the intellectual response to the plurality of opinions see Schüßler, “Meinungspluralismus in Moralthologie und Kasuistik”. On the construction of the legal argument in the field of *ius gentium*, see Brett, “Sources in the Scholastic Legacy”. For a more detailed reconstruction of the early modern way of producing a normative statement, see Duve, “Pragmatic Normative Literature”, from which some parts of the following are taken.

ties, and on producing media in which relevant authorities were collected, such as reference works and pragmatic literature.

However, the solutions to specific cases could not be plucked directly from these authorities. They had to be found through a rational process that drew on different *auctoritates* and critically weighed their applicability and appropriateness for the case under consideration; it was a practice for arriving at the correct choice in the tradition of earlier reflections *De electione opinionum*. This was the domain of reason, *ratio*, and *prudentia*. Authorities from both past and current normative production of ecclesiastical or secular rulers were obviously weighty arguments. They showed a way, sometimes even the only way, to the right solution. In certain cases, there was no cause for doubt, due to the high degree of authority of certain texts: the solution was inevitably given. But in most cases, the authorities one found could be open to diverging interpretations or even contradict each other. In the end, they were just aids to finding the solution and not the solution as such. For the process of producing the right solution, scholars thus developed certain operational rules, a *methodus* and a theory of sources and their authoritative value. One can call this a “theory of practice”, in the sense of guidelines for the right exercise of this *ars*. According to this theory, it was necessary to search in different places (*loci, topoi*) for the normative option whose partial truth seemed most appropriate to the individual case at hand. The philosophical background of this method was early modern – legal, philosophical, and theological – *topica* and the resulting procedure, the *dialectica*. The *methodus* provided specific techniques of interpretation.

Alongside this explicit and formalized theory of practice – the theory of sources, the method – there were also practices of norm production as such, including established patterns of action, conventions or implicit knowledge about the right way to proceed. Many of these practices were not explicit, perhaps because they were part of a general but silent consensus, and could typically be acquired only by integration into a community of practice, for example as a student who was “learning by doing”. They were, not least, the elements that determined the feeling that certain decisions might be just or unjust for a concrete case, a way of giving a systematic place to what in 19th-century debates was often simply called the *Rechtsgefühl*, a way of integrating the circumstances of the concrete case into the right decision. Francisco de Vitoria expressed the necessity of knowing the concrete circumstances in one of his responses to generalized questions about the permissibility of certain trading practices: “I don’t really want to answer these questions of the money changers unless I know who is asking and why. Many ask only for their own advantage, and are delighted if one grants permission. And if they don’t like the advice they receive, they ignore it and make fun of the doctrine and its author.”⁵¹

⁵¹ Vitoria, “Disensiones del reverendo padre maestro fray Francisco de Vitoria”, 302: Yo respondo de mala gana a estos casos de cambiadores, sin saber quién los pide y para qué. Porque muchos los preguntan para aprovecharse y alargarse si les dan alguna licencia. Y si algo les dicen contra su interés, dáseles poco y búrlanse de la doctrina y del autor.

Historical research on knowledge production has increasingly paid attention to these implicit understandings, the rules of practice, regulatory rationalities, habitus, etc. They can also be considered as an integral part of legal – or normative – knowledge that by definition also comprises practices⁵². They have special importance in a regime of knowledge production that left large margins of discretion to the actors, as was the case in 16th- and 17th-century normative reasoning both in law and theology, the two key normative disciplines. Many of these rules of practice were understood as part of the concepts – and due to their indeterminacy in a certain way also: the black box – of *ratio* or *prudentia*. So it was not by chance that *ratio* was essential to the interpretation of all authoritative texts, not least Scripture, and therefore shaped the Salmantine scholars' debates with humanist, Erasmist, and Protestant writers. This is why Francisco de Vitoria stressed in this teaching that *ratio* was decisive: *non tantum ex auctoritate, sed ratione, utendum esse in theologia*.⁵³

Regarding this book's central question of whether we can understand the School as a historical formation exclusively linked to Salamanca or should rather see it as a case of global knowledge production, it seems important to highlight that it might not least be these rules of practice, the "practices of practice", and more concretely: the conviction that one had to look at the circumstances of each case, and find a just solution for this specific case, that made up the School: a School as a group whose members shared not only a theory of practice but also an – often implicit – consensus about how to translate the *auctoritates* into a just decision for a concrete case. Essential parts of this *ars* could only be learned by the integration into a community which can be called, in terms taken from the history of knowledge, an epistemic community that was, at the same time, a community of practice. Can we, therefore, imagine the School of Salamanca as such, and what would be its main characteristics?

