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The Jesuit Philosophical Heritage in Brazil

LÚCIO ÁLVARO MARQUES[1]

Introduction

Thinking about a philosophical heritage requires the existence of a previous, distinct philosophy, and in the case of colonial Brazil, it is often assumed that there was no such philosophical tradition, largely because of the apparent absence of philosophical texts from this period. Accordingly, thinking about this heritage is a challenge, since it requires the existence of some form of philosophy from the colonial period. To highlight traits that identify the philosophical heritage left by the Jesuits' teaching in Brazil, this paper will draw a distinction between the concepts of "originality" and "novelty" in order to understand the connection between colonial teaching and the Western tradition in the Second Scholastic or colonial Scholasticism. By doing so, it will be possible to understand the development of philosophy in the New World from the sixteenth century to the beginning of the nineteenth century. The paper thus investigates whether colonial writings merely repeated the philosophical courses with regard to reality or whether such writings indicate some relation between colonial thought and social life. In short, the paper will examine whether the Jesuits left a distinct philosophical heritage or whether the philosophy contained in colonial writings merely replicated late medieval Scholastic thought.

Thought and Tradition

The decline of religious dogmatism, of geocentricism, and medieval mysticism gave way to the valorization of science, rationality, nature, heliocentrism, and, finally, of the human being himself. The end of the late Middle Ages coincided with the rise of the Renaissance from the fourteenth to the sixteenth centuries. Social, scientific, religious, and human understandings, the medieval worldview, no longer responded to social expectations and led to a new worldview characterized by a return to the ideals of classical antiquity, the Renaissance. The previous worldview was overcome not only by a step forward but also by means of

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a return to the classics. Progress did not mean a rupture with the past but a return to origins.

The past is the true house of thought, not its prison, and in this sense, the progress of thought requires that we first take a step backward (*Schritt zurück*),[2] not in the sense of a severance or an overcoming but as a return to the origins. In the Renaissance, in the Second Vatican Council (1962–65), as well as in Martin Heidegger, the previous worldview was renewed not through a rupture with the past but a return to the starting point, a memory (*Andenken*) that happens by rethinking the origins. However, this was not initially the case with the great masters of European modernity such as René Descartes and Francis Bacon. Bacon sought to rewrite logic and withdraw it from Aristotelian "confinement" by writing a *New Logic* (*Novum organum* [1620]); while Descartes would break with the whole medieval tradition and resume from new foundations, as stated in the first meditation:

> It has been a long time since I realized that from my childhood on I considered true many misconceptions, and that what I later set up on such ill-founded principles could only be very suspect and imprecise; so that it was necessary for me to try once and for all, in my life, to get rid of all the opinions in which I had believed so far, and to start all over again from the foundation if I intended to establish something solid and enduring in the sciences.[3]

The rupture with false opinions and the resumption from new foundations characterized the break with tradition. Unlike what had been seen before, Bacon and Descartes manifested the need for a rupture. Modern European thought, in this sense, was born from a split tradition. The notion of continuity or tradition, to Descartes especially, suggested an erroneous permanence, hence the need for a rupture and new foundations. In his comments on the dawn of modern scientific thought, Alfred Whitehead identifies this rupture as "overturning the late Renaissance." Scientific priority superseded the philosophical heritage without, however, fully justifying its meaning. This overcoming of the medieval philosophical and theological spirit was possible thanks to the renaissance of Greek rationalism.[4] Those involved in this rupture considered "faith in reason" to be the founding criterion of a new scientific order: the priority of reason, not only as a fundamental means to understand reality but as a way to admit its encounter with the "gross fact," that is, the rediscovery of nature as a necessary passage to thought.

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[2] Martin Heidegger, *Aus der Erfahrung des Denkens*, Gesamtausgabe 1 (Frankfurt am Main: Vittorio Klostermann, 1983), 82.

[3] René Descartes, *Meditações* (São Paulo: Nova Cultural, 2000), 249.

[4] Alfred Whitehead, *A ciência e o mundo moderno* (São Paulo: Paulus, 2006), 31.

