

SLAVERY AND THE SLAVE TRADE IN SPANISH ECONOMIC THOUGHT, SIXTEENTH TO EIGHTEENTH CENTURIES

Luis Perdices de Blas y José Luis Ramos Gorostiza
Universidad Complutense de Madrid

Abstract: Between the sixteenth century and the eighteenth slavery acquired an undoubted economic importance in the Spanish Empire, both because of the growing weight of slave labor in the New World and owing to the political, economic and administrative relevance of successive *asientos*. However, the attention paid to the issues of slavery and the slave trade in Spanish economic literature was decreasing: from having a place in scholastic texts in the sixteenth and seventeenth centuries, to becoming something completely marginal for the economists of the Enlightenment in the eighteenth century. The aim of this article is to highlight this paradox by analyzing the few texts of scholastic theologians, *arbitristas* and economists of the Enlightenment that addressed slavery and the slave trade. The question is interesting, since in these three centuries the Spanish economic debates reached a good level, as reflected in the translations into other European languages of numerous Spanish economic works.

Keywords: Slavery, slave trade, Spain, *asiento*, School of Salamanca, *arbitristas*, economists of the Enlightenment

JEL Classification: B11, B3

I. INTRODUCTION

Between the sixteenth and eighteenth centuries slavery undoubtedly gained increasingly greater economic importance, both as a consequence of the growing weight of slave labor in the New World –in the eighteenth century alone Spanish America took in around 578.600 Africans– and because of the ever greater political, economic and administrative importance of successive *asientos* or monopoly contracts granted by the Crown to import black slaves into the Indies, which were nearly always foreign-owned¹.

However, in contrast to what might have been expected, the attention devoted to questions of slavery and the slave trade in Spanish economic literature was in decline: they went from having a space in scholastic texts of the sixteenth and early seventeenth century, to become completely marginal for Enlightenment economists of the eighteenth century. In this manner, we come face to face with a curious paradox, namely, that as the economic importance of the slave trade

phenomenon took on ever-greater importance, it occupied less and less space in works by Spanish authors writing on economic affairs. Specifically, the aim of this article is to make a close analysis of the role given to slavery and the slave trade in Spanish economic thought in the sixteenth, seventeenth and eighteenth centuries. The subject is of interest, since throughout this lengthy period Spain was one of the main colonial powers and economic debates in the field of Spanish thought were of a high level, reflected in translations into other European languages of several Spanish texts from the sixteenth to eighteenth centuries.

As is known, scholastics approached economic questions from a moral standpoint, making a particular examination of those conflictive situations which might give rise to contrary behavior infringing just principles and taking texts of Aristotle and Saint Thomas Aquinas as a starting point. Consequently, in the same way that they paid excessive attention to subjects such as fair pricing, problems of exchange, helping the poor or usury, Spanish sixteenth century scholastics could have been expected to have tackled in similar fashion the important topic of the legality of having property rights over people and buying-selling contracts for slaves, particularly given the specific context of the period, namely, the conquest of America, and consequent need for abundant labor to work on the exploitation of huge territories, submitting the Indians –as denounced by Bartolomé de las Casas– and the beginning of the transporting of slaves to the New World. Thus, theologians and jurists from the famous Salamanca School (or ones influenced by it), who in the history of economic thought became associated with the initial expression of the quantitative theory of money and an early development of value theory, were also definitely interested in the slavery question. Theologians such as the Dominicans Francisco de Vitoria, Domingo de Soto, Tomás de Mercado and Francisco García, or the Jesuit Luis de Molina, took part in a stimulating debate, in which other distinguished jurists and fellow travelers of this school, such as Bartolomé Frías de Albornoz, also participated.

In the seventeenth century Spain showed a preponderance of thought in favor of the justifying of negro slaves as a necessary evil. In fact, the Church made no official condemnation of slavery till the latter part of the nineteenth century (1839)². Only a handful of ecclesiastical writers living in the Indies, echoing the arguments already heard from sixteenth century theologians and jurists, were critical, either openly abolitionists, such as the Franciscans Francisco José de Jaca and Epifanio de Moirans, or concerned by the fate of the negroes and the legality of buying and selling slaves in certain circumstances, such as the Jesuits Tomás Sánchez, Alonso de Sandoval, Pedro Claver and Diego de Avendaño. But the strictly economic writers of this century, the Spanish *arbitristas* or “mercantilists” condemned neither the slave market nor slavery, and made no reference to economic questions of interest, such as the significance of slave labor in the development of American colonies, the convenience of maintaining the *asiento* system compared to the option of taking a direct role in the traffic, or the problem of contraband slaves.

Finally, eighteenth century Spanish politicians, apart from some passing reference in such writers as Bernardo de Ulloa, Bernardo Ward or –especially– Pedro Rodríguez de Campomanes, paid no attention whatsoever to slavery and the slave trade, even though by that time the latter was of undoubted economic importance and many of them showed particular interest in the topic of overseas trade. This fact is even more surprising if we bear in mind that –for example– Dictionaries of Trade published during the eighteenth century in France and England gave detailed explanation of the trading of negroes, as one more increasingly important type of trade, or notable economists like Adam Smith or Pierre Samuel de Pont de Nemours devoted a certain amount of attention to a discussion of the convenience of the institution of slavery from a strictly economic standpoint.

II. SLAVERY AND CONTRACTS FOR THE BUYING AND SELLING OF SLAVES IN SPANISH SCHOLASTICS OF THE SIXTEENTH AND SEVENTEENTH CENTURIES

Slavery for negroes, albeit for a short while, was the object of study during the sixteenth and seventeenth centuries by those theologians who contemplated economic topics. Some of them also played an essential role in a debate near this time centering on how to treat Indians and arising from the discovery and colonization of America³. Most of these authors formed part of the School of Salamanca or were influenced by the great masters of this place of learning, and exercised great authority in European universities and those founded in American colonies⁴. In the heart of this school, composed of a small number of writers, the two great masters who stood out were Francisco de Victoria and Domingo de Soto, who in particular were the principal contributors to the above mentioned debate on the Indians. Many were the theologians and jurists who were influenced by these great scholastics, among them we can highlight two who will receive our attention in this paper, the Dominican Tomás de Mercado and the Jesuit Luis de Molina. The Dominican had wide first-hand knowledge of the business being carried out in Seville and the American colonies, having lived on both sides of the Atlantic, and the Jesuit had a clear idea about the buying and selling of black slaves having studied and taught for nearly forty years in Portugal, a country which traded with the African countries whence the slaves originated.

All these theologians decided to write on economic topics in the face of their doubts concerning the new trade practices⁵. By analyzing such complex activities they made contributions –which sometimes were hidden away in their wide reaching treatises– to theories of value, price and money. These writers were not concerned with economic matters *per se*, but, rather, the spiritual salvation of human beings and, specifically, whether their actions in all areas of daily social life were governed by principles of fairness. If all these special relationships were to be governed by such principles, there was no exception for economic transactions. For this reason they dealt with fair prices and wages, as well as the moral principles to be upheld in contracts for sale and purchase. This was particularly true of cases where there were considerable doubts, such as that of negro slaves from Africa.

When they gave thought to this type of contract they did not pause to consider whether or not African slavery should be abolished, a question that had been discussed by Vitoria –among others– for the case of American Indians⁶. That is, in the debate the institution of slavery was not questioned, rather it was the illicit ways in which sale-purchase contracts were drawn up, and there was discussion in sections devoted to property, as to which cases justified slavery. Thus, this debate on the justice of contracts is not to be confused with the abolition of slavery. The abolition debate started in the eighteenth century and different European states did not introduce prohibition until well into the nineteenth century. The Catholic Church, as has been mentioned, only pronounced official condemnation of it in 1839.

An important point to be made is that there existed a clear differentiation between the debate held by scholastics on American Indians and the one they maintained on negroes. Some contemporaries, such as the Archbishop of Mexico, Alonso de Monfútar, wondered why Indians were not enslaved and, on the other hand, why negroes were (Andrés-Gallego and García Añoveros, 2002, p. 33). There was, however, an important difference between these two groups, as pointed out by García Añoveros (2000a, p. 215): “You had to *make* slaves of Indians, whereas negroes were already *made* slaves of before they were bought”. This made it necessary to discover how they had fallen into slavery and the legality of sale-purchase contracts.

Similarly, it must be emphasized that these scholastics did not study the number of black slaves or how important black slaves were for the colonies, though they did so indirectly in showing it was so when establishing whether the trafficking of so many human beings was legal or not. Nonetheless the question was left hanging in the air, and was expressed in an unashamedly open way by the anonymous author of *Sobre las conveniencias que se siguen del Asiento de Introducción de negros que se ha tomado con Domingo Grillo y Ambrosio Lomelin* [*On the advantages of awarding the contract for the introduction of negroes which has been granted to Domingo Grillo and Ambrosio Lomelin*] (1662): “the important need for them [the colonies] to receive negroes, who

are the most suitable for working in the fields, working with the machines and benefit of the mines, and how much their absence has been noted on the occasions for those activities which the benefit of our kingdom exclusively consists of”⁷.