5. The School as an epistemic community and a community of practice

If we now turn to the Salamanca theologians with these findings in mind, there are some aspects that could be taken into account when exploring the School of Salamanca as an epistemic community in the sense of a group of people with shared knowledge, expertise, beliefs, and – due to the importance of practices – also as a community of practice.⁵⁴

⁵² For a more detailed discussion, see Duve, "Pragmatic Normative Literature".

⁵³ See the comment to the I^a Pars of the Summa Theologiae, Q. 1, BMP, 78, transcribed in Langella, *La ciencia teológica de Francisco de Vitoria* (2013), App. V.1., 262-415, quote in: Articulus octavus, tertio, p. 360: Tertio admonet non tantum ex auctoritate, sed ratione, utendum esse in theologia, quia scientiae humanae sunt quoque a Deo et eas debemus adducere in obsequium Christi.

⁵⁴ Epistemic communities are often defined as groups of people who share knowledge, expertise, beliefs, or ways of looking at the world, as a group of professional specialists or a school of thought consisting of persons who share a disciplinary paradigm in the Kuhnian sense, see Cetina Knorr, "Epistemic cultures".

Some could be called more subjective aspects, for example the self-perception as belonging to a school that began with Vitoria. Melchior Cano, who dissented from Vitoria's views in quite a number of cases, is a good example. He not only called Vitoria the "greatest doctor of theology that Spain had been given by God"; he also explicitly used the expression of a *schola*, although his use of this term might also have been simply due to the fact that it also served to denominate Scholasticism as such, underlining the fact that those following Aquinas saw themselves clearly as part of a diachronic community.⁵⁵

In the same context, Cano also pointed to the characteristically critical spirit within the School. In his *De locis theologicis*, he reported that Vitoria in his lectures stressed that one should never accept even Aquinas's views without having reflected on the issue oneself.⁵⁶ According to Cano, Vitoria himself had always abided by this principle, and he, Cano, now followed the example of Vitoria. He heeded Vitoria's teachings and exhortations, as he explicitly emphasized,⁵⁷ but he would not swear by the words of his teacher: *Theologo nihil est necesse in cuiusquam iurare leges*, he wrote, alluding to a famous sentence of Horace.⁵⁸ Vitoria had written something very similar in his foreword to his teacher Petrus Crockaert's edition of Aquinas's *Summa*.⁵⁹ It is the many mutual references like this one, the fine texture interweaving Aquinas and Vitoria with one's own opinion – and perhaps the emphasis on the *ratio* against the *auctoritates*, even if taken from one's own School – that constituted a sense of community. This community did not end at the pillars of Heracles: As Egío points out in his contribution to this volume, writing in New Spain, Alonso de la Veracruz considers Vitoria to be *princeps magister ... olim praeceptor meus*.⁶⁰

Another important aspect that also contributed to the self-identification of belonging to a "school" was the privileged position the theologians claimed for themselves, not least with regard to jurists and canonists.⁶¹ Due to the need to deliberate about everything that happened *sub specie aeternitatis* and their obligation to look after the salvation of souls, the

In many definitions, the epistemic community only comprises knowledge in a narrow sense, excluding practices. For this reason, it seems helpful to clarify that the School can be considered an epistemic community, but also a community of practice. On this distinction see Duve, "Pragmatic Normative Literature".

⁵⁵ Cano, *De locis Theologicis*, Liber duodecimus, Prooemium, fol. 385: *Fratrem Franciscum Vitoria Lectorem optime, eum quem summum Theologiae praeceptorem Hispania dei singulari munere accepit, solitum [...] dicere audiui postquam ab illi[us] schola discessi [...]*.

⁵⁶ Cano, *De locis Theologicis*, Liber duodecimus, Prooemium, fol. 385: *Sed admonebat rursum, non oportere sancti doctoris verba sine delectu & examine accipere [...]*.

⁵⁷ Cano, *De locis Theologicis*, Liber duodecimus, Prooemium, fol. 385: [...] *quod virum hunc rerum earum omnium ducem optimum sequimur, atque eius praeceptis monitisque paremus*.