That rediscovery became evident not only in the Cartesian *res extensa* (extended thing) but also in the heart of Spinozian thought. The other side of the rupture pointed to the elimination of the notion of the "arbitrary mystery" of reality, which was equivalent to "faith in the order of nature." In this sense, rationality and the natural order would be enough to eliminate the ghosts of medieval thought. *Mathematical* rationality and the *natural* order would eliminate the rationalism of the Scholastics and provide the basis for modern heliocentric science: "The renaissance of philosophy under the leadership of Descartes and his successors was completely marked in its development by the acceptance of scientific cosmology in its apparent value."[5] The transition from the closed medieval universe to the infinite spaces of the heliocentric universe, studied in light of the deductive method, dispensed with the notion of the mystery of the world by means of mathematical rationality and a taxonomy of nature.

Rebuilding the previous method of thought led to the emergence of a distinct epistemology: on the one side, as said above, the Renaissance meant a return to the origins, a step backward (*Schritt zurück*), a rethinking of the past (*Andenken*), but that return did not require a dialogue with the Greco-medieval tradition. On the other side, a historical rupture took place, the effects of which were profound: the assumption of the mathematical method, the exclusion of the notion of mystery, the taxonomy of nature, and the radical search for new foundations. It was, in short, a break with European modernity, which established novelty (*novum*) as a basic criterion of thought. The quest for new foundations was explicit from the first Cartesian meditation, and the new (*novum*) also took a prominent place in Bacon's logic (*organum*). With this, an epistemology was established, one that was not only marked by the Renaissance but was also founded on the search for innovation or novelty as the first criterion of thought.

The restoration of novelty as an epistemic criterion in the style of Bacon and Descartes found an explicit counterpoint in the *Ratio studiorum* (1599). This opposition is fundamental for understanding the teaching developed in the Jesuit colleges of the New World. The pedagogy of the *Ratio* structured the entirety of school life, from the management of the schools to the curriculum and the amusements permitted to students. With the *Ratio*, colleges had an integral pedagogical guide, and academic life was at the core of the method.

In contrast to the ideas of Bacon and Descartes, the *Ratio* explicitly proscribed philosophical and pedagogical novelty. Philosophy professors "who were inclined to *novelty* or were *exceedingly free* in their opinions, [...] should be removed from teaching activities."[6] However, it would clearly be anachronistic to interpret this in light of our own time. The necessary question to ask, instead, is:

[5] Whitehead, *A ciência e o mundo moderno*, 33.
[6] Leonel Franca, *O método pedagógico dos jesuítas* (Rio de Janeiro: Agir, 1952), 122–23.

What were the reasons for rejecting pedagogical novelty and freedom? The Jesuit response points toward the rebirth of thinking, that is, their teaching did not look for a rupture with the origins but rather a rebirth of classical thought, a dialogue with tradition. The contrast with modern novelty becomes clear when one recognizes the specific interest of putting into the hands of the students not novel thought but a solid understanding of the classics and, in this sense, Jesuit pedagogy was bound to the Renaissance. Thus, it can be said that Jesuit pedagogy prioritized both the renaissance of classical thinking, especially Aristotle and Thomas Aquinas, and a dialogue with tradition, as can be found in the Jesuits' quotations of Porphyry, Plotinus, and the classics of Greek and Latin poetry, as well as the holy fathers. The next question to investigate is the meaning of this dialogue with tradition: To what extent did the dialogue with tradition enable original thought in Jesuit pedagogy?

An adequate response to this question requires a wider understanding of what tradition is, and this we will do in light of Hans-Georg Gadamer and Randall Collins by questioning the connection between the content of colonial writings and the social and political reality of those centuries.

