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**Eugenia TORIJANO**

**INTERNATIONAL LAW AT THE UNIVERSITY OF SALAMANCA IN  
THE 20<sup>TH</sup> CENTURY  
(IN THE SHADOW OF FRANCISCO DE VITORIA)**



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*International Law at the University of Salamanca in the 20th century (in the shadow of Francisco de Vitoria)*

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**INTERNATIONAL LAW AT THE UNIVERSITY OF SALAMANCA  
IN THE 20TH CENTURY  
(IN THE SHADOW OF FRANCISCO DE VITORIA)**

**Eugenia Torijano<sup>1</sup>**

*Abstract*

This paper is a reflection on the development of International Law as a discipline at the University of Salamanca in relation to the omnipresent figure of Francisco de Vitoria and the School of Salamanca, whose legacy was not managed, in my opinion, or was not allowed to be managed, so that Salamanca could become a centre for Advanced Studies on International Law. The weakness of the city of Salamanca since the late 19th century and throughout the 20th, accompanied by centralism and control from Madrid, certainly did not help these claims, which were also not helped by the personality of the chairs of International Law.

*Keywords* : History of Law, International Law Chairs, Francisco de Vitoria, Salamanca, Progress in University Studies, International Law and Political Development, Spain

**I. The international law chair at the University of Salamanca.**

International Law was first taught in Spain as a bachelor's degree subject after the Law curriculum reform of 1883, with Public International Law taught in the fifth year of the degree and Private International Law in the sixth. These teachings were finally included in the bachelor's degree after years of having been studied only in the doctorate, along with Philosophy of Law, a degree that could only be studied at the Central University of Madrid, so the other universities did not have professors in this speciality. This new development meant that professors at peripheral universities had to teach this course without having the chance to catch up on the subject. In the specific case of Salamanca, it was Federico Brusi, Professor of Civil Law and then History of Law, who was assigned the task of teaching International Law for the 1883-84 academic year for both fifth and sixth year. The following year he was assisted by Manuel José Rodríguez, until he was appointed as Professor of Public and Private International Law at the University of Salamanca on 28 December 1886, taking up his position on 5 January 1887<sup>2</sup>. Rodríguez died in 1905 and Isidro Beato Sala assisted the professor in the 1904-05 academic year, until he was appointed professor in 1911 following an exam held between January and February. He held this position until his retirement in 1939<sup>3</sup>; Gonzalo Fernández de Córdoba was professor for the 1906-07 academic year. Beato Sala only had Jesús Esperabé de Arteaga as assistant in the 1930s but he eventually had to abandon his teaching career after being purged by the Franco regime. The position was vacant from 1939 onward until Vicente Ramírez de Arellano was appointed professor of Public and

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<sup>1</sup> University of Salamanca. This paper is part of the Research Project funded by the Spanish Ministry of Science and Innovation entitled 'Law Professors under the Franco regime. Bio-bibliographical catalogue', PID2019-109351GB-C31. (2019 Call for R&D+i Projects - PGC Type Coord).

<sup>2</sup> Eduardo CEBREIROS, 'Manuel José Rodríguez', in C. PETIT (ed.). *Derecho Ex Cathedra...*, pp. 391-392.

<sup>3</sup> E. TORIJANO, 'Isidro Beato Sala', in C. PETIT (ed.). *Derecho Ex Cathedra...*, pp. 65-66.

Private International Law of Salamanca on 25 February 1950, although José Manuel Castro-Rial Canosa held the position previously up until 1946. Therefore, this professor's post was vacant for almost ten years at the university, considered to be the 'cradle of International Law', proof of the abandonment suffered by the institution following the end of the civil war. As we will see, Isidro Beato Sala would be the professor of International Law to become the host of all the events held at this university in memory of Francisco de Vitoria and the School of Salamanca, although he could not or did not wish to live up to the events<sup>4</sup>. His contribution to International Law was rather scarce as he left no written work worthy of consideration but a seamless support for Vitoria's claim to justify the more traditionalist positions, either based on the natural law that links with this common anti-liberal and anti-positivist thread at the School of Law that I have been drawing attention to<sup>5</sup>.

The professor's chair from 1950 until his retirement in 1983 was held by Vicente Ramírez de Arellano Marcos. Born in Salamanca and educated in his city, he passed the professor's exam in La Laguna and immediately transferred to return to Salamanca. He did not leave any relevant written work either, nor did he know about or was he able to leverage this city's link to its past to forge a chair with greater intellectual weight. Of a conservative nature, his personality did not lead him to exercise leadership in the Chair. However, despite his discreet role as chair, he received a grant to travel to the Hague in July and August 1948 to attend courses organised by the Academy of International Law. He also attended the First Congress on Philosophy in Argentina, held in Mendoza in October 1948, invited by the President of the Congress and with permission and on behalf of the University of Salamanca. Also the Congress on International Law held in Quito from 2 to 12 October 1957, although months before he was subject to disciplinary proceedings due to his signature of a document addressed to the Minister in favour of students punished for events in Barcelona. He was forbidden from travelling abroad with his students on the graduation trip (8 April 1957). The case was dismissed, heavily influenced by a letter from the Governor to the Chancellor in favour of Ramírez de Arellano. Nevertheless, the chancellor was hesitant to process the dismissal as he did not trust Arellano, who believed that he was acting under the influence of Tierno Galván and did not consider him to be completely innocent. The decision was eventually processed on 25 May 1957<sup>6</sup>.

## II. The demands of Francisco de Vitoria in Spain.

But now we must look into how the rediscovery and use of the work of Francisco de Vitoria begins. In other words, when a theoretical construction located in the past, in a given context, is first remembered and used-manipulated, we could say-to justify a present that does not

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<sup>4</sup> Neither did he take the opportunity to develop a moderately solid work in such an important medium as the *Anuario de la Asociación Francisco de Vitoria*, where he only published 'La propaganda de la religión Cristiana, como título de conquista, según las enseñanzas del Mro. Vitoria', III (1932). E. TORIJANO, in C. PETIT (ed.), *Derecho Ex Cathedra...*, cit.

<sup>5</sup> The route proposed by Ignacio Forcada on the internationalist of the interwar period is extremely interesting: Ignacio FORCADA BARONA, 'La influencia de la religión católica en la doctrina internacionalista española del periodo de entreguerras (1918-1939)', I. DE LA RASILLA and Y. GAMARRA, (coords.), *Historia del pensamiento iusinternacionalista español del siglo XX. Vol. I: en el umbral del 36*, Madrid, Thomson Reuters Aranzadi, 2012, pp. 231-287. The author highlights the natural law foundation of the opening speech for the 1923-24 academic year at the University of Salamanca, in which Beato Sala understands that International Law must be established and that it takes on meaning in the legal basis of the coup d'état of 1936 precisely in Catholic natural law.

<sup>6</sup> University of Salamanca Archive: AUSA Personnel file. AUSA-AC 1259/11. AUSA Disciplinary file. AUSA\_AC, 1643/10 19889/14. AUSA Bachelor's Degree AUSA 4419/15. AUSA School of Philosophy and Arts student file, AUSA 3966/39 and student file from the same School\_AI 7105/17/3.

share that context. The aim is ultimately to show how the theories of Francisco de Vitoria developed during his professorship in Theology in 16th-century Salamanca were defended at this same university and in Spain to formulate thinking capable of maintaining the monarchical -and dictatorial, in this case- order of the second half of the 19th century and first half of the 20th, incompatible with a fully democratic regime.

We must find the roots of this construction in the Spanish liberal democratic experience of the 1869 Constitution and subsequent fleeting First Republic, which had an advanced Draft Federal Constitution of 1873. These events caused a conservative reaction aimed at curbing any other similar experience, a fact that is directly related to the coup d'état of July 1936, all framed in an international context favourable to this situation.

At this point I want to draw attention once more to the fact that Vitoria and the so-called School of Salamanca have been received by some contemporary jurists as a clean legacy moulded to a contemporary international stage without listening too much to some legal historians.<sup>7</sup> Although it is true that many internationalists already look at this legacy from a distance, as the discipline of International Law was able to become independent from philosophy and history almost a century<sup>8</sup>.