⁵⁸ Cano, *De locis Theologicis*, Liber duodecimus, Prooemium, fol. 385.

⁵⁹ See the preface of Francisco de Vitoria in the edition of Aquinas' II-II^{ae}, printed by Claudio Chevalon Paris, 1512. The text of the preface in this rare edition is transcribed in Langella, *La ciencia teológica de Francisco de Vitoria*, 102-109, Apéndice I, 104: *in unius auctore verba iurare*.

⁶⁰ See Egío in this volume.

⁶¹ On Salamanca as a school of jurists, with particular emphasis on the practical dimension, see Alonso Romero, *Salamanca, escuela de juristas*.

cura animarum, the theologians felt entitled to give their opinion on basically everything. As Vitoria famously put it, “[T]he task and office of the theologian are so far-reaching that no argument, no consideration, and no topic appears to lie beyond the purview of the theological profession and office.”⁶² Similar statements can be found in Domingo de Soto’s *De iustitia et iure*⁶³ and in the early 17th century in Francisco Suárez’s *De legibus*: “No-one should be surprised if someone who engages in theology concludes that the laws are a subject worthy of critical examination.”⁶⁴ This is also how Francisco de Vitoria justified the theologians’ competence to give their opinion about the rights of Native Americans, although, in that specific case, there was also an additional reason: these peoples, he argued, were not subject to the *ius humanum*, but had to be treated according to the *leges divinas*. Jurists were simply not qualified to take decisions involving these divine laws, particularly as the *forum conscientiae* was involved. Only priests were capable to decide about these issues.⁶⁵

Thus, the theologians of Salamanca in general regarded secular and canon law as merely ancillary sciences, and not only when deciding on the right solutions to questions such as the treatment of Native Americans. One naturally needed to know both, if only because of the practical implications,⁶⁶ as both jurists and canonists emphasized.⁶⁷ Obviously, the *ius commune* tradition provided important *auctoritates* that had to be taken into account. However, as Vitoria’s student and successor Melchior Cano concluded, in the end the jurists’

⁶² Vitoria, “De potestate civili”: OFFICIVM, ac munus Theologi tam latè patet, ut nullum argumentum, nulla disputatio, nullus locus alienus uideatur à theologica professione, & instituto (<https://id.salamanca.school/texts/W0013:vol1.3.2?format=html>).

⁶³ Soto, *De iustitia et iure*, fol. 5: Neque vero est quod Theologis vitio detur, hanc sibi assumere provinciam quae Iurisperitis accommodatior videri potest: quandoquidem Canonica iura ex visceribus Theologiae prodire: Civilia vero ex media morum Philosophia. Theologi ergo est iuris Canonici decreta ad normam Euangelicam exigere; philosophique Ciulia ex principiis philosophiae examinare.

⁶⁴ Suárez, *Tractatus de legibus ac deo legislatore* in decem libros distributis, Prooemium, fol. 1.: Nulli mirum videri debet, si homini Theologiam profitenti leges incidant disputandae [...].

⁶⁵ Vitoria, “De Indis prior: Secundò dico, quòd haec determinatio non spectat ad iurisconsultos, uel saltem non ad solos illos. Quia cùm illi barbari, ut statim dicam, non essent subiecti iure humano, res illorum non sunt examinandae per leges humanas, sed diuinas, quarum iuristae non satis periti ut per se possint huiusmodi quaestiones diffinire. Nec satis scio, an unquam ad disputationem & determinationem huius quaestionis uocati fuerint Theologi digni, qui audiri de tanta re possent. Et cum agatur de foro conscientiae, hoc spectat ad sacerdotes, id est ad ecclesiam, diffinire. unde Deutero. 17. praecipitur Regi, ut accipiat exemplar legis de manu sacerdotis” (<https://id.salamanca.school/texts/W0013:vol1.5.11?format=html>).

⁶⁶ See the previous quotation of Vitoria (“vel saltem non ad solos illos”) and Cano, *De locis Theologicis*, Libri duodecim (1563), Liber octavus, Cap. Sextum, fol. 282: Principio enim si a Theologis animarum cura non est aliena, sed potius animas regere eorum quasi peculiare munus est, procul dubio canonici iuris scientia est illis necessaria.