Forms of thought preceding modernity have been criticized numerous times. Everything associated with the Middle Ages seems to have been doomed to obscurantism, but such an understanding has been strongly criticized in more recent times, as the modernization of European thought happened not by means of a rupture with tradition but because of the renaissance of ancient thought. In this sense, the problem is not the tradition itself but the way it has been understood. In terms of biological evolution, for example, if a very large change of a species in relation to the preceding one occurs, we would probably say that there has been a genetic mutation that broke the link with the preceding species. Therefore, there is evolution only if the successive species corresponds or is in part equivalent to the preceding one. According to Gadamer, the same applies to our understanding of the history of thought:

> Tradition is essentially conservation and as such is always active in historical changes. But conservation is an act of reason, and is characterized by not drawing attention onto itself. This is why innovations and planning appear as the only actions and achievements of reason. But this is not more than appearance. Even when life in its most tumultuous transformations, as in revolutionary times, in the middle of the supposed change of everything, of the ancient, still much more than one could believe, integrates the outcome into a new form of validity. In any case, conservation represents a conduct as free as destruction and innovation.[7]

[7] Hans-Georg Gadamer, *Verdade e método*, vols. 1–2 (Petrópolis: Vozes, 2004), 1:373–74 [286].

If tradition implies conservation, innovation also requires an act of reason both to think it and to achieve it. Tradition does not exclude innovation or conservation, because any change implies the loss of some characteristics and the integration of others. If there is such a change that completely diverts its characteristics, making it impossible to recognize many of them in the following condition, then it is not a change that has taken place but a form of destruction. Thus, tradition does not exclude but integrates innovation and conservation. It has, therefore, a double meaning: the transmitted and delivered inheritance (*traditio*) as an act of conservation and the reception that adapts it and translates (*transferendum*) it to the new condition. Thinking about the connection with the past only as destruction would preclude any dialogue. The connection between the sciences of the spirit and tradition denies destruction and requires reciprocal interaction.[8] Tradition works as an interpellation of thought, or rather, the creation of a different way of thinking, because, however great the changes are, there will always be internal elements to the tradition that challenge the evolution of thought itself. Meanwhile, thought questions tradition, it justifies its innovative mission, and at the same time, tradition causes thought to identify preserved values even in the midst of change.

Two mistakes surround the connection between thought and tradition: the first is the temptation to break with the past as if contemporary thought was not an heir (*traditio*) of the past. This would lead to a purely novel form of thought with no link to the past. Just as there are no jumps in nature, thought does not evolve through ruptures but through argumentation, or a paradigm shift in the Kuhnian sense. The second mistake would be to erect the past as an untouchable norm for the present, because this would exclude the strength of adaptation and translation of the past to newer times. The temptation to keep the past untouched prevents the possibility of thinking about it critically. The past only becomes meaningful for the present when it is rethought and replaced in the present day, as can be deduced from Gadamer's argumentation:

> The expression "adhesion to tradition" means rather that tradition is not exhausted in what we know of our own tradition and of which we are aware, so that we could suspend it by an appropriate historical consciousness. The change of the established is a form of adhesion to the tradition no less than the defense of the established. Tradition takes place in constant change. "Adhesion" to it is imposed as the formulation of an experience, by virtue of which our plans and desires always advance reality, as if they have no connection with it.[9]

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[8] Gadamer, *Verdade e método*, 1:374 [287].
[9] Gadamer, *Verdade e método*, 2:312 [268]

The tradition of thought is not a monument to be worshiped but an event that calls for adhesion, not mere conservation. Adhering to tradition does not mean preserving it but allowing oneself to be challenged by it and establishing "a constant change." There is no tradition without the double character of innovation and conservation. Tradition is, above all, an interpellation by the thought of difference. If we put ourselves in the presence of tradition only to preserve it, then we will end up mummifying and reifying it. As we resolutely question tradition, we mobilize its internal forces beyond mere repetition and institute a process of *remembrance* and *rethinking* of the past. The goal is not simple conservation, but constant change and the consequent establishment of innovation within the core of tradition.

In this sense, we can identify the first significant milestone to understand the Second Scholastic or colonial Scholasticism. This form of thinking did not follow the "modernizing" tendency of Cartesian thought toward the exclusive search for *new foundations*. It instead mobilized concepts and internal forces of medieval thought to establish itself as different from the past. It did not propose a rupture, but insofar as it sought to preserve medieval thought, it also established significant differences in relation to it, and in that sense it constitutes an innovation. The fundamental difference lies not in the struggle for novelty but in the demarcation of a thought whose *origins* touch new ground, no longer the foundation (*Grund*) of the Old World, but a fertile land (*Boden*), a movement with highly original traits. The originality of the thought of the Second Scholastic was not accomplished by rupture, but by a constant change in the very thinking of the New World. This thought was able to preserve Aristotle and Aquinas and, from them or despite them, question the reasons for slavery in times long before its abolition, as we shall see in the last part of this paper.