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<sup>7</sup> Once again, I raise the delicate issue of bringing Francisco de Vitoria directly from the 16th century to the contemporary world, by both cultivators of international law and some historians, and the institutions themselves. The relative youth of international law may be the reason, as has occurred with other legal disciplines, for which law historians have not fully addressed its history. The jurists dedicated to this discipline have taken on this role, save for notable exceptions who had already denounced this interpretation of the School of Salamanca. Jesús LALINDE ABADÍA, 'Anotaciones historicistas al iusprivatismo de la Segunda Escolástica', *La Seconda Scolastica nella formazioni del Diritto Privado moderno*, Milano, Giuffrè, 1973, pp. 303-375; 'Una ideología para un sistema (la simbiosis histórica entre el iusnaturalismo castellano y la Monarquía Universal)', in *Quaderni Fiorentini* 8 (1979), pp. 61-156; 'El hispanismo norteamericano en la Historia de las Instituciones de Indias', *Anuario de Historia del Derecho Español*, 56 (1986), pp. 953-976; Stefano MANNONI, *Potenza e ragione. La scienza del diritto internazionale nella crisi dell'equilibrio europeo (1870-1914)*, Giuffrè, 1999. Special mention should be given to Bartolomé CLAVERO, author of a profuse and ground-breaking work, which cannot be detailed here, on the history of relations between Castile and the conquered lands that go beyond -in time and space- the assumption that Vitoria and the School of Salamanca to build a legal apparatus for these territories. Significant is the term 'Catholic colonialism' used by Carlos GARRIGA, which I use to name and understand the context, who also developed great work on the relationship between Castile and the Indies, and of whom I quote here one of his last works in which he offers a dialogue with the texts of Bartolomé Clavero, '¿Cómo escribir una Historia "descolonizada" del Derecho?', J. VALLEJO, S. MARTÍN (coords.), *En Antidora. Homenaje a Bartolomé Clavero*, Thompson Reuters-Aranzadi, University of Seville, Seville, 2019, pp. 325-376. See also J. INFANTE, E. TORIJANO, 'El Derecho Internacional de los siglos XIX y XX en la "cuna del Derecho Internacional". Una visión más de la relación entre Francisco de Vitoria y la Facultad de Derecho salamantina', R. POLO, E. TORIJANO (coords.), *Historia del Derecho desde Salamanca (Estudios en homenaje a la prof.<sup>a</sup> Paz Alonso Romero)*, Salamanca, 2021, pp. 289-334.

<sup>8</sup> Nevertheless, the new generations of international law scholars continue to analyse their past, neglecting their fellow historians in some issues: the valuable work by Ignacio de la Rasilla suffers to some extent from this, according to Carlos Petit: Ignacio DE LA RASILLA DEL MORAL, *In the Shadow of Vitoria: A History of International Law in Spain (1770-1953)*, Leiden/Boston, Brill Nijhoff, 2018, Carlos PETIT, 'Luces y sombras sobre la Sombra de Vitoria', *Rechtsgeschichte. Legal History*, 27 (2019), pp. 390-392. Curiously, de la Rasilla attributes the historiographical change to an international law scholar: I. DE LA RASILLA DEL MORAL, 'A propósito del giro historiográfico en Derecho Internacional', in Yolanda GAMARRA CHOPO, *La idea de América en el pensamiento internacionalista del siglo XX a propósito de los bicentenarios de las independencias de las repúblicas americanas*, 2012, pp. 33-42, he largely attributes the historiographical change to Finnish professor Martti Koskenniemi, who contributes to this volume with 'Colonization of the "Indies", the origin of International Law?', pp. 43-63, where he differentiates the Spanish colonisation model -using political power- from the English and Dutch, powers that colonised using economic power, and the theories of the School of Salamanca served them all to justify their conquering initiatives, projected even until decolonisation in the 1960s based on previous trade imperialism.

The University of Salamanca lost the prominent role it had in the former regime as a result of implementing a centralised liberal state; the relevance of Salamanca and other universities passed to the Central University of Madrid. Salamanca attempted to survive by appealing to its past, therefore, both the School of Law and the university itself remained alert whenever the past was mentioned. One of those first moments was when Francisco de Vitoria was heard to be considered as the founder of International Law. This assertion, coming mainly from a European Catholic orbit that aimed to rival Protestant superiority in the Western world, was the spark that ignited a flame of hope to regain national and even international prominence.

As I have stated, this impetus began in the last third of the 19th century, even though the first goal was not achieved. Vitoria was revived but Salamanca was not reinstated, at least not to its former significance, and it was used as the setting for a myriad of protocol events, which ultimately and most resoundingly led to granting an honorary degree to dictator Francisco Franco<sup>9</sup>, who would relive his years in the city of Salamanca during the first months of the war that broke out after the coup d'état he was jointly responsible for. Indeed, during those years Salamanca was the centre of insurgent Spain and its School of Law was the think tank of that horror which its professors justified without hesitation in Vitoria himself, which also served him as a species of revenge against the liberal regime. Power returned to the centre after the war and Salamanca was once again the provincial university it had always been since the 19th century. Despite efforts to remain an intellectual capital, the brutal reality clashed with these claims: economic precariousness of the war and post-war fully affected the institution, which was another victim of the disastrous situation of such hard years. A final attempt to become the centre of insurgent thought was the creation of the Institute of Spain, on 7 January 1939, which once again reflected the anti-liberalism of these scholars: the warning was expressed at the event to not repeat what happened in the War of Independence, which fought against ideas imposed 'by the surreptitious path of liberal betrayal'<sup>10</sup>. A fundamental argument to legitimise the uprising against the legitimate republican order based precisely on the confrontation between Spain and anti-Spain. The latter belonged, among others, to those in favour of liberalism and the constitutional system, always so reviled by the Franco regime. This anti-liberal idea was also maintained by the institution that also sustained the regime, the Catholic church, which was severely damaged by liberal ideas both in Spain and at the very heart of the church in Rome.

If the first manifestations of Salamanca's claim to being the birthplace of International Law come after World War I<sup>11</sup>, Francisco de Vitoria's claim is earlier, from the last 19th century with the restoration of the community of Dominicans of Salamanca at its headquarters in the Convent of San Esteban and the recovery of Theology studies in 1892<sup>12</sup>. From that

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<sup>9</sup> J. INFANTE, 'Salamanca, 7-8 de mayo de 1954: fastos para un dictador (cuatro por el precio de uno)', <http://hdl.handle.net/10366/121955>

<sup>10</sup> Vid., Jaume CLARET MIRANDA, *El atroz desmoche. La destrucción de la Universidad española por el franquismo, 1936-1945*, Crítica, Barcelona, 2006, pp. 110 et seq.

<sup>11</sup> We can pinpoint the moment in the speech by University of Salamanca Chancellor Luis Maldonado to the faculty on his own initiative to offer it as an institution for culture and thought at the Peace Conference after World War I, held in Versailles.

<sup>12</sup> One of the leading figures of this restoration was Dominican Pedro Manovel y Prida, professor at the University of Salamanca, who literally saved the Convent of San Esteban of Salamanca, vid. E. TORIJANO PÉREZ, 'Pedro Manovel y Prida', *Diccionario de Catedráticos españoles de Derecho (1847-1943)* [online]. Carlos III University of Madrid. Figuerola Institute of History and Social Sciences, <http://www.uc3m.es/diccionariodecatedraticos>. An abridged version has been published, on paper and in digital format, which we will quote from now on: Carlos PETIT (ed.), *Derecho Ex Cathedra 1847-1936. Diccionario de catedráticos españoles*, Carlos III University of



moment onward, the clear goal seemed to be ‘rescuing’ the main figures of the 16th-century order in Salamanca. This recovery task first began in this context with Alonso Getino, for example, who began writing various works between 1910 and 1912 focusing on Vitoria in order to recover or defend the universal figure of the Dominican ‘before a foreigner thinks to do it’<sup>13</sup>. This forceful and explicit expression is perfectly understandable if we consider the international context in which claims around the figure of Francisco de Vitoria are first asserted, closely linked with the birth of International Law as an academic discipline in Spain. Remember that Vitoria was first rediscovered from the European Catholic sphere when Belgian Catholic Erns Nys highlighted his influence on 16th-century Spanish thinkers in a work by Hugo Grotius (a Dutch Protestant) to mark his tri-centennial in 1883. The idea is quickly taken up in Spain precisely to provide the emerging academic discipline of International Law with one of its quasi-national hallmarks. We must remember that the 1883 Law on the reform of Law studies reinforced the development of the first generation of internationalists, whose work is known for cultivating the socio-historic perspective and for their approach to positive law with a natural law perspective<sup>14</sup>.

However, this new attention towards Vitoria, whether from the Belgian Catholic sphere or from the Dominican renaissance in Spain, was greatly received throughout the Spanish intellectual spectrum. No intellectual could dismiss or reject the prestige of 16th-century Spain. In this spectrum, both traditionalists, integralists, ultramontanist Catholics and Neo-Thomists on the one hand, and Catholics represented by Meléndez Pelayo<sup>15</sup> or Gumersindo Valverde on the other, as part of the more conservative wing, accepted Vitoria and the School of Salamanca as a basis for their legal ideas connected with the idea of regulating, ‘the excesses perceived by the attraction to positivism’<sup>16</sup>. But it was not only the conservatives, the faction represented by Krausists and Neo-Kantians also wanted to join this claim, understanding that it was perfectly in line with their aims. Indeed, as part of Spain insertion in the League of Nations, both ideologies relied on Vitorian tradition to assert their positions, even to defend Spain’s neutrality in World War I, but traditionalists or Catholics did not back the same neutrality as was defended by the Republicans<sup>17</sup>.