⁶⁷ Azpilcueta, *Commentarii in tres de poenitentia distinctiones posteriores, videlicet V, VI et VII, Dist. 6., Cap. I, § caveat, n. 11, 188*: De iustitia enim Theologi generatim discere sciunt, quid illa est, & quotuplex, an sit virtus cardinalis, an omnium moralium potissima, in qua potentia locanda, & alia id genus, quae parum aut nihil confessario conferunt. Quod item iniustitia sit peccatum mortale, facile definire norunt. At definire, quando in iudiciis, in contractibus, in ultimis voluntatibus, et nonnunquam in delictis committatur iniustitia in casibus innumeris, qui praeter legem naturae occurrunt, vires Theologi excedit: nisi legum quoque se peritum fecerit.

auctoritates were irrelevant for theologians in questions of faith, and of little or no relevance with respect to norms that could be derived from the *lex evangelica* or from *ratio*. The only area where they could be of use was in the event of doubts about *moribus ecclesiae & religionis*, that is to say, about what were ultimately merely functional rules.⁶⁸ So one might take from this that according to the self-perception of the actors, one needed to be theologian to be part of the School.

Apart from the self-perception of the actors, there are good reasons for considering the School of Salamanca as a discourse community in the sense of a social group that differs from others above all in its specific form of discourse,⁶⁹ as suggested some years ago by Merio Scattola.⁷⁰ He understood the term as denoting a community of scholarly communication whose members presented the available knowledge according to the norms of the same literary genres, using the same learned writing style and referring to the same authorities. In fact, this brief reconstruction of some of the School's characteristics as well as the contributions to this volume show some of the shared dispositions, such as the orientation in the Summa of Aquinas, a certain style of dealing with the *auctoritates* etc. For the characteristic constellation of the authorities and styles used in such a discourse community, Scattola used the idea of a "fingerprint", which we can "take" by close reading of the texts – and, one might add today, by making use of tools of digital humanities⁷¹.

In view of this, we might tentatively conceptualize the School of Salamanca as an epistemic community and a community of practice that was characterized by both subjective and objective elements. As for the subjective elements, we can find a sense of belonging to a diachronic community of teachers and pupils who recognize a founding father and who share certain convictions about their community's identity. Part of these identity-building elements was to claim a critical spirit that privileged *ratio* over *auctoritates*, and the conviction that it needed theological expertise to decide over the weightier matters of justice. Some of the members of this community might even have been convinced that one needed to be part of the Dominican Order or the monastery of San Esteban, or at least to teach theology at the University of Salamanca to be a member of the community; some of the subjective factors that make up a school may diverge, up to a certain degree. Others might have claimed that a

⁶⁸ Cano, De locis Theologicis, Libri duodecim, Liber octavus, Caput Septimum, fol. 284: Prima conclusio: In his, quae ad fidem pertinent, iurisconsultorum auctoritate theologus non eget.....; fol. 285: Secunda conclusio: In his etiam, quae ad mores pertinent, quatenus vel lex evangelica, vel ratio Philosophiae de huiusmodi praescribit, iureconsultorum auctoritas parum aut certe nihil theologo conferre potest; fol. 285-6: Tertia conclusio: In tertio illo genere rerum, ubi scilicet de moribus ecclesiae & religionis institutis per leges [...] iurisperitorum omnium communis consensus concorsque sententia, theologo magnam fidem facere debet.

⁶⁹ Pogner, "Textproduktion in Diskursgemeinschaften", 146: "Diskursgemeinschaften zeichnen sich durch unterschiedliche, spezifische Muster des Sprachgebrauchs (und des Denkens) bei der sozialen Konstruktion und Aushandlung von Bedeutung aus."

⁷⁰ Scattola, *Krieg des Wissens*.