Thus the thought of Second Scholasticism is no less radical than Cartesian thought in the sense that it did not begin with a denial of the Greco-medieval heritage or seek to start all over again from new foundations. On the contrary, it respected tradition by resuming it in a new context. The difference between Second Scholasticism and previous thought therefore lies in its ability to question medieval foundations in light of the present; it resumes medieval thought not as patrimony but as a tradition and does so by assuming it as an inheritance and translating it into the New World. This is a hypothesis that we will endeavor to prove in the last part of this text: Did Second Scholasticism simply repeat medieval thought or did it revive and rethink its results in a new context in light of the present?

The Writings and Colonial Reality

I will now address some aspects of slavery in light of European modernity before analyzing a manuscript on slavery from the Colégio do Convento Carmelita of Pará, Brazil.[10]

Historically, it would be impossible to ignore *The Problem of Slavery in Western Culture* (1996) by David Brion Davis, which defines, as the fourth principle of slavery, the distinction between natural law and the law of nations,[11] a distinction that has become one of the ways that slavery has been justified in the Western world. This distinction is also present in the manuscript we will analyze, which investigates forms of natural, conventional, by obedience, and legal slavery. Roberto Saba also explores this subject in his 2017 thesis "American Mirror: The United States and the Empire of Brazil in the Age of Emancipation," in which one can find two analyses that are relevant to the subject at hand: the first is the development of the New World in light of tensions between France and England over control of industry and the expansion of capital, while the second is the transition from slave-based coffee production to free labor. However, the transition from slave labor to wage labor did not produce a significant change, because the abolition of slavery did not lead to social justice. It is precisely in this sense that, since the beginning of European modernity, thinkers such as Luis de Molina, for example, had addressed the need for restoration for conditions of unjust slavery. An analysis of this theme is found in Alexander Aichele's "Luis de Molina: The Metaphysics of Freedom" in *Jesuit Philosophy on the Eve of Modernity* (2019) edited by Cristiano Casalini. Many of the chapters in Robin Blackburn's *The Making of New World Slavery* (1997) are also important for understanding slavery in Brazil.

Roberto Pich has provided a theoretical analysis of slavery in modern times in Brazil. Starting from Greek thought, Pich goes on to reconstruct the debate in

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[10] For a historical introduction to research about slavery in Brazil, see Carlos Moore Wedderburn, "O racismo através da história: Da antiguidade à modernidade" [Racism through history: From antiquity to modernity], 2007; http://www.ammapsique.org.br/baixe/O-Racismo-atraves-da-historia-Moore.pdf (accessed September 5, 2021); and as for the strict analysis of the issue of racism and slavery in Brazil, João José Reis, ed., *Escravidão e invenção da liberdade: Estudos sobre o negro no Brasil* [Slavery and the invention of freedom: Studies on black people in Brazil] (São Paulo: Brasiliense, 1988); https://www.scielo.br/scielo.php?script=sci_nlinks&ref=000185&pi-d=S1413770420070002000070073&lng=en (accessed Sept-ember 5, 2021); Senado Federal, ed., *A abolição no parlamento: 65 anos de luta (1823–1888)* [Abolition in parliament: Sixty-five years of struggle (1823–1888)], 2nd ed., 2 vols. (Brasilia: Secretaria Especial de Editoração e Publicações, 2012); https://www2.senado.leg.br/bdsf/han-dle/id/243294 (accessed September 5, 2021); and *Escritos sobre escravidão* [Writings on slavery] (Porto Alegre: Fi, 2020) by Lúcio Álvaro Marques and João Paulo Rodrigues Pereira.