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Madrid-Dykinson, Madrid, 2019, pp. 286-287, <http://hdl.handle.net/10016/28916>; Ramón HERNÁNDEZ, ‘San Esteban de Salamanca ante la restauración de su estudio general en 1897’, in *Ciencia Tomista*, 1974, pp. 23 et seq. Tomás PÉREZ DELGADO, ‘Cruzados salmantinos. La Ciencia Tomista contra los católicos europeos’, *Salamanca. Revista de Estudios*, 27-28 (1991), pp. 183-226.

<sup>13</sup> Miguel Anxo PENA GONZÁLEZ, ‘El concepto de ‘Escuela de Salamanca’, siglos XVI-XX’, L. E. RODRÍGUEZ-SAN PEDRO (coord.), *Historia de la Universidad de Salamanca. III.1. Saberes y confluencias*, Ediciones Universidad de Salamanca, 2006, Salamanca, pp. 288 et seq.

<sup>14</sup> I. DE LA RASILLA DEL MORAL, ‘El estudio del Derecho Internacional en el corto siglo XIX español’, *Rechtsgeschichte. Legal History*, 21 (2013), pp. 48-65.

<sup>15</sup> Meléndez Pelayo’s vehemence in defending Spain as an evangelist of the new world is well known, ‘hammer of the heretics, light of Trend, sword of Rome, cradle of St Ignatius’, ‘this is our grandeur and our unity; we have no other’. It was he who answered Eduardo de Hinojosa’s inaugural speech at the Academy of History, who defended the figure of the Dominican and who focused on highlighting the renewed Renaissance methodology and leveraged Spain’s claim as the birthplace of International Law, *vid.* I. DE LA RASILLA, ‘El estudio del Derecho Internacional...’

<sup>16</sup> I. DE LA RASILLA DEL MORAL, ‘Francisco de Vitoria’s *Unexpected...*’

<sup>17</sup> Y. GAMARRA CHOPO, ‘La ilusión de la Sociedad de Naciones’, *Los orígenes del Derecho Internacional contemporáneo*, pp. 289-312. Some clarification is missing on each of Vitoria’s defenders, as well as, although no less necessary, the framework of when and how these speeches and other declarations are made.

But Vitoria was defended by everyone. That fear expressed by Getino of seeing Vitoria ‘usurped’ by foreigners was not in vain, as in March 1919 the Salamanca School of Law received a proposal from its counterpart School of Leiden to back a report it had drafted and bring it to the initiative of the League of Nations<sup>18</sup>. In this setting, and given these initiatives, the School of Law in Salamanca would take on the idea of Vitoria as the seed for the League of Nations that would become a kind of mantra assumed by the School from the outset, and that would serve it in some way to acquire a certain prominence in the Spanish university stage, especially during the two 20th-century dictatorships. In this context, we must recall that the Vitoria they are attempting to rescue is not so much the theologian but the instigator of peace, not only in the Hispanic sphere, but also the global sphere. A stable peace sought by the worldwide experience of the first global war, and so an edition of Vitoria’s *De indis et de iure belli secciones* was published in Washington in 1917 by Ernest Nys, of which we should note the ‘prodigious continuity between Vitoria’s 16th-century Neo-Thomist natural law and the Monroe doctrine’, activated by the American JB Scott, who takes on the ‘imperial ethics’ of the Dominican for his interests<sup>19</sup>.

The response from the School of Leiden is based on a report issued by International Law professor Isidro Beato, which reveals his position as a loyal follower of national Catholic international law, a field in which the recovery of Francisco de Vitoria had its greatest projection<sup>20</sup>. In the report, Beato leans toward the interpretation of ‘Vitorian’ neutrality, supported by the ‘just war’, maintained by the more traditionalists. In other words, an imposed neutrality compared to the conception of Republicans such as Azaña or Salvador de Madariaga, active neutrality, as passive neutrality could directly aid the transgressor<sup>21</sup>, as occurred in the case of the Spanish Republic. Not only does it reveal the traditionalism of Beato, and of the School that assumed it, in its commitment to traditional neutrality, conceiving wars as State-on-State and not between peoples, but he also understands the League of Nations as a management league, an administrative league, whose actions will bring international peace, a technocratic view stemming from the most conservative Spanish liberalism, adapted decades later within the Franco dictatorship. And while maintaining the equality of member states, some are understood to be worthy of guardianship, typical of this world of the League of Nations immersed in the process of decolonisation<sup>22</sup>.

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<sup>18</sup> On 20 March 1919, the School Board reports on the letter from the Dean of Leiden to join that university’s petition to rulers that they allow Law Schools of universities in neutral countries to review the Constitution of the League of Nations, drawn up at the Paris Conference and published on 15 February. The School of Salamanca met to approve the report on this issue, entrusted to Beato Sala as professor of Public International Law.

<sup>19</sup> F. GÓMEZ, ‘Historicidad...’

<sup>20</sup> Y. GAMARRA CHOPO, ‘Nacionalcatolicismo e internacionalismo en las cátedras de Derecho. Luis García Arias (1921-1973)’, *e-Legal History Review*, 22 (2016).

<sup>21</sup> Y. GAMARRA, “La ilusión española...”, Republicans also took into account the new element brought by international relations, coined especially in the famous ‘Briand-Kellogg’ pact, i.e., the inconsistency of traditional neutrality or the immorality of impartiality faced with the ‘crime’ of war, p. 310.

<sup>22</sup> Bartolomé CLAVERO, ‘Derecho bajo asedio, 1936-1939. República Española y Sociedad de Naciones en el escenario europeo entre constitucionalismo y dictadura’, in *Quaderni Fiorentini*, 47, 2018, pp. 257-315; ‘España en la Sociedad de Naciones’, <https://conversacionsobrehistoria.info/2020/02/09/espana-en-la-sociedad-de-naciones-1920-1939/>

The School Board unanimously accepted the report on 7 April 1919 and agreed to set up a commission, formed by Beato and professors Requejo and Bernis, to issue a report that would be sent to the University of Leiden in response to its request. It is no surprise that Bernis was a member of this committee, as he was part of the discreet entourage sent by chancellor Maldonado to Madrid to contact President Romanones in order to convey to Wilson that the university was willing to participate in the Peace Conference<sup>23</sup>. This initiative is well known and the intention of the chancellor, a jurist, is noteworthy in his attempt to put Salamanca at the centre, or at least a corner of the stage, of the international order, in a clear line of continuity of the institution as the birthplace of international law with roots in another international event that changed universal history. This is shown in the minutes of the School Board of 16 January 1919, which express President Wilson's, a Law professor, approval of the initiative for the 'idea of the League of Nations, an idea already initiated by former teacher of the School of Salamanca, Francisco de Vitoria'<sup>24</sup>.

We see how the Dominicans and Vitoria once again have a notorious presence that will only keep growing. A few years later, it is the unexpected invitation from the Netherlands that makes Vitoria's name resonate in the university and the streets of Salamanca. As is well known, on the centenary of Grotius, the Netherlands wanted to recognise the background that Vitoria's work represented for the Dutch jurist and thus offered the institution where he taught a medal commemorating the milestone, a ceremony that coincided with the 5th centenary of Vitoria's appointment as First Professor of Theology in Salamanca<sup>25</sup>. Salamanca, its university and its other local institutions enthusiastically welcomed these celebrations, which would result in days of international glory for this corner of the world. National press reported all the events in detail in 1926<sup>26</sup> and this led to a series of events around Vitoria in which Salamanca, its School of Law, will always want to stake their claim as the centre of origin of the Dominican and, therefore, prominence in the national and international arena. This was somewhat achieved during the two periods of dictatorship in the 20th century, not so in the years of the Second Republic, although its goal was not even achieved in the dictatorships as Salamanca was always considered by the government as a beautiful 'historical framework', loyal and docile, and therefore representing no problems for power.

### **III. The memory of Francisco de Vitoria at the Salamanca School of Law.**

#### *a. From the late 19th century to 1936.*

The cultural and political situation of Spain in the early 20th century is noted above, as well as the international order during those same years. In this framework we must also stress the

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<sup>23</sup> The initiative is studied in detail by T. PÉREZ DELGADO, 'La Universidad de Salamanca ante la Conferencia de Versalles, una iniciativa del Rector Luis Maldonado', *Salamanca. Revista de Estudios*, 43 (1999), pp. 73-96.

<sup>24</sup> The Dominicans of Salamanca were equally enthusiastic about the creation of the League of Nations, such as Luis Urbano, who dedicated an article in the order's magazine *Ciencia Tomista* entitled 'La Sociedad de Naciones y los principios tomistas del Maestro Fray Francisco de Vitoria' in 1929 who expressed his initial reluctance about the League of Nations but then succumbed to the spirit of Vitoria which has, in his opinion, permeated the international organisation, I refer to I. FORCADA, 'La influencia de la religión católica...'