⁷¹ This is one of the ideas behind the publication of digital editions of key works of the School of Salamanca, see <https://www.salamanca.school/en/project.html>.

basic consensus on certain topics was essential, or that a certain interpretation of Thomism was needed if one wanted to belong to the community, again with slight variations. These subjective elements are relevant, because the self-perception of the members of a group contributes to defining their identity – irrespective of whether this self-perception corresponds to what others think or a later analysis shows. It is possible, for example, that members of a school are absolutely convinced of the uniqueness of their group, the originality of their founding father's thought, or their centrality in the process of knowledge production, without these convictions being necessarily correct. Moreover, self-perception shapes practices and thus in some cases converts subjective elements into objective ones. For example, actors can be convinced that they are following a certain intellectual tradition but might actually develop conventions and practices that do not correspond to this tradition. For these reasons, it has been suggested that we should speak of a certain *habitus* that characterized the members of the School of Salamanca.⁷²

As for objective elements, the School can be seen as a discourse community recognizable by a certain constellation of the use of authorities, styles of argumentation, certain rules of practice comprising what has been called a “theory of practice”, as well as “practices of practice”. In addition to this, it seems important to highlight the pragmatic dimension of the School as a place of continuous consultation and production of normative statements, be that in the confessional, in personal advice, in written opinions or in the treatment of practical issues of daily or political life. Even if this activity might have been more pronounced in Salamanca than in other places, it was not contingent, but responded to a historical culture of consultation and was intrinsically linked to the theologian's primary duty, the *cura animarum*.

In the scholarly debate on how to define the School, it has also been suggested that the centrality of certain issues – like the legitimacy of the Conquest, or the need to reflect about the challenges that emerged as result of the Empire's expansion – could be seen as characteristics of the School.⁷³ Others defend an institutional perspective and see the School as restricted to those who taught in Salamanca, establishing a sharp contrast between the latter and all the others, whom they see as pupils or as belonging to zones of influence. These attempts to define the School by a purely institutional criterion, or based on the position taken on a specific problem, may be helpful for a history of the University of Salamanca or of theology. They tend, however, to isolate Salamanca from its context, and underestimate the social character of knowledge production, not least the interaction with the overseas territories⁷⁴.

⁷² Carabias Torres, “La Escuela de Salamanca. Perspectivas de investigación”, 20.

⁷³ Pereña, *La Escuela de Salamanca. Proceso a la conquista de América*; Pereña, “La Escuela de Salamanca, notas de identidad”; Pereña, “La Escuela de Salamanca y la duda indiana”. On the debate and for other perspectives and further references, see Bermejo, “¿Escuela de Salamanca y Pensamiento Hispánico?”; Belda Plans, “Hacia una noción crítica”; Zorroza, “Hacia una delimitación”; Martín Gómez, “Francisco de Vitoria”.

⁷⁴ This has been emphasized not least by Brufau Prats, *La Escuela de Salamanca ante el descubrimiento del Nuevo Mundo*, 123-124: “La Escuela salmantina no puede reducirse ni al ámbito del Estudio General de la

The latter does not happen in splendid isolation but, as the last decades of critical methodological debate in the humanities have shown, as a communicative process.⁷⁵ Moreover, if we take normativity to be a communicative system consisting of actors, material conditions and established discursive styles, then it is less the content but rather the mode of production that structures the system.

6. A knowledge-historical perspective on the ‘School of Salamanca’

By adopting an approach taken from the history of knowledge and conceptualizing the School as an epistemic community and a community of practice – and thus as a participant in a communicative system – we are able to overcome the definition of the School according to its location in one place, the institutional affiliation of its members, or a particular position its members held on important issues.

As a first result, it enables us to define the community according to criteria shared by the participants in the system, independent of their geographic location in Europe, Asia, Africa, or America, and even transcending political, imperial boundaries. Moreover, as epistemic communities are not necessarily established through direct communication between their members, but can be constituted by a common set of authorities, methods, or styles of thought, conceptualizing the School as an epistemic community and a community of practice allows us to place authors and texts in meaningful relation to each other, irrespective of whether they had been in direct contact. Various chapters in this volume show how close the method and argumentation employed in different places was to the one used in Salamanca. This was often due to direct contact or filiation. Once the former students were acting as missionaries, priests or bishops, like Domingo de Salazar, the first bishop of Manila, to whom a number of studies in this volume are devoted (Camacho, Cobo, Moutin), they continued to practice what they had learned, often in enduring contact with their former university, forming a community that bridged the Oceans. Direct contact, however, was not necessary, as long as there were other media that provided communication.