[11] David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, NY: Cornell University Press, 1966), 253.

modern thinking. From the Platonic understanding that "a true slave is a person who has a lack of reason (Laws 966b)" to the foundation of civil reasons "of slavery (i) as a consequence of an allegedly just war, (ii) as a form of payment for debts or punishment for crimes, (iii) as a condition inherited by descendants by means of birth, and (iv) as a result of both self- and others-imposed enslavement in extremis."[12] To some extent, these same ideas are mirrored in the works of authors who wrote about slavery in the Spanish and Portuguese Americas:

> Among the first authors that systematically reflected on black slavery […] were Domingo de Soto O.P. (1494–1560), Fernando Oliveira O.P. (1507–1581), Tomás de Mercado (1525–1575), the jurist, active in Mexico, Bartolomé de Frías y Albornoz (ca. 1519–1573), as well as Francisco García (1525–1585). But there is a consensus that the Jesuit Luis de Molina (1535–1600) was the first intellectual to consider the topic of black slavery extensively, and after him many others such as Fernando Rebello SJ (1546–1608), Tomás Sánchez SJ (1550 –1610), Alonso de Sandoval SJ (1576–1652), and Diego de Avendaño SJ (1594–1688).[13]

Molina's work *De iustitia et iure* (On justice and law) 1, tract. 2, is fundamental to the debate on colonial slavery, even though it did not have immediate repercussions in Portuguese America. According to Pich, Molina defined slavery as "a kind of property right, implying 'an extreme form of dependence and submission,' as well as a certain loss of freedom."[14] For access to colonial writings from Portuguese America dedicated to the subject in question, it is important to consult *Escritos sobre escravidão* (Writings on slavery [2020]), which I edited with João Paulo Rodrigues Pereira.

The written works gathered together in the volume mentioned above include the text *Resposta* (Response) by Manuel Nóbrega, S.J. to Quirício Caxa, S.J. (sixteenth century); extracts from *Sermões* (Sermons) by Antônio Vieira, S.J.; *Carta ânua* (Annual letter) by Roque González, S.J., and a *Discurso do cacique de Potyravá* (cacique Potyravá's speech [seventeenth century]); the *Conclusiones morales pro servitute* (Moral conclusions about slavery) by Anonymous Paraensis (eighteenth century); as well as *Escravidão ofendida e defendida 1840* (Slavery offended and defended 1840) by Antônio Ferreira Viçoso (nineteenth century), and the dialogue *Escravidão* (Slavery) by Leandro Rebello Peixoto e Castro (nineteenth century). The writings of the eighteenth and nineteenth centuries went unpublished

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[12] Roberto Hofmeiter Pich, "Second Scholasticism and Black Slavery," *Veritas* (Porto Alegre) 64, no. 3 (July/September 2019): 1–24, here 9; http://dx.doi.org/10.15448/1984-6746.2019.3.3 6112 (accessed September 6, 2021).
[13] Pich, "Second Scholasticism and Black Slavery," 9–10.
[14] Pich, "Second Scholasticism and Black Slavery," 12.

until they were collected in the volume, and it is precisely from there that we will debate the arguments present in *Conclusiones morales pro servitute*. Having established the state of the art, let us now proceed to the analysis of the manuscript.

Little was known about colonial teaching because we knew only the writings of Francisco de Faria, partially translated by Fernando Arrruda Campos.[15] There were no records of other philosophical writings. It was believed that the colonial writings were destroyed during the Jesuits' expulsion. However, now we know of the existence of a few dozen such writings, which I have cataloged in *A lógica da necessidade* (The logic of necessity [2018]). The forty-eight writings identified in this catalog, folios 171–72 recto and verso of a manuscript whose author and date remain uncertain, were written in Pará, Brazil, in the first few decades of the eighteenth century. The folios, much larger than the current pages we use, were written in colonial Portuguese with many classical Latin quotations. The manuscript is entitled *Conclusiones morales pro servitute*.

Henrique Cláudio de Lima Vaz, S.J. claims that the Jesuits' colonial writings in Brazil merely repeated the European tradition.[16] However, the manuscript of the college of Pará criticizes slavery, since slavery was the biggest social problem in the colony, as we shall see below.