<sup>25</sup> The celebration of this centenary is part of the prominence acquired by the commemorations during the first two decades of the 20th century as a strategy to forge a Spanish identity, Javier MORENO LUZÓN; *Centenariomanía. Conmemoraciones hispánicas y nacionalismo español*, Marcial Pons, Madrid, 2021.

<sup>26</sup> Famous chronicle by ABC, *Se inaugura en Salamanca la Cátedra Francisco de Vitoria*, of 11 November 1927, *vid.* <http://www.filosofia.org/hem/dep/abc/9271111.htm>

concept of Indies Law which emerged with Levene in the 1920s, accepted and adapted in Catholic Spain and, in our particular case, in Catholic Salamanca<sup>27</sup>. This stance in America leads us to link it with the desire to strengthen ties between Spain and South America, and initiatives to unite and leave the events of 1898 behind<sup>28</sup>. For the case of Salamanca, we have a clear example although unfortunately without results, when the university wished to collaborate with others, ‘especially American’, in a project created by the Ibero-American Union Association to create a Centre of Advanced Studies at the University of Salamanca. The issue was brought before the General Faculty meeting on 7 April 1904 by the School of Law, whose Board meeting on 29 March the previous year had reported that the Ibero-American Union ‘had managed with the political powers and they have in principle accepted the establishment of a Centre of Studies’. The initiative regrettably received a negative response and the project came to nothing due to lack of funds, despite there being hope at times<sup>29</sup>.

Meanwhile, the idea of recovering Vitoria was also being forged in the northern hemisphere. James Brown Scott famously became the great defender of Vitoria from the United States, an emerging global power, whose aim was to ‘build a rigorous and objective science of international law and disseminate the conception and practice of the United States in this area in the international community, particularly in Latin America’<sup>30</sup>, for which he viewed Vitoria as a good precedent for the idea of the ‘benevolent empire’ the United States sought to define in its relations with South America and, years later, with the whole of the West. In Spain, and in Salamanca in particular, the idea that a US Protestant would thus accept the teachings of a

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<sup>27</sup> We refer, as one of the last reflections on Spanish colonialism in America, to Carlos GARRIGA, ‘¿Cómo escribir una Historia “descolonizada” del Derecho?’, J. VALLEJO, S. MARTÍN (coords.), *En Antidora...*, pp. 325-376, who in turn collects the last contributions on the subject, above all the position of Bartolomé Clavero.

<sup>28</sup> Nineteenth-century regenerationism and subsequent international politics turned Americanism into a fundamental goal of international relations, *vid.* José Luis NEILA HERNÁNDEZ, *Regeneracionismo y política exterior en el reinado de Alfonso XIII (1902 -1931)*, Spanish Commission for the History of International Relations, Madrid, 2002. For a summary of the main Spanish Americanist associations from 1885 to 1936, see Isidro SEPÚLVEDA MUÑOZ, ‘Medio siglo de asociacionismo americanista español, 1885-1936’, *Espacio, Tiempo y Forma, S. V, Hª Contemporánea*, IV (1991), pp. 271-290.

<sup>29</sup> School of Law Board Minutes, 29 March 1904. With regard to international relations, as is well known, the 20th century marked a novel opening in the Spanish university panorama as exchanges began with foreign professors thanks to policies of grants to extend studies. We can see in the School Board Minutes how subsequent proposals are presented by professors from Salamanca to go abroad, as well as to invite European and even American colleagues.

<sup>30</sup> Juan Pablo SCARFI, *El imperio de la ley. James Brown Scott y la construcción de un orden jurídico internacional*, Mexico City, 2016, p.25. According to this author, he discovered Vitoria and realised that he was the father of International Law by ‘combining his defence of the American and pan-American model with a Hispanic, colonial and Catholic concept of the discipline’ and his knowledge of the Spanish colonial empire helped him to understand the US position as ‘informal empire’ over Latin America, updating Vitoria’s just war as an excuse to legitimise US foreign policy. I. DE LA RASILLA, ‘Francisco de Vitoria’s Unexpected Transformations and Reinterpretations for International Law’, *International Community Law Review* 15 (2013), pp. 287-318. The anecdote that reflects acknowledgement of Vitoria’s recovery by Scott-Brown is well known. His face served as a model for US artist Boardman Robinson to decorate the United States’ Department of Justice Building with the figures of Vitoria and Grotius, a chronicle by Camilo Barcia published in the newspaper *ABC* on 5 August 1955, <http://www.filosofia.org/hem/dep/abc/9550805.htm>

16th-century Catholic professor was welcomed with open arms<sup>31</sup>. It was for Salamanca, as we said at the beginning, a new opportunity to lead intellectual life at least in Spain; unfortunately, the sparkle was fleeting.

Three major channels were planned to defend, commemorate and promote the figure of Francisco de Vitoria, as is known: a Chair in Salamanca, an international association and an institute headquartered in Madrid. The institute was a lost battle as the Law professors of Salamanca repeatedly insisted in requesting an International Law Institute that would become independent from the School of Law over time, to have its own status as a School. The association was also centralised in Madrid, although many conferences organised by it were held in Salamanca, its headquarters and address were outside the city. All that remained as genuinely from Salamanca was the chair, which hosted lectures and courses by a wide range of intellectuals.

The association was created in Madrid, on 14 July 1926 as an initiative by José de Yanguas<sup>32</sup>, then Minister of Education, Eduardo Callejo<sup>33</sup> and Benjamín Fernández y Medina<sup>34</sup>, as a direct result of the 4th centenary of Vitoria's chair in Salamanca. Its primary goal was to reform International Law teaching, always defending the existence of a Spanish International Law school and tradition prior to Grotius. With a scientific focus, the association aimed to 'disseminate works by great masters of the race', as well as Portuguese, Spanish and American. Its members, voted in the way of academies, show a conservative ideological bias. Most of them were always enthusiastic about the Primo de Rivera dictatorship and, later, justified the coup d'état in 1936, although it opened up to members such as Sánchez Albornoz, Nicolás Pérez Serrano or Adolfo Posada during the Second Republic<sup>35</sup>. Even though the association was based in Madrid, it met in Salamanca during the war, on 7 January 1938, and agreed to appoint Rodríguez Aniceto as secretary<sup>36</sup>.

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<sup>31</sup> 'Was Salamanca in 1923 in a position to deny this –J. B. Scott–?', asks F. GÓMEZ, 'Historicidad...' Evidently no, but it knew how to take advantage of this opportunity that perfectly suited its goal that originated in the restoration of the Dominican order, in other words, Eurocentrism and, above all, Christian, conceived as a unit of belief.

<sup>32</sup> Yanguas would have a fluid relationship with Salamanca during the two dictatorships, first as Minister of State, with the initiatives and boost of celebrations of Francisco de Vitoria and, years later, as professor of International Law, to visit during the civil war and offer conferences on the legitimation of war. His main role to promote the memory of Vitoria stems from his role as professor of International Law and his political offices during the 20th-century dictatorships. As an expert in International Law, he wrote several works, some dedicated to Vitoria: 'Las tres reglas de oro de la guerra del maestro Vitoria', *Anuario de la Asociación Francisco de Vitoria*, volume II, 1929-30 and co-authored by Eloy Bullón, *IV Centenario de Fray Francisco de Vitoria*, Madrid, 1946, M<sup>a</sup> Pilar HERNANDO SERRA, 'José M<sup>a</sup> Yanguas Messía, vizconde de Santa Clara de Avedillo (1890-1974)', in C. PETIT (ed.), *Derecho Ex Cathedra...*, pp. 476-477.

<sup>33</sup> In addition to Minister, Callejo was a professor of Natural Law and Philosophy of Law at the University of Valladolid. E. E. MARTÍNEZ CHÁVEZ, C. PETIT (ed.), *Derecho Ex Cathedra...*, pp. 89.

<sup>34</sup> Uruguayan diplomat Fernández y Medina held senior positions at the Ministries of the Interior and Foreign Relations in Uruguay and was also important at the delegations in Germany, Netherlands, Spain and Cuba. In 1897, he was secretary of the Police Headquarters in Montevideo. He also left literary pieces of drama and poetry, as well as his speciality as a journalist.

<sup>35</sup> T. PÉREZ DELGADO, 'Francisco de Vitoria: institucionalización de su memoria. Salamanca, 1926-1936', J. A. BONILLA, J. BARRIENTOS (coords.) *Estudios Históricos Salmantinos. Homenaje al P. Benigno Hernández Montes*, Salamanca, 1999, pp. 539-571.

<sup>36</sup> T. PÉREZ DELGADO, A. FUENTES LABRADOR, 'De rebeldes a cruzados...'