Before we continue, we must point out that this section does not stop to mention the thoughts of the authors not included in the list of those we consider to be “economists”, even when they were influenced by the latter at that time and had dealt in detail with the question of slavery. That is, we shall leave out authors such as Las Casas, Sandoval, Jaca or Moirans, to mention just four notable ones. Many of these authors even though –like the theologians studied in this paper– they denounced the treatment meted out to negroes during their transfer to America and their life in the colonies, did not suggest abolishing slavery. Such was the case of Bartolomé de las Casas, who passed from recommending the introduction of negro slaves in order to keep Indians away from hard tasks and went on to criticize their ill-treatment. Las Casas disagreed with the Portuguese monopoly on the introduction of slaves, and denounced as forcibly as he had done in the case of the Indians, the abuses and injustices meted out by the Portuguese in the course of capturing and buying-selling the negroes, and the conditions in which they lived in their settlements in the colonies. But he did not renounce slavery and proof of this is that he accepted, for example, that every man taken prisoner in a just war could be enslaved⁸.

Other writers, who we will not pause to discuss, placed greater emphasis on the spiritual salvation of negroes, without ignoring their material situation, but once more there was no questioning of slavery. In this sense, Sandoval (1987[1627], p. 231), highly influenced by Molina and who wrote an extensive monograph of particular anthropological and sociological interest, pointed out: “I wish to stress the great sufferings of captive Negroes, and the fact that the main hardships are those which should be the least ones to be suffered, namely spiritual ones”. Finally, we will not look at other writers who are not “economists” such as the Capucins Francisco José de Jaca and Epifanio de Moirans, who did clearly condemn the institution of slavery and are the

forerunners of the abolitionists. Their voices, however, were silenced by the Inquisition⁹. So we will move on first of all to a study of the opinion of two great masters of the Salamanca School, Vitoria and Soto.

Vitoria made a brief reference to the subject of negro slaves as a reply to four questions posed by the Dominican Bernadino de Vique. These four questions, also raised by the other scholastics commented on in this paper, are the following: 1) Was it admissible that some merchants should trick negroes into becoming slaves by giving them baubles in exchange for their freedom; 2) Was it admissible to make slaves of those captured in war?; 3) Was it admissible to buy negroes who had been condemned to death?; 4) Was it enough for our moral peace of mind to think that neither the king of Portugal nor the members of his Council would permit unjust purchases?

Vitoria's replies to these questions were hurried and less thought through than the thoughts he had pronounced on Indians. In his discharge, it can be said that his thoughts were included in a brief letter, and we do not know when it was written, nor was it in a formal missive. Vitoria considered that if negroes had been converted into slaves in wars between negroes there was nothing to be said against acquiring them, without pausing to consider whether the wars had been just ones or not. He also realized that it was legal to commute the death penalty to slavery if the defendant accepted it. However, he did not consider it legitimate to deprive negroes of their freedom by trickery. As for the fourth question, his reply was: "Truly, if something inconvenient or some injustice is claimed by many to be so, I would not dare to have this excuse as a universal one: that the King knows about it and so do the members of his Council. Kings are aware of public opinion and the Council even more so" (Vitoria 1930-1931, p. 39)

Domingo de Soto dealt briefly with the negro question in his large-scale work *De iustitia et iure*, divided into ten books, and in which one notices the Dominican's tendency to study questions related to daily life as well as those expected of a theologian. The first two books are centered on

natural, human and divine law, and the following two on law, justice and property. When he deals with the question of property, precisely in book four, is where he makes an analysis of slavery. From the starting point that justice was “a habit through which with perpetual, firm willpower each receives his own” (Soto 1968[1553-1554], p. 201), stated: “Man naturally has domain over all the fruits of the earth, but also, to a certain extent, over the elements and heavenly regions” (Soto 1968[1553-1554], pp. 286-287). Later, a second question was posed, article II of which is entitled “Whether a man can have dominion over another man”: he states categorically that “by natural law all men are born free”, and that man “was placed by God himself over all creatures, but not over men” (Soto 1968[1553-1554], p. 288). Nevertheless, it was a fact that slavery existed and that it had been approved by Aristotle, who made a distinction between natural and legal slavery¹⁰. Therefore, although qualified this statement, he accepted it.

Natural slavery, according to Aristotle, was that which was followed by men whose brains were sharper when dealing with those whose brains were duller and crude (Soto 1968[1553-1554], p. 288)¹¹. But Soto specified as did Molina later on, that he who is

“a gentleman by nature cannot exploit for his own advantage those who are natural serfs, as if they were houses he owned, rather, he must use them as if they were free, independent men for the advantage and utility of themselves, for example, teaching them and training them in customs. This is because they neither are obliged to serve you as slaves, but, instead, with some moderation and natural dignity except when they are waged” (Soto 1968[1553-1554], p. 290).

Because of this, precisely, barbarian or heathen countries could not be invaded “since their inferior status does not strip them of freedom, just like those who were sold or made prisoners of war” (Soto 1968[1553-1554], p. 290)¹².

Soto continued his musings on natural slavery, and –taking advantage of Saint Thomas Aquinas– attempted to bring Aristotle’s statement into line with Christian dogma¹³. Thus did he

conclude that original sin had led to slavery. That is, one of the punishments in accordance with “corrupt nature” had been legal slavery. And, just in case it was not yet clear enough, he stated that “natural servitude would not have occurred in the state of innocence, as exists nowadays, because then nobody was ignorant or rude” (Soto 1968[1553-1554], p. 290).

As for legal slavery, he affirmed: “though men have been created free by God, it is nonetheless innate in all living creatures to wish to have the right to preserve life. Thus, the needy may submit to slavery for this purpose. Because even if freedom is worth more than all the gold, it is nonetheless, of less value than life, which is more precious than all gold” (Soto, 1968[1553-1554], p. 289). Even though among Christians it was not the custom to sell one’s children in cases of need, “this custom” was to be found in lands where the Portuguese went to purchase them: “And if they are freely sold, there is no reason to call this trade a criminal one” (Soto 1968[1553-1554], p. 289). But at this stage of his argument he realized that it was common knowledge that negroes were attracted “with lies and tricks” and enslaved almost without their realizing (Soto 1968[1553-1554], p. 289). This was unacceptable because “if any man keeps something which is not his to keep, even if it has been acquired in the market, or some other just deal, as soon as he knows that it cannot be his, he is obliged to return it to its owner, even if he loses what he may have paid for it. Therefore, how much greater will his obligation be to return to freedom a man born free who was unjustly enslaved?” (Soto 1968[1553-1554], p. 289).

He would not accept the argument in favor of slavery based on the idea that negroes would have an improved material life and, in particular, would gain spiritual salvation through being baptized. On the other hand, he considered those who had been captured in war and made slaves to save their lives to be legal slaves. To sum up, slavery was a part of *ius gentium* and civil authority considered it to be legal. Moreover it was corroborated by “custom and practice” (Soto 1968[1553-1554], p. 291). Finally, it must be pointed out that in his treatise Soto also gave wide coverage to the topic of property transmission through purchase-sale contracts and the justice of them,

repeatedly insisting on a question which is fundamental to the object of this article: “The purpose of laws, regulating the solemn nature of contracts, consists of avoiding all cases of fraud and deceit” (Soto 1968[1553-1554], p. 317).

Tomás de Mercado, precisely, included his opinions regarding slaves in the framework of *Suma de tratos y contratos* [*Compendium of deals and contracts*] published three times between 1569 and 1591. That is, it was a text where analysis was made of the legality of commercial and financial activities carried out by merchants, money changers and bankers. He published the book in Spanish, his “mother” tongue and “common”, so that without the aid of an interpreter, one could know the correct way to do business, namely, with respect for the basic principles of justice (Mercado 1977[1569], I, p. 64).

The first of the six books into which his treatise was divided was a general reflection concerning natural law, which served as the support for the arguments used in the remaining five. Specifically, he digressed widely on natural law which was to be the guide for any human being aside from his religious beliefs. This was precisely the justice which every merchant was beholden to observe “in his contracts, sales, money changing, leases and loans [...] [It stemmed from and belonged to] natural law” (Mercado 1977[1569], I, p. 45). Later on he was to add, just in case it was not clear, “that as necessary as food is for life, so is justice for a good life, even when temporary, because we cannot live without food, nor well without justice” (Mercado 1977[1569], I, p. 48).

Following this preamble, he developed the largest one, the second, on art and the treatment of merchants. His claim in the book was that original sin was the origin of property, and thence came first of all barter and then the purchase-sale contract in which money played a part. The merchant’s work was justified by supplying the kingdom with a large variety of goods, both basic and superfluous. Nonetheless, as time elapsed, the merchant evolved into a “lover of his money and greedy for that of others, a vice which was always common among sharp-witted men” (Mercado 1977[1569], I, p. 71). Subsequently, he considered what the aims of purchase-sale contracts should

be, gave advice on how to behave in the case of doubt over a business transaction, and analyzed what a fair price consisted of.