The foundation of the colonial colleges initially took place in north and northeast Brazil before later being extended to the rest of Portuguese America. In the colleges, students were taught reading, writing, and arithmetic, besides the courses of humanities, rhetoric, philosophy, cases of conscience, and theology. The establishment of the colleges in north and northeast Brazil took place in the second half of the seventh century. In that sense, the fact that we have moral conclusions regarding slavery is not unimportant, because slavery would be extinguished only a century and a half later, at least in formal law. In the sixteenth century, Lusitanian legislation permitted slavery in certain situations, which gave rise to a heated debate between the Jesuits Quirício Caxa and Manuel da Nóbrega, a debate analyzed by Alfredo Storck in 2012. With that in mind, it is possible to identify a connection between colonial education and society because Jesuit education justified black slavery while criticizing indigenous slavery. It is therefore necessary to assess whether the content of these conclusions relates to the debate in the period, because new legislation on slavery dated back to 1566, while the writings at the college of Pará would appear only in the seventeenth century. To understand the connection between this law from Bahia and the *Conclusiones morales pro servitute*, we consequently need to analyze the law's content.

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[15] Fernando Arruda Campos, "Uma disputa escolástica no século XVIII," *Revista Brasileira de filosofia* 17 (1967): 203–8.

[16] Henrique Cláudio de Lima Vaz, "O problema da filosofia no Brasil," *Síntese: Revista de filosofia* 11, no. 30 (1984): 11–25.

According to Storck, slavery was seen as legitimate in four circumstances, each of which was reflected in the slavery law adopted by a committee established in Bahia on July 3, 1566: "Being captured in a just war; having a death penalty conviction commuted into slavery; being naturally born into slavery; and, finally, the sale of the children or of the person himself, but only in cases of the extreme necessity."[17]

What conditions would lead a death penalty to be commuted into slavery? Who was born into slavery? And what did extreme or heavy need mean? These issues, which were not explicitly explained by the intentionally ambiguous Lusitanian legislation, provoked a heated debate in the college of Bahia between the Spanish teacher of cases of conscience and theology, Caxa, and the Ignatian provincial in Brazil, Nóbrega.

As well as criticizing the four conditions presented by the 1566 committee, the *Conclusiones morales pro servitute* also criticize the reasons for slavery discussed by Bartolomé de las Casas and Juan Ginés de Sepúlveda in Valladolid, namely legitimate natural obedience, the legitimate banishment of cannibalism, salvation of the innocent, and war against the unfaithful. The final part of the work structures its treatment of these issues in the following way:

> Lately, it should be warned that by four treatments or in four ways slavery can be licit: first, there is the treatment of the fair war, of which we shall speak in the second point of the first conclusion. The second treatment is a fair condemnation, which we will approach in the first point of the second conclusion. The third treatment is the purchase/sale agreement according to which a free man, being the lord of his own honor and fortune, besides his freedom, is allowed to sell or dispose of it. This is what we shall approach in the third point of the second conclusion. The fourth treatment is that of the birth by which one remains a slave, due to the condition of his or her parents although in the common law only the mother's good or bad affiliation is carried on.

The four treatments of *Pro servitute* do not differ from the circumstances that were said to justify slavery in the law of 1566. Thus the same justifications for slavery were present from 1566 until the time the manuscript was written.

The *Conclusiones morales pro servitute* is organized from an introduction with the consecutive distinction of four forms of slavery: natural, conventional, by obedience, and legal, followed by the first conclusion with a distinction of three points and the second conclusion with the same number of distinctions. In addition,

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[17] Alfredo Storck, "The Jesuits and the Indigenous Slavery," *Mediaevalia* 31 (2012): 67–80, here 68; http://ojs.letras.up.pt/index.php/mediaevalia/article/view/816 (accessed September 6, 2021).

the extreme case (*casus extremum*) in which slavery is imposed onto children due to their relationship with their relatives is also analyzed, plus the four treatments mentioned above:

> These are the conclusions of morality and reason for slavery; by which one loses the *jus* [right] he had, when free, to all his operations. Before we enter into the conclusions, we must consider that slavery […] is *praedicabiliter* [predicated], but not *secundum naturam* [second nature] and natural *jus*, if it had its beginning from some worse emperor who, being totally entitled to kill his adversaries, commuted that death into perpetual slavery; that penalty is clearly lighter than death, and that is why it is said: *Non bene pro toto libertas venditur auro* [Freedom is not [well] sold for all the gold (in the world)].