Its funds were administered by the Francisco de Vitoria Chair, created by Royal Decree 486/1927 of 7 March by the Ministry of Education at the proposal of the association<sup>37</sup>. But if the Chair was viewed as a boost by university government, it was not without controversy among Law professors themselves, mainly reported in the local press<sup>38</sup>. More conservative professors, such as Rodríguez Mata, approved the proposal as it ‘broke the lock of Spanish university’ but, on the other hand, it ran the risk of sanctifying Vitoria, so he opted for creating an International Law Institute geared toward teaching and, above all, research, the area the Spanish university lacked the most<sup>39</sup>. This option was also backed by International Law professor Isidro Beato Sala and History of Law professor Manuel Torres López. Concerns about sanctifying Vitoria are not new in the School of Law; in March 1926, an agreement by the Board of Deans was referred to the Board to entrust the School with publishing the Vitoria’s *relectiones*. Antón Oneca, Criminal Law professor, understood that the School lacked money for this and what was being celebrated at the time was a work by Grotius. Meanwhile, Maldonado understood that the publication should be a critical edition, and Wenceslao Roces that the difficulty was not economic, but rather of preparing a critical edition, which was most important. Finally, a non-critical edition of Vitoria’s work was approved<sup>40</sup>.

The chair was undoubtedly the most Salamancan of Vitoria’s institutionalisation as it was directly linked to the university and its activities were carried out in the city, despite participants being, ‘Spanish, Latin-American or Portuguese professors or publicists, appointed by the Minister of Education and Fine Arts, at the proposal of the Francisco de Vitoria Association’, which we must remember was managed from Madrid. City authorities spared no expense at its inauguration, with the subsequent repercussion in the national press<sup>41</sup> and the opportunity was taken to invest James Brown Scott and Ambassador for Uruguay Benjamín Fernández y Medina as honorary doctors. The US guest was responsible for inaugurating the chair courses with a speech in which, of course, he did underplay the relevance of Dominican Francisco de Vitoria as the father of modern International Law over Grotius. The inaugural conferences by Brown Scott and Father Getino were followed in the spring by lectures by International Law professors Camilo Barcia and Aniceto Sela. Each course was to have two rounds of lectures: one in autumn and another in spring. The following academic year, 1928-29, no lectures were held due to reason beyond the professors of Salamanca, fulfilling the worst omen of those who defended organisation and decision-making from Salamanca and not from the association. However, the lectures scheduled for the 1929-30 and 1930-31 academic years were held, with the curious note that two lectures were held on consecutive days; one by Claudio Sánchez-Albornoz, entitled ‘A Spanish-Muslim forefather of Francisco de Vitoria’, where he highlighted the parallel between the doctrine on war by Mahmud el Mahbu and Vitoria; to exorcise that audacity, the next day the Bishop of Salamanca, Francisco Frutos Valiente, spoke about ‘Vitoria’s doctrine on the royalty of Christ’, in which he mentioned

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<sup>37</sup> *Gaceta de Madrid*, 8 March 1927, pp. 1.438-1.439.

<sup>38</sup> Ramón HERNÁNDEZ MARTÍN, ‘La célebre “cátedra de Francisco de Vitoria” en la Universidad de Salamanca’, *Archivo Dominicano*, XXXVII (2016), pp. 637-692; T. PÉREZ DELGADO, ‘Francisco de Vitoria: institucionalización...’. Teodoro Andrés rejected this idea and called for the creation of a centre for ecclesiastical studies with the intention of re-establishing the Schools of Theology and Canon Law, a desire that would be fulfilled later with the creation of the Pontifical University of Salamanca in 1940.

<sup>39</sup> T. PÉREZ DELGADO, ‘Francisco de Vitoria: institucionalización...’

<sup>40</sup> School Board Minutes, 17 March 1926.

<sup>41</sup> Chronicle by *ABC* on 11 November 1927.

the festival of Christ the King established by Pius XI, relating it to Vitoria's reading 'On civil power'.

The lectures of the first academic year following the establishment of the Second Republic went without surprises, although we could highlight, unlike the bishop's lecture, the lecture Antonio Goicoechea y Cosculluela, president of the Ibero-American Union, entitled 'Francisco de Vitoria and the self-limitation of power', also based on 'On civil power'. Robert Redslob also spoke that year, with novel themes such as those of his two lectures: 'Les principes du droit des gens proclamés par la Révolution Française' and 'Les theses d'Emmanuel Kant sur la paix perpetue'. Lectures were held during the following academic years, with the last in 1935-36.

They were resumed after the war in 1940, returning once again to a more historicist theme and, of course, in accordance with the regime. During this period, the centenary of the Vitoria's death was also used to once again bring some authorities to Salamanca. The relevant events were held at the university in June 1946, presided by its chancellor, Esteban Madruga, and Bishop Barbado Viejo, who welcomed a variety of foreign figures such as US professor Brierley, Swiss Sundberg, or International Law professor from Freiburg, Antonio Favre, in addition to Camilo Barcia and Juan Manuel Castro-Rial, an International Law professor in Salamanca. A posthumous tribute was paid to Brown Scott with representatives from Pax Romana and Universitas in attendance<sup>42</sup>. At the tribute held in the Convent of San Esteban speeches were given by the prior, MacKenna from Providence College, the chancellor and president of the Francisco de Vitoria Association, José Gascón y Marín. The next day, the commemoration came to an end with speeches by Luis Lachance, from the University of Montreal, and Ross JS Hoffman, from Fordham University, in addition to primate of Spain, Pla y Daniel, who had close ties to Salamanca.

Lectures were held regularly until 1950, but were more and more spaced as of 1951, until the last was held in May 1969 with a speech by German Hans Thieme on 'Late Spanish Scholasticism and its influence on Natural Law'. By then the Francisco de Vitoria Institute had already disappeared and been absorbed by the CSIC. In April 1952, Salamanca still

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<sup>42</sup> The 19th World Congress *Pax Romana* was held in Salamanca and El Escorial from 21 June to 4 July 1946. Much in keeping with the international environment, *Pax Romana* was originally an organisation of Spanish, Dutch and Swiss Catholic universities established in Freiburg in July 1921, deemed to be the continuation of *Auxilium Studiorum*, dedicated to helping Catholic students victims of World War One. Its purpose was to foster ties between Catholic students from all around the world to find the way to maintain peace by resorting to a new Roman domination, but conveniently Christianised and also in its Catholic version. It organised sixteen congresses in different European countries in the 1920s and 30s. The 17th Congress was held in Washington, in September 1939, to address relations between Pax Romana and the group Acción Católica. Joaquín Ruiz-Giménez from Spain was appointed as international president of *Pax Romana* and the following congress, scheduled to be held in Spain in 1939, had to be delayed until 1946. It was refounded in 1947 with the name *Pax Romana* ICMICA/MIIC (The International Catholic Movement for Intellectual and Cultural Affairs/Mouvement International des Intellectuels Catholiques) with headquarters in Geneva and in relation to the International Movement of Catholic Students or Catholic Student Youth, based in Paris. It was recognised by the Holy See and by the international network of the Conference of International Catholic Organisations. It has consultative status with the United Nations Economic and Social Council, UNESCO and the Council of Europe since 1949, and participates in the World Social Forum. Vid. <http://www.filosofia.org/ave/001/a049.htm>, list of attending members: <http://www.filosofia.org/ave/001/a050.htm>

Both MacKenna (Chaplain and Prof. of History, Providence College), Louis Lachance O.P. (Prof. at the University of Montreal and member of the French Canadian Academy and the Academy of Saint Thomas Aquinas, and Director of the Montreal Philosophy Society) and Ros Hoffman (Prof. of History at Fordham University, New York), were members of Pax Romana and took advantage of the Congress in Salamanca, while also speaking at the tribute to Vitoria.

served as a beautiful setting for opening and closing ceremonies. This time it was on 12 April 1952, with the closing of the 5th Congress of Auditors of The Hague School of International Law, which began its sessions in Madrid and was this association's first congress held in Spain.

The third base for perpetuating the memory of Vitoria was the institute, which was not created until 1933. As we already mentioned, the School had repeatedly insisted on its creation, with the intention of it becoming an independent School, but these wishes were never met. By 1933, the Salamanca School of Law had no moral and intellectual ascendancy in the Government of Madrid, as it did during the dictatorship and monarchy. Significantly, the School's minutes never reflect a tribute to or recognition of the Republic or its President and, quite to the contrary, did not spare in regaling the dictator Primo de Rivera and King Alfonso XIII. One with an honorary doctorate<sup>43</sup> and the other, in addition to complete loyalty as a university closely linked to its monarchs, with the Grand Cross of Alfonso XII<sup>44</sup>. As I anticipated, the creation of the failed Francisco de Vitoria Institute stemmed from the School Board meeting of 27 April 1933, when a (not new) proposal is read from International Law professors Isidro Beato and Jesús Esperabé de Arteaga to found an International Law Institute at the university, which could become an independent body. Unanimously approved, the Board agrees to refer it to the Governing Board of the University's Board of Trustees to ratify this agreement and assign it funds. Despite the interest and efforts, the institute did not function for the high aspirations proposed, as several courses were held that only proved a weakness in the inflated initial idea<sup>45</sup>. An institute with the same name was created in Madrid as part of CSIC, which was ultimately entrusted with publishing *Anuario de Historia del Derecho Español*<sup>46</sup>.