Moreover, it is often impossible to determine which particular texts or normative practices should be seen as relating to the Iberian Empire’s European or American territories, respectively, or whether they originated in Salamanca or, for instance, in Mexico. One of the best-known examples of such difficulties in pinning down people, ideas and texts geographically is Alonso de la Veracruz, aspects of whose life and works are explored by Egío, Folch and Aspe Armella in this volume. Veracruz studied in Salamanca before moving to

ciudad del Tormes, ni a los coetáneos e inmediatos sucesores de Vitoria. Se extiende a las nuevas universidades que surgen en tierras americanas, como México y Lima, y a generaciones de profesores formados por los que lo fueron por Vitoria y las figuras egregias de la primera hora, como Domingo de Soto, y por los discípulos de los discípulos?”

⁷⁵ See on this for example Secord, “Knowledge in Transit”, 662.

Mexico City to teach at the university there. Some of his books were printed in Mexico: his *Dialectica resolutio cum textu Aristotelis* in 1554, two years later his *Speculum coniugiorum*. The latter, a treatise on marriage law, particularly dealt with the question of marriage among the indigenous population, as José Luis Egío shows in his contribution. The *Speculum*'s second edition, however, was printed in Salamanca in 1562, the same year that Veracruz travelled to Spain to spend some years there before returning to Mexico, each time accompanied by his huge library. There are many good reasons for counting a work like the *Speculum* as part of the "School of Salamanca", even if it was written thousands of kilometres away – and not just because its second edition was printed in Salamanca (others followed in Alcalá de Henares in 1572 and in Milan in 1599, both times with *Apendices* regarding the implications of the changes to marriage law made by the Council of Trent). The same can be said for Veracruz's deliberations on the legitimacy of the Conquest written in Mexico, which clearly followed an argumentative structure its author had learned from Vitoria, as Folch shows.

The same could be said of the manual on contract law of Tomás de Mercado, a Dominican friar who lived first in New Spain and then studied in Salamanca, where he also published his book. It was written at the request of the merchants of Seville, but based on his experiences in Mexico. A further case is that of Diego de Avendaño, who was born in Spain and went on to hold numerous offices in Lima, where he wrote his *Thesaurus indicus*. His work built on normative knowledge that was produced not least in Salamanca, but he translated it into local realities and applied it to his areas of interest. His conclusions therefore differed from those of Luis de Molina – but even despite the different results, which might well have been due to his being an American, his work clearly shows his belonging to the same epistemic community as writers from Salamanca.

In short: it seems impossible, and actually counterproductive, to identify authors like Alonso de la Veracruz with only one continent or place, or to classify them, in a reverse colonial mode, as fathers of colonial Latin American philosophy. They moved within an imperial space, as well as within an intellectual one to whose development they themselves contributed and which actually often extended even beyond the Empire's boundaries. The biography of Juan Cobo shows this very clearly: Cobo, a Dominican who had studied in Ávila, travelled via Mexico to the Philippines, then perceived as the gate to China. Like Tomás de Mercado's *Suma de Tratos y Contratos*, Melchior Cano's *De locis theologicis*, and many other important works, Cobo's (for example, the *Shilu*) were printed by Matthias Gast in Salamanca. Does it make sense to separate these authors from the School, simply because their institutional affiliation was different?

If we turn from the individual authors and teachers to other modalities of the production of normative knowledge, the need to open up our spatial concept of the School, but also to widen our understanding of it beyond a merely academic phenomenon to a community of practice, becomes ever more striking. If we examine the Third Mexican Provincial Council of 1585, of paramount importance to the legal and ecclesiastical history of New Spain,⁷⁶ we do

⁷⁶ Moutin, *Legislar en la América hispánica*.

not only see that seven of the nine bishops of this vast church province had studied or taught at Salamanca, as had the Council's theological adviser and its secretary, both of whom played crucial roles in its deliberations; the convening archbishop, too, at the time of the Council also acting as interim Viceroy, had been trained in Salamanca. More than that, we find that the answers the Council gave to the requests for consultations directed to it show important similarities with those that might have been given in Salamanca, such as concerning the legitimacy of the war against the so-called Chichimeca Indians.⁷⁷ The Council also discussed the so-called *repartimientos* (a system of forced labour to which part of the indigenous population was subject), trade practices that disadvantaged the indigenous population, and other trade and credit practices that possibly involved usury (*usura*). During these processes of formulating rulings on questions central to everyday life in New Spain, the Council repeatedly consulted works of the School of Salamanca; amongst the most-cited authors were Domingo de Soto, Martín de Azpilcueta, and Juan de Medina. As far as we can reconstruct the arguments put forward in the Council's deliberations, they seem to have followed a method of knowledge production that corresponded to the one used at Salamanca, just as Alonso de la Veracruz had done before. Surely it is important that we integrate this mode of production of normative knowledge into our conception of the School, not least because it was this pragmatic dimension that contributed to the presence, localisation, the massive cultural translation of the School's juridical-political language far beyond Salamanca. If we consider normativity as a communicative system comprising different actors, and if we leave aside the characterisation of the School as a purely academic enterprise (which was the result of path-dependencies stemming from the 19th-century beginnings of its historiography), we cannot ignore this mode of the production of normative knowledge.