Rejecting this form of slavery as second nature and as a form of natural justice breaks with the Aristotelian–Thomistic tradition of natural slavery. Thus, while the author of the manuscript views the commutation of a death penalty to be preferable to death, this still does not justify slavery. And the end of the introduction evokes the beauty of Aesop's fable *The Dog and the Wolf*: "Freedom is not well sold for all the gold." This is also the motto that was inscribed in 1301 on the portal of St. Lawrence fort, in the Republic of Ragusa. The manuscript then goes on to list and conceptualize various forms of slavery:

> Second, we must note that there are several kinds of slavery, *dividitur nempe in Servitutem Naturalem, Conventionalem, Obediencialem et Legalem* [divided into natural, conventional, obediential, and legal slavery]. Natural [slavery] includes those to whom nature has given strength, but lacked reasoning, understanding, and judgment to govern themselves; although there is no obligation for justice, as a wise religious man used to express a bad opinion about the Indians of this Pará, less than three years earlier; therefore, by establishing that the Indians could be compelled and forced to serve the Portuguese in their fields, they could be taken by force, from their lands, to dwell in Portuguese lands to learn, there, the policy of cutting down forests and planting cassava. Conventional slavery comprises those who attach themselves to their masters for one, two, or more years and serve them. As for obediential [slavery], we understand the religious one, since by our vows we are committed to obey to those superior in religion. Legal [slavery] is the one that takes possession, on which we have spoken here about those who are against the domain of property and the domain of jurisdiction.

The author clearly disagrees here with the justifications for natural slavery. Conventional slavery arises from the settlement of accounts, that is, from submitting to a master in order to repay the debts one contracts. The manuscript's understanding of slavery out of obedience, on the other hand, is close to the so-called voluntary servitude of Étienne de La Boétie, where an individual freely disposes of their freedom to attend to the interests of their religious superiors. Finally, legal slavery, based upon domain and ownership, is understood as the slavery of those caught and imprisoned in just wars. In this sense, there is a connection between the arguments of Sepúlveda and the writings of the college of Pará in that both admit the possibility of legitimate slavery for Indians captured as enemies. To understand this argument, let us take a look at the conclusions. The commutation of a death penalty given to the barbarians of America into slavery is justified because, "in the first distinction about domain, men would settle and reserve for themselves the domain over all things, so that they would use them whenever they were in extreme need" to prevent them from being disturbed, except if they were in extreme need, and, in that case, "someone must rescue them by an obligation of justice." Thus, when someone is in extreme need, someone else is obliged to help them, but the question that arises here is the same as that from the debate between Caxa and Nóbrega: How can extreme or heavy need be determined? The limitation of freedom for those who are in extreme indigence is justified by the law itself, "because as in any other right, this is based on the need to be rescued, so that, once arrested, the purpose of that *jus* is satisfied." Second, *possunt bello justo capti licite in servitutem redigi* (Captives taken in a just war can be reduced to slavery licitly), because this is consistent with the law concerning captured enemies according to St. Gregory, that is, to commute the penalty of captured enemies into slavery is "a custom accepted by all people." Third, the just war law had legitimated perpetual slavery by punishing the guilty parents, depriving their children of liberty as well:

> *Licitum est Regi in bello justo ad perpetuam servitudinem damnare et illos qui ad annos pubertatis…* [It is licit for the king in a just war to condemn to perpetual slavery even those who have not yet arrived at the years of puberty…]. *Provo primo*: because though innocent ones are not to be found guilty, neither is this possible: it is not a novelty that they came to be deprived of the goods of fortune because of their parents' crime, among whom freedom had its place. And so, the church often confiscates the heretics of all their goods, notwithstanding that their children, to whom they partially belonged, are not guilty themselves.