In the context of institutionalising the memory of Francisco de Vitoria, I believe it is of special interest to highlight what was perhaps the culmination of the 'internationalisation' of the University of Salamanca during the first decades of the 20th century, a moment that was nothing more than good staging. As is well known, it was at the university Faculty

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<sup>43</sup> On 3 March 1922, the School Board minutes show courtesy shown to a request by the School of Law of Murcia to join up with the other Schools in order to 'respectfully protest before the public powers for the permanent suspension of constitutional rights', in light of which, all those in attendance agreed, 'that, as it is a matter that does not affect nor is it related to teaching, such a protest is not pertinent'. The meeting was attended by (interim) dean Isidro Beato, Teodoro Andrés, Nicolás Rodríguez Aniceto, Domínguez, Nuño, and Peña as secretary.

<sup>44</sup> For this, the chancellor called the faculty on 15 December 1929 to take the initiative in requesting the Grand Cross of Alfonso XII for King Alfonso XIII. The chancellor's initiative was rejected by Enrique Rodríguez Mata and Castro Prieto Carrasco (Mayor of Salamanca at the time of the coup d'état on 18 July 1936 and assassinated ten days later).

<sup>45</sup> *Vid.* T. PÉREZ, 'Francisco de Vitoria: institucionalización...', where he indicates that a few months after approving the report, the idea of the institute diluted by the idea of creating a School of Canon Law, at the initiative of Rodríguez Aniceto. The institute had some activity in Salamanca, even publishing an informative leaflet, but did not last much more than a couple of years.

<sup>46</sup> *Vid.* S. MARTÍN MARTÍN, 'Los juristas en los orígenes de la dictadura (1937-1943)', F. FERNÁNDEZ-CREHUET LÓPEZ, S. MARTÍN MARTÍN (coords.), *Los juristas y el "régimen". Revistas jurídicas bajo el franquismo*, 2014, pp. 11-132, in the sense of institutional construction for the doctrinal support of the dictatorship. A review of the Madrid Institute was presented at *Arbor*, dating its origin to 1933 as the Institute for International and Economic Studies, created as part of the National Foundation for Scientific Research, which was offered a grant by the Rockefeller Foundation so that its researchers could work full time in exchange for good remuneration. It adopted the name Francisco de Vitoria after the war and various specialist legal sections were created. It collaborated with the 'Francisco de Vitoria' Association, paying the costs of its yearbook which published the lectures given by the Chair of the same name in Salamanca, 'The "Francisco de Vitoria" International Law Institute', *Arbor*, 29 (Sep. 1954), pp. 168-171.



meeting on 10 April 1929 when the telegram sent by the Minister of Education regarding ‘the magnificent project that cultural elements of America and Universities of the United States have decided to carry out at this university to exalt its glorious legal tradition’ was announced. As was common, the Faculty meeting discussed various proposals to express gratitude to the Minister of Education, José Yanguas, the Minister of State, Brown Scott and Fernández Medina. The latter as representative of universities from Central and South America, and Brown Scott as the US representative. The first two ‘for how much they have contributed to the creation of the Francisco de Vitoria Chair at this university’. The traditional committee was named to formalise the gratitude, appointing, in addition to the Dean of Law, Beato Sala, Rodríguez Aniceto, Antón Oneca and the Chancellor. But Antón Oneca refused to be part of the committee and also voted against the agreement<sup>47</sup>. The committee proposal, in agreement with the city Council and Provincial Council, was presented at the Faculty meeting on 21 November of that year and consisted in gifting the Minister, Yanguas, Brown Scott and Fernández Medina with a silver plaque, and a scroll for Camilo Barcia and Fernández Prida<sup>48</sup>, presented at a lunch with local institutions to be held on the 30th of that month to mark the end of the Francisco de Vitoria Chair Lecture Series, attended by the Minister, who had to be ‘given a warm welcome for his repeated displays of affection to this School during his tenure in the Ministry’.

As we have mentioned, these figures had already played roles in other significant events in Salamanca. The inauguration of the Francisco de Vitoria Chair was used to present James Brown Scott and Benjamín Fernández Medina with honorary doctorates at a ceremony held on 10 November 1927. Held with the usual pomp and circumstance of these events, it was witnessed by Spanish and international dignitaries in accordance with the rank of the new doctors<sup>49</sup>.

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<sup>47</sup> Faculty Minutes, AUSA, 548, f. 9 et seq.

<sup>48</sup> Camilo Barcia was one of the International Law professors during the first half of the 20th century. He was dismissed after the civil war and later reinstated, E. CEBREIROS, in C. PETIT (ed.), *Derecho Ex Cathedra...*, pp. 57-58.

Joaquín María Fernández Prida was one of the first professors of Public and Private International Law. He was a senator for many years and successively held sporadic office at the Ministries of Grace and Justice, Governance, Navy and State, and was also the Spanish delegate for the International committee for the study of issues related to the use of water in international stretches of rivers bordering Spain and Portugal, and between 1909 and March 1911 he temporarily transferred to Warfield, United Kingdom, on a mission entrusted by the King, J. M. PUYOL, in C. PETIT (ed.), *Derecho Ex Cathedra...*, pp. 154-155.

<sup>49</sup> The North American was then president of the American Society of International Law, and professor and dean at several US universities, and Benjamín Fernández Medina was Minister of Uruguay and ambassador-at-large for his country in Spain at that time. In addition to the chancellor and local authorities, the presidential table included Minister for Education Callejo; the president of the National Assembly and the Francisco de Vitoria Association, José de Yanguas; the United States Ambassador, Duke of Alba and doctor Barbosa Magalhaes, from the University of Lisbon, *vid.* Jerónimo HERNÁNDEZ DE CASTRO, ‘Los primeros doctorados honoris causa en España’, L. E. RODRÍGUEZ-SAN PEDRO, J. L. POLO, *Universidades hispánicas: modelos territoriales en la Edad Moderna*, vol. 2, Salamanca, 2007, pp. 281-306.

The proposal to honour Medina was signed by Antón Oneca, Torres López, Máximo Peña, Cristino Jiménez, Ramos Loscertales, Agustín del Cañizo, Juan José Barcia, Guillermo Sáez and Francisco Maldonado, based on him having been ‘the founder of the Francisco de Vitoria Association and populariser of the work of distinguished master from Salamanca’. Meanwhile, those who proposed the honorary doctor’s award for Brown-Scott were Francisco Maldonado, Antón Oneca, Cristino Jiménez, Ramos Loscertales, Juan José Barcia, Torres López, Gerardo Peralta, Serafín Pierna, Emilio Firmat, Juan Sánchez, Casto Prieto, Máximo Peña, Guillermo Sáez and Agustín del Cañizo, who justified their decision based on ‘being the main scholar of the doctrines of Father Vitoria on international law’. Accepting the two proposals, the Faculty meeting on 4 November 1927 unanimously agreed to grant the honorary doctorate to both figures, Faculty Minutes, AUSA, 547, f. 101 et seq.

*b. From 1936 to 1975.*

It may be convenient to remember the list of faculty of Law professors at this university in 1936. We can observe four fixed names, who will remain there from their beginnings as professors or assistant professors until their retirements. They will be the School's staff and ideological support, the block that will later accompany the movement to legitimise the coup d'état. They are Teodoro Andrés Marcos<sup>50</sup>, Nicolás Rodríguez Aniceto<sup>51</sup>, Isidro Beato Sala and, as an assistant, Máximo Peña<sup>52</sup>, School secretary. Of all the names, we must highlight the chancellor Esteban Madruga<sup>53</sup>, professor of Civil Law, who replaced Unamuno in 1936 and remained in the position until 1951. To this group, which did not move from the School throughout their careers, we must add those

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<sup>50</sup> He achieved the position as professor of Canon Law at this School in April 1916 backed by a solid academic background with three degrees and three doctorates, in Philosophy, Theology and Canon Law. His direct opposition to the Republic and its secularism led him to take part in the Sanjurjo uprising, bringing him no serious consequences. After the coup d'état in 1936, he was member of the committee to purge university professors along with loyal professors from other universities. His services were rewarded with his appointment as vice-chancellor of the university from November 1936 until his retirement in 1950. He dedicated much of his scientific work to 16th-century theologians from Salamanca given his status as canonist and the convenient platform offered to him by the Francisco de Vitoria Chair, Association and Institute

<sup>51</sup> Professor of Political Law since 1919. Thanks to the opening policy of the early 20th century, he received a grant from the Board for the Extension of Studies and travelled to Germany and Belgium, where he studied History of International Law. His religiousness led him to embrace the rebels without hesitation, joining the chair in September 1936 as an active participant. In addition to being member of the Catholic Action Board and the National Catholic Association of Propagandists, he had close ties to the Dominicans of Salamanca, a highly significant detail in the context of these pages. He was rewarded with the dean's position at the School from 1940, and appointed as investigating judge of the Provincial Committee for Seizure of Assets by the State and foreign press censor at the Delegation led by Millán Astray during the war years.