Contracts, such as money changing, to which he devoted the whole of book four, had to be real, with no cheating or coercion, and fair. Mercado (1977[1569], II, p. 405) insisted particularly that “contracts, to be legitimate [had] to be free and voluntary”. And from these principles, he analyzed concrete, doubtful cases to leave the trader in no doubt as to which activities were allowed. Thus, he studied in detail the different types of contracts, particularly all those made with cash upfront and those on credit, while analyzing the activities taking place especially in Seville and the American colonies. It was precisely in the framework of these thoughts about “art and treatment of merchants” that he included chapter 21, devoted to the slave trade in Cape Verde negroes.

The previous digression has been necessary to prevent the reader having an anachronistic version of Mercado’s ideas, or of the other writers we deal with in this section. The Dominican did not pose the question of abolition in any of the cases. He did not at any time question this institution which violently snatched away the precious gift of life from a human being, as liberal abolitionists of the nineteenth century would have it, instead he paused to comment on certain practices carried out by merchants of negro slaves which fell a long way short of the conditions with which any contract should comply (to be real, with no deceit, no coercion and fair). He paid particular attention to the legality of the first purchase-sale contract signed in Africa.

Mercado did not cast doubt on the jurisdiction held by the king of Portugal in Africa, nor on what specific legislation had been introduced on negro slave trading. Nevertheless, he pointed out – just like Soto – that it was “common knowledge and repute” that these dealings gave rise to “umpteenth swindles” (a thousand robberies took place, and a thousand cases of coercion occurred) (Mercado 1977[1569], I, p. 230). That meant, none of the conditions mentioned which any contract should comply with was met. In short, Mercado concentrated on how the contract should be drawn

up, without denying –like Soto– that in principle capturing and selling negroes was “a lawful business” and of *iure gentium* (Mercado 1977[1569], I, p. 230).

In fact he summoned “enough” reasons and causes by which one could be “fairly captured and sold”: being caught in a just war, committing public crimes, and being sold by one’s parents in the event of extreme need. These causes were justified by the laws of Guinea, which were different to European laws. Nonetheless, Mercado admitted that in addition to these cases of legal enslavement there were “infinite fake or unjust ones, which were deceived, forced or kidnapped” (Mercado 1977[1569], I, p. 232). That is, wars between negroes were not fair ones and were stirred up by the fact that Spaniards and Portuguese paid well for slaves: moreover, a defendant could receive an exaggeratedly harsh punishment for any crime or for no reason at all, and parents sold their children when they did not need to or for any slight trouble or act of disobedience. Add to these injustices and robberies taking place among the negroes themselves, and then the injustices, robberies and deceit perpetrated by Europeans. Thus the harsh reality was that “of two groups [leaving Africa], one had been deceived or made a captive by tyranny or coerced” (Mercado 1977[1569], I, p. 234). Moreover, Mercado denounced the cruelty of the merchants when transferring negroes to the Iberian Peninsula and thence to the colonies. In fact, they were more severely treated than the faithful when captured by the Turks, and what is most surprising, was that most of the negroes had been baptized “all together with a hyssop, another hugely barbaric act” (Mercado 1977[1569], I, p. 234).

All in all, albeit the purchase-sale was legal and fair, in reality most merchants infringed the basic principles of justice, because they treated negroes “with force and violence”: “when somebody knows that what has been brought from outside was illegally acquired the neighbors are forced not to deal with him in anything” (Mercado 1977[1569], I, p. 235). That is to say, just as one should not accept objects stolen and sold by second-hand clothes sellers or silversmiths, with even greater motive one should not trade with human beings “acquired in barely legal ways” (Mercado

1977[1569], I, p. 236). Consequently, “as a general rule, to have a legal sale and purchase, it must be certain that it belongs to the person selling it and that it is his by right: at least it is required for there not to be any knowledge to the contrary and, were there to be, I am forced not to accept anything from him” (Mercado 1977(1569), I, p.236). In practice, Mercado was so suspicious both that the factors of Cape Verde would carry out an exhaustive examination to ratify the truth of the merchants’ contracts, and of the King of Portugal, even when he had the best of intentions in his precautions; he did not consider it “feasible” that the latter measures could solve the problem, and he appealed to the conscience of the merchant, while warning him that “what is gained badly, leads to loss for the owner and itself” (Mercado 1977[1569], I, p. 238).

So, Mercado clearly denounced purchase-sale contracts from merchants who had obtained their slaves from Africa. He refrained from comment, on the other hand on another highly important topic: the second and subsequent sales of negroes in Europe and America. Though undoubtedly suspicious of the legality of such transactions, he laconically ended the chapter by indicating that in this matter “let each person consult his confessor” (Mercado 1977[1569], I, p. 239). It is surprising that a work aimed at traders and purporting to be a confession manual should not evaluate this important subject, which attracted so much suspicion. This is where Molina offered a solution, without questioning slavery in itself either.

But before moving on to study Molina let us make a brief digression on Bartolomé Frías de Albornoz and Francisco García. The former published *El Arte de los Contratos* in 1573, a work not widely read. He studied in the University of Salamanca, was a disciple of Diego de Covarrubias and had a chair in the University of México. He thus had characteristics in common with Mercado: both wrote a Spanish book on contracts, they were trained in Salamanca and lived in the colonies. However, Albornoz was a layman and wrote a treatise that was less interesting than Mercado’s¹⁴. It dealt briefly with the subject of negroes in book III, devoted to “irregular contracts” (Albornoz 1573, title IV), in which he gave a confused summary of Mercado’s ideas. Like the latter, Albornoz

did not question slavery in certain cases: thus, he had no problem accepting slavery for “heathen Moors” or negroes captured in various parts of the Mediterranean, because they were “Moors who believed in Mohammad” and not to be trusted. A different matter were the negroes who came from Ethiopia, who were the ones sent to the American colonies. Regarding this point, he analyzed the three cases in which Mercado justified slavery and came to the conclusion that they could not be applied to negroes purchased on the African coasts, as though the Dominican had not harbored the same doubts. Nor did he accept the arguments justifying slavery and based on their living better in America and that they would embrace the Catholic faith.

So far, Albornoz scarcely differed from Mercado, who also questioned the titles by which negroes were enslaved by Europeans. Neither did he accept the argument that negroes were better off in material and spiritual welfare when they were baptized after the loss of their freedom. Furthermore, both warned against working in the slave trade since as such it was perilous from the moral standpoint, and they had their doubts concerning the legality of the first purchase-sale in Africa. But whereas Mercado said nothing about subsequent purchases and sales, Albornoz condemned them out of hand. Though his arguments were not strong ones and he accepted slavery in other cases, he clearly stated, unlike Mercado: “How do I know whether the slave I buy was fairly captured, for the assumption is always in favor of his freedom; as for the natural law, I am obliged to favor whoever suffers injustice and not to become an accomplice” (Albornoz 1573, p. 130v)¹⁵.

The Dominican Francisco García also published a very comprehensive treatise on contracts in 1583, aimed at improving the one Albornoz had published ten years previously, and which he described as badly arranged and confusing. His book was more widely read than that of Albornoz and in the first part, after dealing with the subject of fair price, he analyzed the question of purchase-sale of men. García considered that whosoever bought a slave in the belief that he was a free man had to carry out the pertinent investigation, because if he did not he would be guilty of

“bad faith” in owning him –as had been very clearly stated by Soto and Mercado–; but he added a paragraph which opened the door to every type of sharp practice in this kind of trade:

“it must be noted, however, that to ease the conscience of many, whereas in general and in common such is the fame held of negroes arriving or brought from Guinea [namely, to have been deceived], it may be that in an individual case one negro or another may have this reputation, and can therefore have been legally acquired in good faith, under the impression that he was a slave, without suspecting the opposite” (García 1583, pp. 472-492).

That is, regarding the negro slave trade, García’s opinion differed from Albornoz who – despite his book leaving a great deal to desire and not giving a good interpretation of Mercado– had made an outright condemnation of second and consequent purchase-sales as unjust. Thus did García open up a subtle breach through which many subsequent writers such as Molina were to enter.

Luis Molina, in *De iustitia et iure*, published in three volumes between 1593 and 1600, was the theologian who went to the greatest lengths in dealing with the subject of negro slaves (volume I, treatise II, disputes XXXII-XL). In dispute XXXIV, he was the first to make a detailed analysis of the areas where the Portuguese obtained their slaves, before considering the legality of such operations. Similarly, in disputes between XXXVII and XL he dealt with the humane way in which the slave should be treated, manumission, and fugitive slaves. His sojourn in Portugal throughout the greater part of his life enabled him to acquire a good knowledge of these subjects, as well as first-hand information from his brethren in the Company of Jesus.

Molina, like Soto, studied the question of negroes in a broad treatise –the second of the first volume– devoted to control, in which he dealt with such diverse matters as ownership of objects, animals and people, gifts, inheritance, just wars, the origin of civil power and types of government. In fact, rather than new contributions compared to those of his predecessors, he carried out a more detailed and precise study.