The second conclusion states that a vassal convicted of a serious crime and sentenced to death can have the sentence commuted to perpetual slavery by a legitimate prince. In order to prove this conclusion, the following pieces of evidence are brought forward: first, "I can easily prove it, because, besides being determined by many legislations, both canonical and civil, it is already evident in what we have said, because the evildoer may be lawfully condemned to death, and when there is slavery, since *punit maius punit minus* [he punishes the greater; he punishes the lesser]." Since the death penalty for vassals is legitimate in the case of a serious crime, it would also be legitimate to commute it to a less heavy sentence (i.e., slavery). The second point presents proof of the reason someone was condemned to slavery, not because of tyranny, but to deprive them of freedom instead of losing their life:

> *Fas est illos emere qui ab serio crimine mortem merebantur, et loco mortis perpetuae servituti fuerunt addicti* [It is right to buy those who were deserving of death for a serious crime and who in place of death were assigned to perpetual slavery]. This is proof of what we have said, because those operations were legitimate, and I prove that with the *omnia* basis given above: *si enim possit licite morte* [for if he can be licitly (be punished) with death] […]; depriving him from all goods attached to life is far from tyranny, implying a great deal of pity to deprive him from freedom alone.

Finally, the third argument closes the proof of the second conclusion:

> Third point. *Servus factus tantum suae propriae venditionis nequit a servitutem se liberare, per conclusionem, cui se vendidit fugiendo* [Having become a slave only by selling himself, he cannot free himself from slavery, consequently, by fleeing the one to whom he sold himself]. I prove this thus: because he, who sold himself by such a contract of sale, lost all the *jus* he had concerning his freedom and, with it, all the gifts and possessions he could have when free; so if he does run away, thus stealing the liberty he had sold, he would do his master the same injury as someone who after having sold an oak, for example, would steal it after the sale; *et tandem sic est* [and finally it is so] that this second would do serious injury when *est primus* [it is first].

The sale of freedom implies the loss of all rights, even if the first sale was followed by a second one. In that case, once freedom is sold, an individual could never refuse to obey their rightful owner. And this conclusion perfectly reflects Nóbrega's critique of the Lusitanian law that allowed a person to sell themselves or their child

in case of extreme need. Nevertheless, selling oneself or one's own child was a mark of Lusitanian slavery policy both with regard to the natives of the northeastern coast and to the trade of African slaves. Nóbrega's response to Caxa, written in Bahia and found in Monumenta Brasiliae 4 (1563–68) as well as the *Opera omnia de Nóbrega* (Complete works of Nóbrega), reveals the radicalism of Nóbrega's political humanism insofar as it does not admit natural slavery. In addition, it also reveals the ambiguity of the colonialist and anti-colonialist positions disseminated by the Jesuits. Hence the Jesuit position was far from unanimous and simple. On the contrary, there were as many defenders of freedom and justice for the natives, such as las Casas, Nóbrega, and the anonymous professor of the college of Pará, as there were defenders of colonialism, like Sepúlveda, Caxa, and Peixoto e Castro. Thus these writings do not simply repeat *Cursus philosophicus et commentarii*, but, as we have seen, *Conclusiones morales pro servitute* establishes a critique of sociopolitical reality and denounces, in its own way, the hardship of slavery while demonstrating a critical assimilation of Western tradition rather than merely repeating a belief that it was natural and justified to inflict violence on native and African peoples.

Conclusion

The analysis presented in these pages allows us to draw some provisional conclusions about the meaning of the philosophy practiced in the Second Scholastic in Portuguese colonial America. First, it should be noted that novelty may not be an appropriate category for assessing philosophical relevance. Although Descartes and Bacon, as masters of modern thought, refused to acknowledge that they were part of a renaissance movement of classical thought, in criticizing school thinking in the late Middle Ages they may have been much closer to the movement of returning to Greek sources rather than establishing new foundations. Interestingly, the thought of the Second Scholastics seems to have moved in another direction. Attentive to the Greek–medieval heritage, the Second Scholastics knew how to transmit the classical legacy (*traditio*) without forgetting to translate it (*transferendum*) to the new reality, that is, interpreting the tradition in light of the present. Criticism of the slave system not only preceded abolition by more than a century and a half but also demonstrated the theoretical break with the arguments of natural slavery present in the works of Aristotle and Aquinas.

In this sense, colonial writings allow us to understand an aspect of primary relevance concerning that teaching: the practice of philosophical thought deserves consideration not only for the appreciation of argumentative rigor but also for criticism of the unfair structures of the colonial system.