Opening up our understanding of the School in this way, we can also see that there were a lot of nodes in the web of knowledge production and that information flowed through this web in all directions, not only from Salamanca to the "peripheries", and not only between universities. Priest and missionaries, theologians and canonists, but also jurists, imperial officers and merchants, were part of an epistemic community and a community of practice that was not restricted to certain cities, regions, institutions. Books, letters, reports, but also people, circulated across vast distances⁷⁸. They all contributed to translating the legal-political language produced in Salamanca – and, as we saw, also elsewhere – into similar, or sometimes radically different, local contexts. Some of the problems they dealt with had already occupied theologians and jurists in Europe, others arose from the local circumstances – but whether familiar or unprecedented, each individual case had to be decided according to its unique context and drawing on the same authorities, the same theory of practice, and perhaps employing the same practices. With such innumerable individual decisions and judgments, countless agents from all corners of the Empire contributed to the development of a theologically founded

⁷⁷ For a more detailed discussion on this, see Duve, "Salamanca in Amerika".

⁷⁸ On the presence of pragmatic moral theological literature in different parts of colonial America, see now the contributions in Duve and Danwerth, *Knowledge of the pragmatici*.

normative knowledge. Of course, these processes could shift the meaning of terms, and the language quickly grew beyond the vocabulary originally developed in Salamanca. However, Salamanca did not live in isolation, but was a hub of knowledge, continuously absorbing knowledge coming from other areas, integrating it in their discussions and deliberations, and thus adding to the transformation of knowledge. Salamanca was never “pure”.

Conceptualizing the School as an epistemic community and a community of practice that was not necessarily limited to the physical space of Salamanca also enables us to create a comparative framework for setting the authors from Salamanca into the context of both preceding and later writers, even those from the Protestant world. As scholars of all Christian confessions initially built on a common tradition, it should come as no surprise to find that discussions in reformed Wittenberg and those in Salamanca on the right of Protestant rulers to resist Emperor Charles V used similar argumentative forms and started from the same *auctoritates* – albeit with very different results.⁷⁹ In an analogous manner, it has been shown that Philipp Melanchthon’s *Loci communes* share many characteristics with the natural law theory of the School of Salamanca.⁸⁰ And Johannes Althusius in his theory of natural law in many ways also built on what Philipp Melanchthon, and earlier Aquinas, had established, as Scattola has argued.⁸¹ In his arguments for the United Provinces of the Netherlands’ right to resist Philip II, Johannes Althusius – like Hugo Grotius and other Reformed scholars – turned the Spaniards’ own weapons against them.⁸² Ditlev Tamm has suggested that certain aspects of the 16th-century Danish theologian Niels Hemmingsen’s work could fruitfully be interpreted with the School of Salamanca in mind.⁸³ Recent research has shed new light on Lutheran Casuistry and Lutheran Theology and Contract Law and thus invites us to compare techniques of producing normative knowledge beyond the confessional sphere.⁸⁴ The same might be true of the works of earlier scholars such as Stanisław of Skarbimierz (1360-1431) and Paweł Włodkowicz – Paulus Vladimiri (1370-1436), who both worked at the University of Cracow.⁸⁵ Particularly the latter’s treatise against the *haeresis Prussiana* has often be linked to the School of Salamanca’s thought, most recently by Alfred Dufour.⁸⁶

Of course, these authors were not part of the “School of Salamanca” in the institutional interpretation of the term. However, they might have shared characteristics that distinguished them from their contemporary epistemic communities and might thus be more fruitfully seen in a joint context with authors from Salamanca or Mexico than, for example, with writers from their more immediate local or regional surroundings. The challenge for future research lies in establishing, through a close reading of the texts and their contexts, a set of

⁷⁹ See also Scattola, “Widerstand und Naturrecht im Umkreis von Philipp Melanchthon”.