Like the rest of the scholastics, he used as his starting point the Aristotelian distinction between natural and legal slavery, and he examined in minute detail the cases where the latter could be accepted because they had been justified according to the opinion of theologians, civil and canon law, and the Holy Scriptures. In general, he justified slavery only in the following cases (even if in practice in Africa different reasons created this state of affairs): being captured in just wars, committing certain crimes, selling oneself, being sold by parents, and being a slave from birth. Consequently, the purchase-sale of slaves was a legal activity whenever the slave had been reduced to this state due to above-mentioned causes and the fair price had been paid. But Molina stressed that in certain cases for Christians there was no justification: namely, selling oneself, or parents selling their children. Moreover, this trade could never be justified on the grounds of the possible spiritual gains to be obtained from receiving slaves (Molina 1941[1593-1600], I, p. 533).

Like Soto and Mercado, he argued that there were few cases in which slaves purchased by Portuguese traders had arrived as legitimate in legal terms; so, he denounced the danger of engaging in this type of trade and how the majority of Portuguese traders, only concerned with money or profit, took no care to ascertain why the slaves were in that situation. Moreover, in the XXXV dispute he emphasized that in this type of trade, as in all of them, it had to be carried out bearing in mind a fair price (Molina 1941[1593-1600], I, p. 520).

From the starting point that there were cases in which slavery was legitimate and denouncing injustices carried out by the Portuguese in the early purchase-sale contracts taking place in different areas of Africa, Molina argued from the same position held by the theologians studied in this section regarding those early purchase-sales. Consequently, the most substantial part of his dissertation from the doctrinal viewpoint centered on dispute XXXVI concerning second and subsequent commercial operations. Here we quote a two-paragraph extract from his treatise, which to a certain extent went more deeply into what was said by Francisco García:

“All those who in good faith may have bought slaves from merchants, or subsequently own them after buying them from others who initially owned them in good faith, as regularly occurs with all owners that we are to talk about in this argument, keep them legally. And this is true even when they may begin to have doubts, for reasons we have adduced in previous articles or for whatever other reason for doubt that may arise, as to whether they have been legally reduced to slaves. They will always be the legal owners, and not compelled to pay restitution till they are utterly persuaded that the slaves they own in particular have not been reduced to slavery with a legitimate title, something which rarely occurs” (Molina 1941[1593-1600], I, p. 538).

“Those who may subsequently buy these slaves in good faith from other merchants who export them from Africa, because they had heard nothing to suggest they had not previously been reduced to slaves in legitimate fashion, and, in general, those who for whatever other reason may be owners in good faith, will be allowed to keep them with a clear conscience, whilst there is no reliable proof that they have been unjustly enslaved” (Molina 1941[1593-1600], I, p. 542).

Referring to possible investigations where doubt existed, Molina made it clear that the testimony of the slave would not be taken into account, since, logically, he would lie to gain his freedom. Therefore, he left everything in the hands of the buyer’s “good faith”, to begin “to doubt” his purchase or for there to be “hope of ascertaining the truth”. In fact, if nothing came to his ears that could upset the goodness of his conscience, there would be no need to do anything.

This attitude was the ideal pretext for burying any type of moral doubt for many slave owners, however much Molina might emphasize several precautions to be borne in mind. In this sense, for example, Juan de Solórzano, the jurist for Indian law, made a very common interpretation of Molina, one which abandoned all the precautions mentioned by the Jesuit. He solved the problem by stating that Soto, Molina and other theologians saw “this contracting to be dangerous,

unscrupulous and slippery due to the frauds which were committed in general”. But “it was not for individuals to ascertain them” (Solórzano 1996[1647], I, p. 181). What is more, following the path opened up by Molina went the Portuguese Jesuits Fernando Rebello or Esteban Fagúndez and the Spaniards Tomás Sánchez and Alonso de Sandoval (Andrés-Gallego and García Añoveros 2002, pp. 53-71)¹⁶.

All in all, the doctrine established by Molina on second and subsequent sales, despite his precautions, left many slave owners with a clear conscience. Andrés-Gallego and García Añoveros (2002, p. 53) pointed out that “kings, bishops and merchants have the final word”, but others “could rest easy if they had no proof of any injustice done to the slave they owned”. If Molina’s treatise is read as a whole, there can be seen a contrast between his vague doctrine in matters of purchase-sale contracts of negroes and the strict stance taken when he pauses to examine purchase-sale contracts in general, or in the “fair price” which is to be charged in the sale of any other goods¹⁷.

All the thoughts put forward by authors studied in this section and which dealt, albeit briefly, with slave trafficking, were not made public by Spanish economists from other schools of thought in later centuries in spite of the several editions published of treatises analyzed in this section, some of them even written in Spanish, such as those from Mercado, Albornoz and García. Certainly, Albornoz’s treatise, the only one from a layman, only had one edition, but this was not so for the rest of the theologians. Soto’s *De iustitia et iure*, first published in 1553, ran to twenty-six editions in the sixteenth century, sixteen of them outside Spain (Barrientos 2001, p. 129). Mercado’s work was published in 1569, 1571 and 1587, and translated into Italian in 1591. García’s treatise went through two editions in 1583 and yet another in 1585, being translated into Italian in 1589, 1594 and 1596. And the magnum opus by Molina was published in Cuenca, Venice, Mainz, Antwerp, Lyon and Cologne (Barrientos 2011, pp. 295-296).

Finally, it seems that Molina’s solution took hold and a most superficial reading of it was made by his followers. Nonetheless, it is odd that later writers, except for very few enlightened

ones, did not go too deeply into the trade and the role played by slave labor coming from the African coasts.

III. ARBITRISMO AND SLAVERY IN THE GOLDEN AGE

In the seventeenth century Spanish society was happy to accept slavery. The lack of social rejection of this institution was clearly shown in Golden Age literature, in which it was viewed as something completely normal¹⁸. In fact, as Piqueras (2011, pp. 215-216) points out, in Latin America slaves were common among rich men and women and ordinary citizens if they could afford them, and in the Peninsula they were owned by nobility and clergy. Moreover, the slave tradition was a longstanding one predating the conquest of America, to where medieval legislation regarding slaves from the *Partidas* of Alfonso X was transferred; that is, negroes were already often sold as slaves in Southern Europe prior to 1492¹⁹. Moreover, slavery fed expectations of easy money, and so Sancho –in *Don Quixote*– fantasized on the small fortune he could obtain from the sale of thousands of Africans²⁰.

In this context, therefore, the approaches shown by some religious writers regarding slavery and the slave trade were exceptional. Moreover, these were in any case tributaries of the legal-theological debate of the previous century, perhaps with a heavier moral dimension, and of those we referred to in the previous section (Sandoval, Avendaño, Jaca or Moirans, among others). However, aside from these prolongations of the sixteenth century legal-theological debate among a few churchmen, slavery was to be completely absent from strictly economic Spanish texts of the sixteenth and seventeenth centuries: the writings of the *arbitristas*. The basic interests of the *arbitristas*, contemporaries of English mercantilists and French Colbertians, was to analyze the causes of economic decline in the Castilian economy. That is, they concentrated on the heart of the empire, Castile, and on the possibilities of recouping its affluence by overcoming a series of “indigenous” hindrances to the promotion of productive sectors, either of a moral nature (related to

the championing of leisure, luxury, living as rentiers, excess of unproductive work and growing number of people at Court), or political (related to problems of legislation, trade policy, the fiscal system or property)²¹. In this sense, the *arbitristas merely* referred to America when lamenting the three negative economic consequences which –in their opinion– were a result of the Discovery: rising prices, entry of precious metals and their immediate “exporting” to European financial centers, and the abandonment of productive sectors because people were living on unearned income and not from their work²². As a result, there was no reference at all in *arbitrista* texts to the growing traffic in African negro slaves to the New World to work in mines and on plantations. In fact, the only *generic* mention of slavery can be found in Martín González de Cellorigo (1991[1600], pp. 65-67), quoting Jean Bodin as an authoritative source, and advocating the gradual introduction of slaves into Spain to offset depopulation and neglect of the humble tasks, mechanical work and agricultural labor²³.

All in all, *arbitristas* musing was “inward looking”, contemplating the country’s domestic problems, and leaving no room for questions such as slave trafficking or the shortage of labor in America. A large number of writers who dealt with foreign trade –though not all of them– did so just to condemn it, adopting an autarchic stance. They regarded trade with foreigners as an obstacle to economic growth, since it gave rise to the introduction of foreign manufactures and the exporting of raw materials needed for national industry, and the resulting abandoning of useful trades. In concrete terms, this stance was upheld by the so-called industrialists of the group of Toledo, with Sancho de Moncada (1974[1619], p. 101) as its leader, a theologian who showed himself aware of some of the ideas of members of the Salamanca School, and by other significant writers such as Francisco Martínez de Mata (1971[1650-60], pp. 140-141; 152). Spain, with its Spanish American colonies, was self-sufficient and should cease to be “the Indies of Europe”.