<sup>52</sup> Máximo Peña, secretary of the School of Law from 1919 to 1948 did not win a professors position and remained as an assistant lecturer in Salamanca from 1912. In addition to teaching various subjects he was a councillor for Salamanca City Council in 1926 and substitute magistrate of the Court in 1920 and 1925. During the war he was an investigating judge for civil liability proceedings in 1937.

<sup>53</sup> Esteban Madruga replaced Unamuno as chancellor, offering the rebels both moral support and the university's infrastructure. He was appointed professor in 1926 and also received study grants awarded by the Board for the Extension of Studies. His academic career was unexceptional as he soon held management positions, first as vice-chancellor and then chancellor. He was also dean of the School of Law from 1956 until after his retirement in 1960.

who passed through leaving their mark, such as Manuel Torres López<sup>54</sup>, Sánchez Tejerina<sup>55</sup> and Wenceslao González Oliveros<sup>56</sup>. These professors who did not remain in Salamanca were more renowned than those who stayed. A fame that was due to their academic work, their role in the regime, or both, such as Torres López, who achieved success in both areas. They were all members of the Francisco de Vitoria Association, participated in lectures and events organised by the Chair of the same name, and are also registered in the institute bearing his name; most have a solid academic career, and the majority benefited from grants from the Board for the Extension of Studies<sup>57</sup>. Furthermore, they were all entrusted with legally justifying the coup d'état, with the

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<sup>54</sup> With two degrees, in Law and Philosophy and Arts, and a doctorate in the first field, Torres became professor of History of Law in Salamanca in 1926, a position he held until he transferred to Granada in 1940. Recipient of grants from the Board for the Extension of Studies, he spent time in Freiburg, Berlin and Leipzig. Shortly after the Republic was established, he began participating in political life and was chosen as a member of parliament for Granada with CEDA (Catholic conservative party) in the February 1936 election. Once in Salamanca, in 1937 (the coup surprised him in Madrid), Torres held varied and significant positions: councillor for Salamanca City Council in 1938, mayor in 1939, head of press and propaganda in the city, under the command of Millán Astray, also in 1938. But perhaps his most relevant appointment at that time was as member of the Committee in charge of proving the illegitimacy of the republican regime. In 1939 he was a named national councillor of the FET y de las JONS regime party with the associated position of parliamentary representative, positions he held until 1958. Torres was also honoured with various appointments as member of the Board of Trustees of Pious Work of Holy Places (1940), councillor for Hispanic heritage (1941), member of the National Court of Political Responsibilities (1941), national councillor for Education, councillor for National Economy, secretary of the Board of Works of the Complutense University of Madrid (1952-1970), and director general for Cinematography and Theatre (1955-1956).

<sup>55</sup> Isaías Sánchez Tejerina is a fundamental figure in legitimising the Franco regime, as is well known. He was professor of Criminal Law in Salamanca from 1936 after switching from the position he held in Oviedo since 1923. He remained in Salamanca until 1941 when he transferred to Madrid as professor of Criminal Law and Criminal Anthropology. Once Salamanca was occupied, Tejerina vehemently support the coup and demanded the return of the inquisition, among other matters, so it should be of no surprise that he was chosen by Franco as part of the committee to purge university professors, along with Teodoro Andrés. Affiliated to the Falange, he was also part of the provincial charity board and in 1937 he represented the University of Salamanca in Göttingen, together with Andrés Marcos. But the most outstanding aspect of this criminal lawyer is undoubtedly his obsession with Freemasonry, which made him a fanatic, an unfortunate detail if we consider his solid, comprehensive education in Criminal Law. He had the honour of giving the first lesson to inaugurate the academic year after the war and in this famous speech Tejerina reveals a frenzied legal justification to legitimise the coup d'état and war, without mentioning Vitoria but in line with those who relied on the theologian for the same anti-positivist and Catholic purpose.

Guillermo PORTILLA, *La consagración del derecho penal de autor durante el franquismo. El Tribunal Especial para la Represión de la Masonería y el Comunismo*, Granada, Comares, 2009 and *El Drecho Penal bajo la dictadura franquista. Bases ideológicas y protagonistas*, Madrid, Dykinson, 2022.

<sup>56</sup> He came to Salamanca in 1932, after having held other positions at different universities, combining this work with his collaboration with the Primo de Rivera dictatorship. He was in Salamanca from 1932 until the end of the war, when he was appointed provincial governor of Barcelona in 1939. His first ideological affiliation lies in monarchical Catholicism, a cause to which he dedicated great effort, especially during his time as a journalist for Catholic newspapers such as *El Debate* and *Acción Española*. He also took a political stance and manoeuvred against the Republic until he joined the Falange and became, according to some experts such as Tomás Pérez Delgado and Jaume Claret, 'the right-hand man of the Headquarters' (T. PÉREZ DELGADO, 'El siglo XX. 2: la guerra civil', in M. FERNÁNDEZ ÁLVAREZ, dir., University of Salamanca. I. Historia y proyecciones, Salamanca, University, 1989, pp. 287-320. J. CLARET, *El atroz desmoche. La destrucción de la Universidad española por el franquismo, 1936-1945*, Barcelona, Crítica, 2006, p. 91.). This privileged position led him to become part of the committee of jurists created to argue the illegitimacy of the Republic, as mentioned above. During the first years of dictatorship he was appointed president of the National Court of Political Responsibilities, vice-president of the Special Court for the Repression of Freemasonry and Communism, president of the National Council of Education, an office he held until 1962, and parliamentary representative. His concerns for proving Spain's high position in the political philosophy panorama led him, like most of the professors mentioned here, to extract his justification for the Franco regime directly from past centuries, as occurred with Vitoria and the other theologians from the School of Salamanca. He also addressed the legacy of Vives, subject to a similar treatment as Francisco de Vitoria, greatly in line with the prevailing thought of denying the immediate past of the 19th and 18th centuries in order to take our ascendancy directly to the Catholic Monarchs and the Habsburgs. J. INFANTE, 'Por el imperio...', José M<sup>a</sup> COMA FORT, 'Wenceslao González Oliveros', in C. PETIT (ed.), *Derecho Ex Cathedra...*, pp. 219-220

<sup>57</sup> J. INFANTE, 'Por el imperio hacia Dios...', 'Tiempo de estudio...', T. PÉREZ DELGADO, A. FUENTES LABRADOR, 'De rebeldes a cruzados...', these works include local press contributions from all these figures to defend

School of Law of Salamanca and Francisco de Vitoria in common. In short, they represent the epitome of what some scholars have called the ‘ideology factory at the service of terror’<sup>58</sup>.

As Professor of International Law I will, however, highlight Isidro Beato Sala to give us an idea of the weak foundations of this chair. He was practically illiterate, as I have previously pointed out, and he was incapable of leveraging the boost that defending Francisco de Vitoria meant for International Law. Although he got involved in events organised by the Francisco de Vitoria Association, Chair and Institute and actively took part in forming public opinion with his collaborations in local newspapers, his positions were always reactionary, towing the line with the many in Salamanca who opted to fight against the Republic to then join the ranks of ‘enthusiastic Franco propagandists’<sup>59</sup>. Perhaps his personality (from his biographical details it seems that he was discreet with no desire for protagonism) could explain the lacklustre ‘rewards’ he received for his fervent participation in the New State from Salamanca: investigating judge of the Provincial Committee of State Assets, member of the Contentious-Administrative court and collaborator with the State Delegation for Press and Propaganda.

During the first decades of the 20th century, Salamanca was still a stepping-stone university for gaining access to other more important institutions, highly prestigious jurists therefore passed through as professors in order to gain momentum. As a school, Salamanca had a certain ascendancy with the central Government in Madrid during the monarchy, but this disappeared with the Republic. Although many of its professors were called upon to take on Government positions, they were precisely those who were passing through, not the School’s permanent, strong group. The exception would be Antón Oneca, professor in Salamanca throughout his entire career but called to assume relevant positions in the Republic. The Republic also called up Gabriel Franco, who was appointed Governor of the Bank of Spain; Benito Mampel was Prosecutor of the Court of Auditors; and Gómez Orbaneja, professor of Procedural Law in 1932, who left to become a civil servant for the Court of Constitutional Guarantees in 1935. As we can see, during the years of the Republic, the School and the University of Salamanca in general had barely any national relevance<sup>60</sup>.

Things changed after the coup in 1936. A glance at the School Board Minutes is a good reflection of a certain satisfaction with a hint of cynicism; at no time can we see any commiseration for those suffering the disasters of the war. It appears as if the war had nothing to do with them as, surprisingly, the School maintained its regular Board meetings during the conflict, when the General University Faculty did not meet at all over those three years<sup>61</sup>. Effectively, the minutes show an

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the establishment of the new power and, specifically, González Oliveros, professor of Philosophy of Law, an advisor to Franco on international affairs, José M<sup>a</sup> COMA FORT, ‘Wenceslao González...’; J. CLARET, *El atroz desmoche...*

<sup>58</sup> Santiago LÓPEZ, Severiano DELGADO, ‘Víctimas y Nuevo Estado 1936-1940’, in R. ROBLEDO, coord., *Historia de Salamanca. V. Siglo Veinte*, Salamanca, Centro de Estudios Salmantinos, 2001, pp. 219-324.

