

INTERNATIONAL CONGRESS "CARLOS V, VITORIA AND ERASMUS IN YUSTE"

CLOSING SPEECH, CÁCERES, 8 JUNE 2018

We have just heard a beautiful dissertation by Fernando García de Cortázar and it is now my turn to present some conclusions of this congress on "Carlos V, Vitoria and Erasmus", held at the Monastery of Yuste. Before that, I would like to thank:

- the President of the Board of Extremadura, Mr Guillermo Fernández Vara, for his presence;
- the Authorities;
- the Rectors of the Universities of Extremadura, Salamanca and CEU San Pablo;
- the team of the European and Ibero-American Academy Foundation of Yuste and its Director, Mr Juan Carlos Moreno;
- and those who have participated in these seminars, showing a deep knowledge of the subjects under investigation.
- Ladies and gentlemen;

I will begin by explaining the context that leads to the title of this Congress on "Carlos V, Vitoria and Erasmus in Yuste", before going onto the conclusions.

As is well known, Francisco de Vitoria and his ideas shaping international law represent the origin of modernity, inaugurated at a very specific historical moment: the discovery of America, which opened the horizon towards a new unknown space, which implied the generation of new ideas and categories, which were necessary to face relations with this New World, a challenge that Francisco de Vitoria tackled with a broad vision.

His ideas decisively influenced the European and non-European policy of Carlos V. Not only Vitoria, Erasmus's humanism (or his criticism of Luther) was also decisive in shaping the idea of a new international order present in the mind of Vitoria and put into practice by Carlos the Emperor. Both the Spanish Dominican Francisco de Vitoria, and the Dutch Augustinian Erasmus of Rotterdam, had the intellectual shrewdness to think of an international order, halfway between the already incipient modern national states and medieval universalism. Historical events led them to think about an "international order". Both thinkers had a relevant influence on the European and non-European policy of Carlos V.

This is where the idea behind this Congress originates, following a line of research opened years ago by the Institute of European Studies on the School of Salamanca, to analyse its influence on the Emperor's policy, while introducing the analysis of the ideas of Erasmus, advisor in the Flemish court of Carlos V.

It was in Yuste, where the Emperor reviewed all these ideas in his last years, so Extremadura is undoubtedly an unrivalled place to deal with these interrelations. I would like to thank the University of Extremadura, in its headquarters in Cáceres, for hosting us at the closing of this congress.

I now turn to summarize the ideas presented throughout these sessions.

Our first working table has been engaged in the School of Salamanca. Here we have reflected on its doctrinal legacy, which is not content with addressing the classical subjects of theology, from a modern perspective marked by geographical discoveries, such as the development of technology and science, the expansion of trade, the emergence of the modern state and the flourishing of universities. Its work extends further, as is apparent from the content of the relections of Vitoria in which he proposed to elucidate philosophical, political and legal problems, as diverse as the origin of civil authority, distinguishing competences and attributions that had traditionally been vied for by the Church and the Christian princes; in addition to the right of conquest and colonisation of the new world and its legitimate causes, that Vitoria dedicates one of its most famous ethical-juridical relections to; and the problem of war posed on a universal dimension in *De indis posterior seu de iure belli*.

In the discussions of the Congress the historical merit of Vitoria has been evidenced by knowing how to intellectually exploit the new problems of the international reality that arose at the time, in the sense of a universal political and juridical universalism. This marked a guide for the Spanish School of Law of nations of the sixteenth and seventeenth centuries. This universalist vision is based on the conviction that unity of the human race results from the essential equality of men and of peoples.

However, the legacy and importance of Vitoria for international law has not always been recognised. It was not until the end of the 19th century and the consolidation of international law as a science that we find a first recognition. The second "rebirth" of Vitoria took place in the interwar period, when the cornerstone of "international community" was sought, in order to legitimise the universalism of the League of Nations. The final consolidation of Vitoria and the School of Salamanca among the "classics" of international law is after the Cold War. The doctrine of Vitoria has survived for five centuries and the concepts of international law established by the Dominican are still a current issue today, which consolidates him as a classic. Some of these concepts have been subject to particular analysis by several speakers of the Congress: among others, the category of "*jus gentium*", the concept of sovereignty; international trade; and *ius peregrinandi* ; or *ius communicationes*.

The second table addressed the subject "Totus Orbis and Global Governance". Vitoria does not consider the State as an isolated reality, but as integrated into a broader community, the international community that he calls the "Totus Orbis". It includes humankind in its entirety, because the social nature of mankind goes beyond the limits of political societies (a consequence of mankind being equal as proclaimed by Christianity). For Vitoria the "Totus Orbis" constitutes a single political body, which is not a super state, like the monarchy in which Dante dreamed, or the Empire. It is not a cosmopolitan *maxim civitas* either, as the Stoics desired. It is a family of peoples, according to the conception that St. Augustine had already outlined in the "City of God".