Strangely, the only important Spanish work on slavery throughout the whole of the seventeenth century, apart from the ones already mentioned for their discussion of theological-

moral aspects, was a text on the nature of jurisprudence, which aimed to be a guide to “navigate” in the complicated legal and administrative framework associated with trade in the Indies: *Norte de la Contratación de las Indias Occidentales* [*Guide to Contracts in the West Indies*], by José de Veitia Linage, published in Spanish in 1672 and later translated into English –with editions in 1702 and 1711–. In chapter 35 of book I he described the contracts of African slaves drawn up between 1595 and 1671, previously justifying the introduction of African slaves into America because of the acute shortage of workers which was becoming apparent as the need for workers to carry out the necessary tasks in fields and mines became ever more urgent²⁴.

On the other hand, there was Juan de Solórzano, another jurist who was a contemporary of Veitia Linage, a specialist in Indian law, and highly influenced by scholastic theologians. He became a Law Professor in the University of Salamanca. He made scarce reference to negroes, both in *De Indiarum iure* (first volume 1629; second volume 1639), and in *Política Indiana* (1647, an improved version in Spanish of the previous work). In both works (which deal extensively with economic questions of the colonies related to agriculture, mining, manufacturing, trade, the Commercial Law courts, transport, taxes, and –in particular–forced labor by the Indians), he only made some dispersed comments on the just nature of purchase-sale contracts of negroes and the way in which they had to be treated (Solórzano 1996[1647], I, p. 401).

To end this section and comment on the thesis maintained in it, it is worthwhile making a brief mention of a Portuguese *arbitrista* who was brought up in Medina del Campo and wrote in Spanish when Portugal was annexed to Castile. We are referring to Duarte Gomes Solís, who in his *Discursos sobre los comercios de las Dos Indias* (1622) makes no reference whatsoever to the problem of the slave trade, and that was despite dealing solely with exchanges with the colonies. And the fact is that in these speeches, like Moncada and other Spanish *arbitristas*, he was especially concerned with the “advantage” taken by foreigners of the Spanish and Portuguese colonies and,

very particularly, the case of precious metals from the West Indies (Gomes Solís 1943[1622], pp. 56, 126).

IV. POLITICAL ECONOMISTS AND THE SPANISH ENLIGHTENMENT WITH REGARD TO THE SLAVERY PHENOMENON

Throughout the eighteenth century a heated debate took place among Spanish economists on the subject of colonial trade, with special reference to whether the imperial monopoly was a good idea or not. In this debate the option of free trade between Spaniards and the colonies gradually gained ground²⁵. However, this noticeable interest in trade with overseas colonies did not sway the majority of Spanish economists to show the least interest in the lucrative trafficking of negro slaves, to which no reference is made either in the first or last third of the eighteenth century. The only references, rather short ones, can be found in some economic works in mid-century from Ulloa, Ward and Campomanes.

As underlined by Fernández Durán (2011, pp. 377-378), not even those economists who through their personal circumstances ought to have been most aware of the slave trade to the Indies, such as Gerónimo de Uztáriz or the marquis of Santa Cruz de Marcenado, dealt in their writings with the topic. Thus, the only reference from Uztáriz (1968[1724], p. 44) on the question of slave trafficking took the form of a table showing the amount from different income sources received by the Crown in 1722, when he cites the figure of 300.000 gold and silver escudos stemming from the *asiento*. However, nowhere in his influential *Theórica y Práctica de Comercio y de Marina* (1724) –translated into English, French and Italian– does he talk of the *asiento*, the labor shortage in Spanish America or the problems of smuggling in the slave trade. This total lack of references to the important question of slave trafficking is strange, since Uztáriz had been a staunch support for the marquis of Bedmar from 1701 till 1708, and also appears to have collaborated with him when the latter negotiated the conditions of the 1713 *asiento* with Lexington and Gilligan²⁶. Likewise, there

does not seem to have been a single reference to negro slave trafficking in the marquis of Santa Cruz de Marcenado's work (1984[1732]). He had been plenipotentiary in the Soissons Congress and therefore was well aware of the problems arising from the contract (*asiento*) with England.

The almost non-existent attention paid by Spanish economists to the slave trade could not even find compensation through a broad reference to the topic in a large autochthonous dictionary of trade and political economy which would deal profoundly with the question. In fact, such a dictionary did not exist, nor was there a Spanish translation of any of the most important dictionaries of European commercial literature of the period²⁷. Precisely, the most important of them, the *Dictionnaire Universel de Commerce* (1722-1730) by Jacques and Louis Philémon Savary de Bruslons –a three-volume work widely distributed in the whole of Europe, including Spanish enlightenment circles– dealt extensively with all the details of slave trafficking. And something similar occurred with the English version by Malachy Postlethwayt, the *Universal Dictionary of Trade and Commerce* (1751-1755), which included many additions regarding British interests. These texts gave consideration to the slave trade as a trade of increasing importance, and as such understood that it had to be analyzed apart from moral considerations²⁸.

As has previously been mentioned, the first Spanish economist to refer to the slave trade, even in passing, was Bernardo de Ulloa (1992[1740], p. 139.). He denounced the damage caused to Spanish trade with America by the system of *asientos*, since in practice, by facilitating general smuggling, it enabled the break up of the supposed exclusive colonial market favoring Spanish traders. Specifically, the 1713 *asiento* granted to England had been widely used by the English as a covert way of entering the whole of the Spanish colonial market, in the sense that under the pretext of the contract the latter had taken advantage to commercialize a wide range of goods in Spanish America. What is more, this close commercial relationship provided them with strategic information which jeopardized the very defensive capacity of the Spanish empire, whilst allowing the English to develop their navy even more. That is,

“The information acquired through their closeness to us in our own ports of [...] political governance, the extent, population and strength of those domains, sites and places where we could be attacked and from where they could be helped, which we might lament at some time” (Ulloa 1992[1740], p. 139).

As a remedy for this worrying situation, Ulloa proposed cancelling the contracts (*asientos*) for foreigners and moving to direct commercialization of slaves in the charge of Spanish traders, in their own ships and with national crews. That means, Ulloa did not appear to object to the *asiento* system *per se*, but rather he was against foreigners being awarded such a monopoly. And to demonstrate that his proposal was feasible he put forward two arguments. Firstly, “before France or England had the *asiento* [...], it had been in the hands of private individuals, negotiators from trade in Andalusia” (p. 141). Secondly, the lack of colonies on the African coasts was no real obstacle to direct participation in the slave trade:

“Since our coasts are so extensive, there is no shortage of sites to set up more colonies or fortresses, and without them, enough shelter for ships which might be used in this trade. This cannot be halted by nations, who only own the forces and colonies maintained in Africa for their own convenience, and they do not belong to the territory” (Ulloa 1992[1740], pp. 141-142)²⁹.

The second economist to refer to slavery was Bernardo Ward. He was the sole Spaniard to make a fleeting entry into the discussion as to whether it was more convenient to employ free or slave labor, something that was to be discussed at much greater leisure by Du Pont de Nemours and Smith. The physiocrat Du Pont de Nemours attempted to make an objective comparison, using real data and his own estimates, between the cost of slave work and that of free work, and came to the conclusion that the latter was cheaper³⁰. Smith, in turn, also argued that a slave would be more expensive and less productive than a free worker, although tobacco and sugar growing were compatible with slave labor due to the high profits generated by these activities³¹. So, a short time

previously, Ward (1787[1762], p. 288) had expressed similar ideas –in a few brief lines– opposing the use of slave labor, requesting the training of Indians and their being used in the work in place of expensive African workers in Spanish America:

“If the Indians are trained and put to work, [sugar, tobacco and cocoa] must turn out cheaper for us than for foreigners, who use negroes to grow them; since on top of their high cost to them, and those who are unfortunate or escape, their upkeep in clothing and food costs a fair amount, and this all comes from the price of the crop. But the Indian is cheap to maintain, and you don’t have to add to the cost of the fruit that of the interest or the capital of his price. This is because he works by and for himself; and even if he works less than the negro, the higher quality of our lands will provide some compensation for this advantage. Taking these advantages as a whole, it is normal for the Indian to be sold more cheaply than the English or French farm-worker, who makes use of slaves, and we will be able to sell this produce in Europe more fairly than those other nations”.

In fact, Ward did no more than recover a proposal that had already been put forward by Campillo and Cossio (1789[1743], pp. 83-93): to convert 12 to 15 million Indians into useful and exploitable vassals, by giving them lands to cultivate. However, he went a little further, by proposing the replacement of African slaves by free Indians in order to reduce the price of some lucrative export products, such as sugar, tobacco or cocoa. Though Campillo had criticized the treatment meted out to the natives by the Spaniards, he made no reference to negroes and the trade in them, and this even though he knew the West Indies and had been the director of the shipyards in Havana, where slaves were used³².