⁸⁰ Scattola, “Notitia naturalis de Deo et de morum gubernatione”.

⁸¹ Scattola, “Johannes Althusius und das Naturrecht”.

⁸² Reibstein, *Johannes Althusius als Fortsetzer der Schule von Salamanca*.

⁸³ Tamm, “Rechtswissenschaft im Dienste der Theologie”.

⁸⁴ Mayes, *Counsel and Conscience*; Astorri, *Lutheran Theology and Contract Law*.

⁸⁵ Belch, *Paulus Vladimiri and his doctrine*.

⁸⁶ Dufour, “Droit international et chrétienté”.

subjective and objective criteria, much more detailed than has been sketched out here, that helps us to bring different actors of the communicative system into a joint picture, despite their coming from different confessions, traditions, and continents.

7. Salamanca as a case of global knowledge production

Why, however, a “global” production of knowledge? Research into global history in the last decades has claimed that the increasing expansion of colonial spheres of influence and interconnections cannot simply be conceived of as a process of ideas developed in Europe being disseminated to the rest of the world. It exposed the Eurocentric assumptions underlying simplistic narratives of European originals having been copied in the peripheries, or exerting “influence” there. It made us increasingly aware of the interconnectedness of different world regions, and the deep entanglements between different places. Not least studies from the emerging field of the history of knowledge have uncovered the social and communicative nature of knowledge and the importance of (cultural) translations and the semantic shifts they produced.

The approach suggested here wants to take these claims seriously. It is based on the legal-theoretical assumption that normativity has to be understood as a communicative system, a cultural practice that can be observed in many localities, built on material conditions and discursive styles and that continuously transforms itself. Seeing the School of Salamanca as a cultural practice thus replaces a paradigm based on a narrow European understanding of the history of the School as a contribution to European scholarship – such as Hinojosa’s and his followers’ – by the attempt to understand the School as an epistemic community and a community of practice that cannot be limited to one continent but was structurally without geographic limitation. Its scope depended on the range of circulation of the normative knowledge – including, of course, practical normative knowledge – of which it consisted.

Another important aim of framing our analysis of the School as communicative practice lies in the fact that the development of knowledge in the field of normativity cannot be reduced to the history of “learned” knowledge without taking the practical dimension as well as the practices in a praxeological sense into account. The perspective suggested here wants to overcome the circular argumentation of constructing the School as a purely academic phenomenon according to European standards. Because there were nearly no universities of this kind outside Europe, it is not surprising that when looking through the lens of European standards, one only finds what looks like faint copies of the originals. Understanding the School as communicative practice shows how historically incorrect the picture of a solipsistic school acting as the theory-producing and -exporting centre communicating knowledge to its spheres of influence without being affected by what in turn came from them is. Instead, it reveals a global space filled with epistemic communities and communities of practice that continuously produced normative knowledge in different formats, and thus contributed to

the polycentric development of a legal-political language that has not only one dimension – the academic one – and not only one centre, but many.

It may even be possible to map flows of communications, the nodes in the web, some bigger, some smaller. On such a map, particular regions or places – such as, for example, in the Iberian Peninsula – may be revealed as the location of important clusters. It might also show where similar processes of knowledge production occurred on both sides of a continental or even confessional boundary – or where, by contrast, they clearly differed. Perhaps we would also find on it something like a “colonial Scholasticism” as a clearly distinguishable epistemic community.⁸⁷ On this map, Salamanca, Mexico and Manila might suddenly be lying very close together, closer than, for example, Madrid and Milan. In all of these locations, normative knowledge was produced under very specific practical conditions, localized, and translated into the context of each individual case. The resulting normative statements became part of the huge pool of normative knowledge to be drawn on in the future. This process led to the emergence of a body of normative knowledge that provided the world – for better or worse – with important elements for the formation of “legal imperialism”, but also for a “universal code” of legality or even a “cosmopolitan law”, to which we, too, continually contribute up to the present day.

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⁸⁷ This would be different from taking the colonial setting as a starting point: see for example Beuchot, *Ensayos sobre escolástica hispana*; Culleton and Pich, “Scholastica colonialis”; Restrepo, “Colonial Thought”.

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