For Vitoria the international community is a natural right, it does not rely on the will of mankind, it is rather a requirement of the social nature of people. The *ius gentium* is a common right of the human race, close to natural law, because it responds to the needs of mankind, grouped in differentiated societies, of "peoples". Vitoria was the first to transform the "*ius gentium*" into "*ius inter gentes*", that is, an international right. Hence, he is considered the father of International Law. I was always impressed by the rigour that Vitoria expresses himself with when defining this right, which in his opinion, is a natural right or derives from natural law has a positive legal component.

The third table is dedicated to "Vitoria, Erasmus and Carlos V". Between Vitoria and Erasmus there was a coincidence of purposes rather than of means in the cultural field. Both were preparing to restore true theology. But while Erasmus made a clean sweep of the enormous work of Scholasticism, Vitoria adopts it as an irreplaceable base and includes the best conquests of Renaissance. There is certain parallelism between them; but they move with a different spirit and in different fields. In Spain, Erasmus relied on unconditional followers, especially at the University of Alcalá, where humanism had its main bulwark. But this enthusiasm did not go beyond the academic and educated circles, until the *Enquiridion* appeared in 1526, which had a very favourable response, with a people eager for a profound renovation of the Christian spirit.

If we go back to the relations of Vitoria and Carlos V, the emperor knew him from a visit he made to Salamanca, when he went to listen to a lesson about *Prima Secundae*, in the subject of "*De Lege*", which he taught at that time. The conquest and evangelisation of America was the issue that brought Vitoria closer to the Emperor. Vitoria was concerned about the fate of natives and, his doctrine, carried by the missionaries, constituted a kind of catechism. There they commented and disseminated it to neutralise the action of conquerors and messengers, and the name of the Salamanca professor was held in higher esteem than it was among the courtiers of Spain. Vitoria did not live in a world of abstractions, on the contrary, he was sensitive to the needs of others, and took part in the development of religious and social interests.

The fourth round table was devoted to the influence of these humanists in the military policy of Carlos V. There was a debate on peace and war, and on the theory of fair war by the founder of the School of Salamanca. Vitoria believes that no war is fair if it is obtained with greater evil than good, and without using the Republic. The School of Salamanca specified the requirements for having to go to war. First, defensive warfare can be declared to defend people and property. Second, offensive warfare needs other conditions for it to be a fair war: it needs to be declared by legitimate authority, it must have a fair cause and also the one and only cause of war is having received a serious offence. It is not lawful to punish authors with war for minor offences. Together with the requirements of authority and just cause, the intention of those who fight must be righteous, promote good and prevent evil. So, it may turn out that a war that is fair

based one authority and cause, but unfair because of the intention of those who participate in it.

The fifth and last table has been dedicated to "Religious issues and the discovery of individuality". The first theological and philosophical foundation of the legal notion of human dignity and the legal concept of human rights is attributed to Francisco de Vitoria, having argued that political power resides in the human community. According to Professor Carrillo Salcedo, the School of Salamanca, through its theory of power and the conception of common good, established the limits of state power and provided a philosophical base for an incipient notion of human rights. For Francisco de Vitoria, power resides immediately in the human community as such; therefore, political power is not absolute but is subject to divine right, natural law, the law of nations, and the positive law of each political community. This idea is the result of Christian thought, that all men, beyond their social and political status, participate in an ethical-natural order, the basic principles of which, coming from Christianity, are the unity of the human race, the dignity of people, made in the image and likeness of God, that is, the essential equality of mankind.

After this summary of conclusions, I cannot finish without referring to the King of Spain's constant commitment with Europe and its institutions.

I remember the visit of the then Prince of Asturias to the European Commission in the 90s. After attending a formal meeting of the College of Commissioners, a meal was held with the Prince, who showed a deep knowledge of community issues and which was highly praised by all attendees.

Lately, His Majesty's speeches show a very strong commitment to the European project. Among them, I would highlight those given at the Royal Palace, on the occasion of the event held on the thirtieth anniversary of Spain's accession to the CCEE in 2015; at the French National Assembly and at the European Parliament that same year; at the Council of Europe in 2017; at the Princess of Asturias Awards Ceremony that same year; and at ensuing deliveries of the "Carlos V European Awards" in Yuste.

In all of them I find a common characteristic, which is His Majesty's commitment to defend the values that we Europeans share. In his speeches he reiterates the need to be anchored in these values and in defending the constitutional State, in order to base ourselves on them to tackle contemporary challenges collectively.

To conclude.

Throughout the workdays at the Monastery of Yuste, it has been found that the discovery of America opened the horizon towards a new unknown space. Today there are other "new worlds", others new challenges, from the political and economic field to the social and environmental one: globalisation; threats to international peace and security; the risks that affect sustainable life on Earth; the great displacements of people fleeing from wars, terrorism, poverty ...

“The identification of new objectives (paraphrasing words of His Majesty in one of his speeches) necessarily leads us to underline the importance of the principles and values that are the very foundation of Europe: freedom, equality, solidarity, dignity of men and women, pluralism and the defence of human rights are the foundations that define us as Europeans. We must preserve and make effective those values because our identity, our deepest convictions depend on it. These values are questioned and threatened today. The fight against this threat is an imperative for the people that believe in democracy. By defending our principles we defend Europe”.

Let me conclude by expressing our deep gratitude to all the Institutions and authorities for their constant support.