Finally, the influential Campomanes, a key person in the economic policy of the realm of Charles III, made the most influential analysis of the trade after recognizing with some surprise that hitherto there had been practically no interest aroused among Spanish economists in the flourishing slave trade: “Trafficking of negroes in the West Indies is one of the objects of the greatest attention

among them. However, it is a topic ignored in its detail” (Campomanes 1988[1762], p. 307). He devoted chapter XIX of his *Reflexiones sobre el comercio español a Indias*, not published till the end of the nineteenth century, and examined the successive *asientos* made by the Crown from the end of the sixteenth century till the time of writing (1762). In any case, he did not reveal himself to be in favor of this way of organizing the slave trade, because over time the revenue received by the Royal Treasury from these concessions tended to fall, while at the same time commercial opportunities were heavily limited: “Such is the effect of each *asiento* in questions of trade. At first these contracts gain money, but in themselves they are destructive for Industry, and they end up by ruining that very same branch of Trade” (Campomanes 1988[1762], p. 312). And to enter into more detail in the idea that “the monopoly in the Prince’s name is a destroyer of trade” (Campomanes 1988[1762], p. 334), he quoted Montesquieu: “the trade movement breaks down as a result of the continual change of dealers; no-one of these is interested in the prosperity of the trade he has been put in charge of, and he could not care less if the business is ruined for his successor; the profit stays in few hands and is not shared around”³³.

In particular, according to the Asturian writer, the system of *asientos* practiced by the Spanish Crown had led to three serious problems. On the one hand, the number of slaves provided by the contractors had never been enough for the real needs for workers in the colonies. This had produced “a great obstacle to progress” in the latter. Furthermore, the fact that the *asiento* had almost always been awarded to foreign merchants involved leaving the supply of slaves in foreign hands; as slaves were a key factor for colonial development, it was created a perverse “dependency on other countries for its supply” (p. 316). Also, the *asiento* system laid itself open to fraud and smuggling. Fraud, because albeit in principle the contractors ought to have dealt *only* in the trade in negroes, with this pretext “they carried out [in practice] the main Trade in the Indies” (p. 320). And slave smuggling because it was such a lucrative trade that it constituted a powerful incentive to evade any type of prohibition, and these, in any case, in practice were highly difficult to control or make

effective. Finally, to all this had to be added the fact that, as the need for revenue in the Royal Treasury became ever more pressing, there was a weakening in the ability to “dodge the conditions” and clauses more favorable for the contractors were accepted, such as the “authorized ship”¹ (p. 325). In fact, the culmination of this steady process of concessions to contractors came in 1713 with the *asiento* with the English, which became “the most intolerable yoke ever suffered by the Spanish nation” (p. 334): trade in negroes was declining “from one contractor to another, and privileges successively granted to new contractors made things such that the *asiento* signed with England in 1713” was so harmful for Spanish interests that “if war had not interrupted the contract for the English company, it would have ended up taking over the Trade in Spanish America” (pp. 333-334).

So, in view of the negative historical experience which the long series of *asientos* brought, Campomanes concluded by demanding that “the necessary introduction [of black slaves] into Spanish America should be free” (p. 333). In his view, if this principle had been followed previously the situation would have turned out very differently, and in a more positive sense:

“Freedom would really have been the way to populate our colonies and fortify them against the English themselves along with other Foreign Countries who ran the *asientos* either openly or in an underhand fashion. These had their own interest in carrying out Clandestine Trade and another common one in not introducing large numbers of negroes, to prevent our agriculture and the strength of our colonies increasing. Never did Spanish policy make such a blunder” (pp. 334-335).

In fact, Campomanes was not referring to a complete freedom of slave trading, but only to reserving this branch of commerce *to Spaniards*, within the general framework of freedom of trade between the metropolis and its colonies (excluding other nations), which would finally become effectively established in 1789. That is, like Ulloa –whom he quoted–, he considered that the best

¹ According to the Treaty of Utrecht, Spanish Crown authorized to England to send a ship a year to the Spanish colonies of America to trade them.

thing was for the supply of slaves to the Spanish American colonies to be undertaken by Spaniards using their own ships, but at the same time he was totally against granting this supplying as a monopoly to one private company or individual. What is more, given that Spain did not have territories on the African coast, Campomanes suggested the creation of a “free port for negroes” in one of the Canary Islands: there, close to the coast of Africa, the English, French, Dutch or Portuguese would be able to take slaves, but *from there* only Spanish traders would be allowed to transport them into Spanish America (p. 335). In this manner, it would be possible to recover a trade “of great importance to the State”, essential to the exploitation of American mines and the monoculture plantations in the Caribbean:

“If we did not supply large numbers of negroes, particularly for mining, the Islands [of the Caribbean], and sugar cane refinery in Campeche, Honduras, we would not be able to make our colonies prosper, imitating the English, for they, thanks to their introduction of large numbers of negroes, have brought value to their Isles, the same as the French have done” (p. 336).

Leaving on one side these thoughts springing from the *asientos*, Campomanes also referred on several occasions throughout his work to something often mentioned by other Spanish writers: the conviction regarding the best treatment given to slaves in Spanish America compared to what happened in the colonies of other European powers, especially England. In this sense, he underlined the Spanish interest in evangelizing slaves, something not seen in the case of the English: “The scant religious interest displayed by the English is cause for the negroes and Indians among them not being so civil as they are among us” (p. 239). And this lack of interest in teaching religion to the slaves went along with “the hard way they treated them, unlike in the Spanish colonies, whose laws is [proof] of the humanitarian spirit of the Spaniards in this respect” (p. 239). Thus, for example, Campomanes thought that in Jamaica, “the harsh treatment handed out by them [the English] to their slaves, forced them to flee to the hills, where they tried to shake off the yoke of such cruel

owners” becoming fugitives (p. 35). Thus, he lamented “the lack of sincerity shown by [the English] in the way they accused the Spanish nation of treating Indians in a tyrannical manner, something more typical in the English themselves. Our Indian laws and our missions testify in a significant way to the moderation shown by the Spanish government in America” (p. 182). A similar complaint is also found from another outstanding member of the Spanish Enlightenment, José Cadalso, who in the ninth of his *Cartas Marruecas* [*Moroccan Letters*] simultaneously clearly condemned the slave trade, perhaps the sole declaration of this type in the whole of the Spanish eighteenth century:

“Nations who protest so loudly against the cruelty of the Spaniards in America are precisely the same ones who travel to the coasts of Africa to buy rational animals of both sexes from their parents, brothers and sisters, friends, victorious warriors, with no more right than the fact that their buyers are white and those bought black; they embark them like so many animals, transport them thousands of leagues, naked, starving and thirsty; they unload them in America, sell them in public markets like donkeys, charging more for healthy, sturdy young men and much more for the hapless females who are found with more fruit of their wretched state in their own bodies. They take the money, transport it to their highly humane countries, and with the money from these sales have books printed full of elegant diatribes, rhetorical insults and eloquent slander against Hernán Cortés for what he did” (Cadalso 1796[1789], pp. 33-34)³⁴.

In any case, it would seem that the best care given to the slaves in the Spanish Empire was a fact, shown as such both by the comparison of the Spanish legal code of practice with that of other powers, and by the information available regarding how it was carried out in reality³⁵. As has been mentioned by Berquist (2010, pp. 184-186), this would be one of the main reasons which would explain why in Spain –unlike in France or England– no powerful abolitionist movement sprang up in the second half of the eighteenth century³⁶. In fact, the latter only began to show at the beginning

of the nineteenth –in a very limited form– in the pleas of Antillón, Blanco White and some deputies from the Cádiz Cortes, just as the slave traffic between Cuba and Puerto Rico took off.

Nevertheless, a large number of the approaches in the abundant abolitionist literature in France and England had a clear precedent in the legal-theological body of work from Spanish writers in the sixteenth and seventeenth centuries, when the question of the legality of slavery and the slave trade had given way to a large scale, intellectually strict philosophical debate which was not to be found at that time in any other European country –except, to a certain extent, Portugal–.

V. CONCLUSIONS

This article verifies the notable lack of any study of slavery in *arbitrista* writing and also in most of members of the Spanish Enlightenment in the three centuries during which the negro slave trade –from Africa to Spanish America, via Europe– acquired ever-increasing importance in the economic life of the colonies, not only the Spanish ones, but also the English and French ones. Nonetheless, theologians, especially in the sixteenth century, did write about the legality of contracts which gave the right to acquire these negroes. These authors accepted some legal cases of slavery, while concerning themselves with the slaves' welfare. However, theologians such as Mercado, once the doubts had been pointed out concerning most of the early purchases of slaves in Africa, refused to study the legal basis of subsequent purchases and sales of negroes in Europe and America, which gave rise to slavery in the New World. Molina proposed a solution for these successive transactions which, albeit loaded with precautions, soothed the consciences of owners, even though there were some scattered writers, such as Jaca or Moirans, who denounced these contracts and slavery *per se*.

What is surprising is that once slavery had been accepted, despite all the criticisms made of certain practices or the treatment meted out to negroes, there was no analysis of the importance, both of the trafficking (especially all the *asientos*) and the slave labor force, for the successful

functioning of certain colonial operations. We had to wait till the second half of the eighteenth century, just when Europe was starting to hear the first voices raised against slavery, for an economist of the importance of Campomanes to pause to analyze, even though it was in one chapter, such an important question.

REFERENCES

- Albornoz, Bartolomé Frías de. 1573. *Arte de Contratos*. Valencia: Pedro Huete.
- Andrés-Gallego, José. 2005. *La esclavitud en la América española*. Madrid: Encuentro.
- Andrés-Gallego, José, and García Añoveros, José María. 2002. *La Iglesia y la esclavitud de los negros*. Pamplona: EUNSA.
- Astigarraga, Jesús, and Zabalza, Juan. 2007. “Los Diccionarios de Comercio y Economía en el siglo XVIII español”. *Revista de Historia Industrial* 35: 13-46.
- Atlantic Slave Trade Database, Emory University, <http://slavevoyages.org/tast/index.faces>
- Barrientos, José. 2011. *Repertorio de moral económica (1536-1670). La Escuela de Salamanca y su proyección*. Pamplona: EUNSA.
- Berquist, Emily. 2010. “Early Anti-Slavery Sentiment in the Spanish Atlantic World, 1765-1817”. *Slavery and Abolition* 31(2): 181-205.
- Brown, Christopher. 2006. *Moral Capital: Foundations of British Abolitionism*. Chapel Hill: University of North Carolina Press.
- Cadalso, José. 1796. *Cartas Marruecas*. Barcelona: Piferrer, 1789.
- Campillo y Cossío, José del. 1789. *Nuevo sistema económico para América*. Madrid: Benito Cano, 1743.
- Campomanes, Conde de (Pedro Rodríguez de Campomanes). 1988. *Reflexiones sobre el comercio español a Indias*. Edited by Vicent Llombart, Madrid: Instituto de Estudios Fiscales, 1762.
- Cervantes, Miguel de. 2004. *Don Quijote de La Mancha*. Madrid: Espasa-Calpe, 1605.

- Curtin, P.D. 1969. *The Atlantic Slave Trade: a census*. Wisconsin: University of Wisconsin Press.
- Dubois, Laurent. 2004. *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1784-1804*. Williamsburg: Omohundro Institute.
- Du Pont de Nemours, Pierre Samuel. 1771. "De l'esclavage des negres", *Les Ephémérides du Citoyen* VI: 208-246.
- Esponera, Alfonso. 1993. "Teoría anti-esclavista en Bartolomé Frías de Albornoz (1573)". In *Ética y teología ante el Nuevo Mundo. Valencia y América*. Valencia: Facultad de Teología San Vicente Ferrer, pp.93-114.
- Esponera, Alfonso. 2005. "Bartolomé de las Casas y la esclavización de los negros, según las aportaciones de Isacio Pérez Fernández". In A. Gutiérrez and M.L. Laviana, eds., *Estudios sobre América: siglos XVI-XX*. Sevilla: Asociación Española de Americanistas, electronic edition (CD-ROM).
- Fernández Buey, Francisco. 1992. "La controversia entre Ginés de Sepúlveda y Bartolomé de las Casas. Una revisión". *Boletín Americanista* 42-43: 301-347.
- Fernández Durán, Reyes. 1999. *Gerónimo de Uztáriz (1670-1732): una política económica para Felipe V*. Madrid: Minerva.
- Fernández Durán, Reyes. 2011. *La corona española y el tráfico de negros*. Madrid: Ecobook.
- Fra Molinero, Baltasar. 1995. *La imagen de los negros en el teatro del Siglo de Oro*. Madrid: Siglo XXI.
- García, Francisco. 1583. *Parte primera del tratado utilísimo y muy general de todos los contratos, cuantos en los negocios humanos se suelen ofrecer*. Valencia: Ioan Navarro.
- García Añoveros, José María. 2000a. *El pensamiento y los argumentos sobre la esclavitud en Europa en el siglo XVI y su aplicación a los indios americanos y a los negros africanos*. Madrid: CSIC.

- García Añoveros, José María. 2000b. "Luis de Molina y la esclavitud de los negros africanos en el siglo XVI. Principios doctrinales y conclusiones". *Revista de Indias* LX (219): 307-327.
- García Añoveros, José María. 2007. "Bartolomé Frías de Albornoz". In I. Murillo, ed., *El pensamiento hispánico en América: siglos XVI-XX*. Salamanca: Universidad Pontificia, pp.531-570.
- Gomes Solis, Duarte. 1943. *Discurso sobre los comercios de las Dos Indias*. Edited by Moses Bensabat, Lisboa: Gráfica Lisbonense, 1622.
- González de Cellorigo, Martín. 1991. *Memorial de la Política Necesaria y Útil Restauración a la República de España*. Madrid: Instituto de Estudios Fiscales, 1600.
- Iglesias, Carmen. "España desde fuera". In E. Benito, ed., *España. Reflexiones sobre el ser de España*. Madrid: Real Academia de la Historia, pp.377-428.
- Jaca, Francisco de. 2002. *Resolución sobre la libertad de los negros y sus originarios, en estado de paganos y después ya cristianos*. Edited by M.A. Pena González, Madrid: CSIC, 1681.
- Jennings, L.C. 2000. *French Anti-slavery: The Movement for the Abolition of Slavery in France, 1802-1848*. Cambridge: Cambridge University.
- López García, José Tomás. 2007. *Dos defensores de los esclavos negros en el siglo XVII*. Madrid: Visión.
- Lucena, Manuel. 2002. *La esclavitud en la América española*. Varsovia: Universidad de Varsovia.
- Marques, J.P. 2006. *The Sounds of Silence: Nineteenth-Century Portugal and the Abolition of the Slave Trade*. Nueva York: Berghahn.
- Martínez de Mata, Francisco. 1971. *Memoriales y Discursos*. Edited by Gonzalo Anes, Madrid: Moneda y Crédito, 1650-1660.
- Mercado, Tomás de. 1977. *Suma de Tratos y Contratos*, 2 vols. Edited by Nicolás Sánchez-Albornoz, Madrid: Instituto de Estudios Fiscales, 1569.

- Molina, Luis de. 1941. *Los seis libros de la justicia y el derecho*, vol. I. Edited and translated by Manuel Fraga, Madrid: José Luis Cosano, 1593-1600.
- Molina, Luis de. 1981. *La teoría del justo precio*. Edited by Francisco Gómez Camacho, Madrid: Editora Nacional, 1593-1600.
- Moncada, Sancho de. 1974. *Restauración Política de España*. Edited by Jean Vilar, Madrid: Instituto de Estudios Fiscales, 1619.
- Muñoz García, Ángel. 2007. “Diego de Avendaño y la esclavitud colonial africana”. *Revista de Filosofía* 25 (56): 133-162.
- Pena González, Miguel A. 2003. *Francisco José de Jaca: la primera propuesta abolicionista de la esclavitud en el pensamiento hispano*. Salamanca: Universidad Pontificia de Salamanca.
- Peña Tristán, M.L. 2012. *La esclavitud en la literatura española de los Siglos de Oro*. Madrid: Universidad Complutense, Faculty of Philology, Doctoral Thesis.
- Perdices de Blas, Luis, and Reeder, John. 2003. *Diccionario de pensamiento económico en España, 1500-2000*. Madrid: Síntesis.
- Perdices de Blas, Luis, y Revuelta, Julio. 2011. “Mercado y fiscalidad: los principios tributarios modernos y la Escuela de Salamanca”. *Esic Market* 138: 91-116.
- Piqueras, José A. 2012. *La esclavitud en las Españas: un lazo transatlántico*. Madrid: La Catarata.
- Sandoval, Alonso de. 1987. *Un tratado sobre la esclavitud*. Edited by Enriqueta Vila, Madrid: Alianza. 1627.
- Santa Cruz de Marcenado, Marqués de (Álvaro Navia Ossorio). 1984. *Rapsodia económico política monárquica*. Oviedo: Universidad de Oviedo, 1732.
- Smith, Adam. 1987. *Investigación sobre la naturaleza y causas de la riqueza de las naciones*. Vilassar de Mar: Oikos Tau, 1776.
- Solórzano Pereira, Juan. 1996. *Política indiana*, 3 Vols. Edited by Francisco Tomás y Valiente and A.M. Barredo, Madrid: Fundación José Antonio de Castro, 1647.

- Soto, Domingo de. 1968. *De la Justicia y del Derecho*, 5 Vols. Translated by M. González Ordóñez, Madrid: Instituto de Estudios Políticos, 1553-1554.
- Tellkamp, J.A. 2004. "Filosofía política de la conquista y la colonia". In L.E. Hoyos, ed., *Estudios de Filosofía Política*. Bogotá: Universidad Externado de Colombia–Universidad Nacional de Colombia, pp.103-122.
- Ulloa, Bernardo de. 1992. *Restablecimiento de las fábricas y del comercio español*. Edited by Gonzalo Anes, Madrid: Instituto de Estudios Fiscales, 1740.
- Uztáriz, Gerónimo de. 1668. *Theórica y práctica de comercio y de marina*. Madrid: Aguilar, 1724.
- Vila, Enriqueta. 1990. "La postura de la Iglesia frente a la esclavitud: siglos XVI y XVII". In F. Solano, ed., *Esclavitud y derechos humanos*. Madrid, CSIC, pp. 25-32.
- Vitoria, Francisco de. 1517-1519. "Carta al maestro fray... al padre fray Bernardino de Vique acerca de los esclavos con que trafican los portugueses, y sobre el proceder de los escribanos". *Anuario de la Asociación Francisco de Vitoria* III: 38-41.
- Veitia Linage, Joseph de. 1672. *Norte de la contratación de las Indias Occidentales*. Sevilla: Juan Francisco de Blas.
- Vigo, Abelardo. 1994. "Economía y moral en el Siglo de Oro. El tráfico de esclavos de España a las Indias". *Scriptorium Vitoriense* XLI (1-4): 221-245.
- Ward, Bernardo. 1787. *Proyecto Económico*. Madrid: Viuda de Ibarra, 1762.
- Zagal, Héctor. 2003. "Aquinas on Slavery: An Aristotelian Puzzle". *Congresso Tomista Internazionale*, Roma, 21-25 September.

¹ For figures of African slaves transported to Spanish America see Curtin (1969, p. 269) and the “Atlantic Slave Database”. For a detailed study of successive *asientos* see Fernández Durán (2011). For the legal code prior to the *asientos*, see Lucena (2002, pp. 118-177).

² See Vila (1990).

³ A synthesis on this debate and the principal role played by Vitoria, García Añoveros (2000a), part X.

⁴ This is not the place to reflect on who formed part of this school and whether they really made up a school of economics in the real sense of the expression, see Perdices de Blas and Revuelta (2011) and Barrientos (2011).

⁵ Soto, for example, stressed that he wrote *De iustitia et iure* for the “vast number of cases of usury, contracts, changes and simonies” that he saw in traders’ activities (Soto 1967[1553-1554], p. 505).

⁶ The outcome of this debate was that Indians could not be enslaved, something that changed the policy of Spanish governors in their colonies. The enslaving of Indians was also banned by Pope Paulo III in 1537.

⁷ Cited by Andrés-Gallego and García Añoveros (2002, pp. 129-130).

⁸ A good synthesis of how Las Casas changed his ideas on negroes in Esponera (2005).

⁹ On Jaca it is possible to consult Pena González (2003) and his preliminary study of Jaca (2002[1681]). On Jaca and Moirans, López García (1982), García Añoveros (2000a), and Andrés-Gallego and García Añoveros (2002, pp. 71-78).

¹⁰ Aristotle also played an important role in the debate concerning Indians, when in the famous “Valladolid dispute” (1550-1551), centered on whether Indians were human or not, Juan Ginés de Sepúlveda used Aristotelian arguments on natural slavery against Las Casas. Aristotelian doctrine attempted to soften and make Christians from Thomas Aquinas to the Spanish scholastics of the sixteenth and seventeenth centuries. Spanish Dominicans, led by Vitoria and Soto, basing their

ideas on Aquinas, maintained that all human beings, by the fact of being in the image of God, were rational and free regardless of whether they were Christians or not: see Tellkamp (2004) and Fernández Buey (1992).

¹¹ In this same sense, in *Proverbs* (11, 29), it is said that “the foolish shall be slaves of the wise”.

¹² Soto refers to his book on the right to spread the Gospel, “in which greater room will be available to speak of dominion and rights exercised by the Catholic King and Queen in the Oceanic New World” (Soto 1968[1553-1554], p. 290).

¹³ On Aquinas, Zagal (2003).

¹⁴ Albornoz devoted a very small amount of space in his treatise, divided into four books, to the Conquest of America and the Indies –containing some highly critical paragraphs against Las Casas–, and he praised the good memoir that “maestro” Vitoria had written on this topic. Albornoz considered the war on the Indians to be a just one. See García Añoveros (2007).

¹⁵ On Albornoz, García Añoveros (2007), Vigo (1994) and Esponera (1993).

¹⁶ The case of an author who realizes the implications in what is defended by Molina is Diego de Avendaño, who was not an open proponent of abolition. What he dealt with in his *Thesaurus Indicus* (1668-1686) –as indicated by Muñoz García (2009, p. 150)– was not the problem of slavery, but that of the slave trade, the same as Mercado and Molina also mentioned. These two, like Avendaño, pointed out that, given the circumstances in which negotiations took place, an act of injustice was committed in the first sale-purchase of slaves in Africa. But Avendaño did not follow Molina in the question of the second and successive purchase-sales, which he did not regard as legal. He criticized these contracts but in a covert manner, as stated by Muñoz García (2009, p. 161), and this led to confusion among many readers of the time, who judged him to be an abolitionist.

¹⁷ Molina muses on economic topics in the first three volumes of his *De iustitia et iure*, including the extensive treatise devoted to “commutative justice with reference to outside assets” (disputes 1-

251), contracts (disputes 252-575) and taxes (disputes 661-669). When it involves a purchase-sale contract in dispute 339, he states that “the purchase-sale business in itself is open to many perils of conscience brought about by a strong greed for money, bearing in mind that men are weak and prone to evil deeds” (Molina 1981, p.132). Dispute 352 centers on contracts in which fraud or deceit is involved (Molina 1981, pp. 211-227). For a summary of disputes in which Molina deals with slavery, see García Añoveros (2000b), which comes after the Latin version published in Mainz in 1659.

¹⁸ See Peña Tristán (2012) and Fra Molinero (1995).

¹⁹ Andrés-Gallego (2005, pp. 32, 245). In England and Holland there were no slaves or serfs when these nations conquered territory in America, so, they did not have their own legislation regarding slavery which could be transferred there.

²⁰ “What difference does it make to me if my vassals are negroes? Will I have to do more than load them on a ship and bring them here, where I can sell them and be paid cash on the nail, and with that money I can purchase a title or some sinecure to live in idleness the rest of my life?” (Cervantes 2004, p. 307).

²¹ Perdices de Blas (1996, pp. 192-193).

²² Perdices de Blas (1996, p. 41).

²³ Jean Bodin, *Los seis libros de la República* [*Six Books of the Commonwealth*] (1576), book I, chapter V, “Del poder del señor y si se deben tolerar esclavos en la República bien ordenada” [“On the power of the master and whether slaves should be tolerated in an orderly Republic”].

²⁴ Veitia Linage (1672, p. 276). The first English edition –in a translation by Captain John Stevens– appeared in 1702: *The Spanish Rule of Trade to the West Indies*. In the second, in 1711, the title was somewhat changed: *The Rule Established in Spain for the Trade in the West Indies*.

²⁵ A synthesis of this debate in Perdices de Blas and Reeder (2003, pp. 188-194).

²⁶ Nonetheless, in his study on Uztáriz, Fernández Durán (1999) says that the major absentee in *Theórica* is America.

²⁷ As Astigarraga and Zabalza (2007, p. 40) conclude, Spain lacked a Dictionary of Trade of a national nature but with a universal viewpoint “and a significant framework of theoretical reflection”. Nor did the complete translation of Savary’s great dictionary reach its peak in Spain, as it did in Great Britain, Germany, Italy or Portugal, by its being adapted to national reality (p. 39).

²⁸ Fernández Durán (2011, pp. 382-386). According to Savary, the inhuman aspect that might be found in the negro slave trade was offset by the Christian teaching given to the slaves and by the absolute need to have them for working in the cultivation of sugar cane, cocoa and indigo (p. 382).

²⁹ Some years later, in 1777, this aspiration of Ulloa’s would be achieved: Spain would obtain the African islands of Fernando Poo and Annobón through the Hispano-Portuguese Treaty of San Ildefonso. Thus they acquired two seemingly ideal enclaves for entering into the direct traffic of negroes. However, their expectations came to nought in the end, since Spain did not manage to take effective control of these territories till 1844. Likewise, also in line with the wishes expressed at the time by Ulloa, in 1765 the *asiento* was awarded to the *Compañía Gaditana de Negros*, whose shareholders were Spanish. However, things did not go well for the company, which operated till 1779.

³⁰ Du Pont de Nemours (1771). When calculating the average annual cost of slave labor (some 420 French *livres*), Du Pont –who undoubtedly was thinking of the sugar plantations of the Caribbean– proposed taking into account such factors as slaves’ premature death, losses from escapees, expenses incurred in putting down slave uprisings, or the inefficient preparation of the crops and tools that were badly used through ignorance or ill will on the part of the slaves, all within a climate of utter lack of natural stimulus for production.

³¹ Smith (1987[1776], pp. 163, 440-441).

³² Fernández Durán (2011, p. 379).

³³ *The Spirit of the Laws*, book XX, chapter XVIII.

³⁴ Spanish members of the Enlightenment were very sensitive to the negative image of Spain spread abroad by the Dutch and the English from the sixteenth century onwards, one which was to be known as “the Black Legend”. Influential French members of the Eighteenth also played a significant role in the spreading of negative stereotypes (Iglesias 1998, pp. 416-417).

³⁵ See Andrés-Gallego (2005, pp. 241-289), who has compared the legal ordering of slavery with the Portuguese, English, French, Dutch and Danish versions, and has analyzed possible evidence on the way in which it was applied in reality. See also Lucena (2002, pp. 221-270; 280-304).

³⁶ Also Andrés-Gallego (2005, pp. 244-245, 290-297). On French abolitionism, Dubois (2004) and Jennings (2000). For the English, Brown (2006). On the Portuguese, Marques (2006).