<sup>59</sup> Ricardo ROBLEDO, ‘Economía política en la Universidad de Salamanca: entre la intolerancia y la inteligencia (1786-1936)’, in J. I. SÁNCHEZ MACÍAS, R. CALVO ORTEGA, F. RODRÍGUEZ LÓPEZ (Eds.), *Economía, Derecho y Tributación. Estudios en homenaje a la profesora Gloria Begué Cantón*, Salamanca, Universidad, 2005, pp. 383-410. ‘La iglesia salmantina: rebeldía, cruzada y propaganda. El Centro de Información Católica Internacional’, in R. ROBLEDO, ed., *Esta salvaje pesadilla. Salamanca en la guerra civil española*, Barcelona, Crítica, 2007, pp. 71-98.

<sup>60</sup> On professors related to the Republic and later purged, see Ricardo ROBLEDO, ‘Economía política en la Universidad de Salamanca...’; ‘La iglesia salmantina...’

<sup>61</sup> No meetings were held between 14 October 1936 and 1 May 1939 and the minutes of the latter only remembers the deceased professors, including Unamuno, with no further mentions, immediately passing onto the items on the agendas, which consisted of presenting the Framework Act for the Bill on university reforms. For the residual activity of any university during the war we refer to the report for 1938-39 and the 1939-40 yearbook, which include all activities, thus promoting the ‘Salamanca chair to the national chair, as the teaching district capital had become the Nation’s capital’, *Memoria sobre el estado de la instrucción en esta Universidad y establecimientos de enseñanza de su distrito correspondiente al curso académico de 1938-39. Anuario para el de 1939-40*, Salamanca, 1940 p. 43. These activities include the ‘Series of lessons on the value of traditional culture and Spanish science, according to the teachings of Menéndez Pelayo’, held between October and December 1937 and, above all, the ‘Seminar of lectures by Professor José Yanguas on Belligerence and the New State’.

astonishing coldness from September 1936 when, under interim Dean Isidoro Beato, programmes and a course in Corporate Law by Rodríguez Aniceto are approved as well as approving, 'considering the abnormality of the current circumstances', an assistant professor's position 'until these circumstances disappear'. On 20 January 1937, after reading the State Government Board Order dated 1 September 1936, a series of courses by professors and assistants is once again approved.

On 9 November 1937, the School continues its work and in this 'second triumphant year', according to the minutes, it plans to invite professor Yanguas to offer five lessons on the subject referring to 'Belligerence and recognition of the State'. Meanwhile, Beato reported that Rodríguez Aniceto gave various lectures at the convent of San Esteban, 'for which he had previously been invited by the Dominican brothers'. The next meeting, held on 1 December 1937, finally approved the series of lectures to be offered as of January, including significant titles such as: 'Law of war relative to the powers and duties of belligerents with respect to the people and things of the enemy', 'Justification of the Movement before Philosophy of Law, Law and Theology', 'The National Movement before Public Law and Social Law', 'Some legal and political institutions of the 16th, 17th and 18th centuries', 'Classic doctrine of Spanish diplomacy', 'Spanish war and law of nations', 'Crimes against the homeland'.

School meetings were held and series with similar titles were scheduled during the following years of war. After the war, on 10 June 1939, a meeting is held with the dean, Madruga, Rodríguez Aniceto, Jesús Esperabé, Sánchez Tejerina and Peña, agreeing to organise the summer 'intensification or review' courses referred to in the Order of 6 June sent to universities, and the meeting attempts to organise teaching for the immediate future as many professors hold other positions and cannot fulfil their tasks as professors. Specific note is taken that, in addition to dean, Manuel Torres López is mayor, head of the Press service and head of the Provincial Propaganda Service of Salamanca; Julio Tejero has been purged; Ignacio Serrano is a militarised professor in the Military Legal Corps; José María Gil Robles is missing abroad; González Oliveros is Provincial Governor of Barcelona; Bartolomé Aragón, a temporary assistant, is working at the Ministry of Trade Union Organisation and Action.

This situation with professors would not be resolved immediately and the problem is highlighted at the start of the 1939-40 academic year. In an attempt to gauge the situation after the war, on 24 August 1939 the Board proposes that the dean accept the agreement to suspend operations of the Francisco de Vitoria Institute until the School makes a decision. During the second academic year of the dictatorship

Isaías Sánchez Tejerina, professor of Criminal Law<sup>62</sup>, gave a forceful inaugural speech based on the legal arguments of legitimising the coup, the war and subsequent repression, taken directly from the legal doctrine that was being forged not during the Second Republic, but much further back, in our opinion, as has been reflected in this paper. Thus, the illegitimacy of the government of the Second Republic, as well as the consequent legitimate resistance to an illegitimate power and, therefore, a justified defence caused by a state of necessity that led to having to save the nation -its unity and Catholicism- against the State, in addition to meeting the requirements of internationalist doctrine to fall within international legality are all the arguments forged from a time when the immovable premises for Spain were formulated. We could summarise these premises in Catholic unity and the arguments are still echoed in the statements of some political parties with parliamentary representation today. For what is of interest to us now, international legality has an essentially Vitorian basis, which is again used to justify the present and accept that the civil war was a just war with purpose, as during Castilian colonisation, to depose the ‘tyrant’ government -as the Republican government was viewed- and to argue that the war was backed by the people who saw their Catholicism threatened<sup>63</sup>.

At this point we jump to the School Board of 16 June 1949, attended by chancellor Madruga, the dean -then Rodríguez Aniceto-, Martín Blanco, Aparicio Ramos, Beneyto, Andrés Marcos, Lucas Verdú and Hernández Tejero<sup>64</sup> as secretary. At this meeting, the dean reported that, taking on board suggestions from some professors, on the ‘benefit of the University of Salamanca School of Law raising its reasoned proposal against legal transgressions and procedural irregularities committed by the UN when dealing with the so-called ‘Spanish question’, commissioned a report on this matter from the professor of International Law Martín Blanco’<sup>65</sup>. The report was read by the dean at the meeting and unanimously approved, although Teodoro Andrés Marcos, despite approving it, pointed out that its approval was late and the matter had already been addressed at a meeting with scarce attendance by professors, in addition to understanding that the objective study of the problems raised must be assessed with scientific rigour. After invoking Francisco de Vitoria, the report alludes to the grievances caused by interference in internal affairs and is based on non-compliance with the organisation’s procedural regulations, revealing a certain vehemence in its

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<sup>62</sup> Isaías SÁNCHEZ TEJERINA, *El Alzamiento Nacional Español comenzó siendo un caso magnífico de legítima defensa: oración inaugural del curso de 1940 a 1941 en la Universidad de Salamanca*, University of Salamanca, 1940, link: [https://gredos.usal.es/bitstream/handle/10366/115872/bg\\_82802\\_10.pdf?sequence=1&isAllowed=y](https://gredos.usal.es/bitstream/handle/10366/115872/bg_82802_10.pdf?sequence=1&isAllowed=y)

<sup>63</sup> S. MARTÍN MARTÍN, ‘Los juristas en los orígenes...’; I. DE LA RASILLA, ‘The Fascist mimesis of Spanish International Law and its Vitorian aftermath (1939-1953)’, *Journal of the History of International Law* 2 (2012), <http://ssrn.com/abstract=2045775>

<sup>64</sup> Of the bulk of professors unconditionally in favour of the coup and the regime, only two remained: Teodoro Andrés Marcos and Nicolás Rodríguez Aniceto. Juan Beneyto happened to be present at this Board, although he spent most of his time as professor of History of Law at Salamanca away from the city, *vid.* J. INFANTE, ‘Por el Imperio...’, p. 500. He was loyal to the ‘New State’, a Falangist and author of works typical of his discipline that historically justified and underpinned the regime structure.

Meanwhile, Lucas Verdú had just arrived in Salamanca as Associate professor of Political Law and Hernández Tejero was professor of Roman Law; Julián Aparicio Ramos was then assistant lecturer for the Commercial Law and Civil Law group for fourth and fifth year. As is apparent, the School did not have sufficient staff to give class, neither professors nor associates, and they had to double down and take over teaching even when it was not their speciality. M. MARTÍNEZ NEIRA, ‘La Facultad de Derecho...’, the attached list of professors and associates who left Salamanca during the post-war years is significant.

<sup>65</sup> José Martín Blanco was associate civil law professor since at least 1952. He read his thesis in 1951 on ‘The work contract’, with José Beltrán de Heredia as thesis director, so that when the report was drafted he was not a doctor and was entrusted as professor of International Law while writing his thesis on civil law, on a purely labour issue; remember that the first professor of labour law dates from 1947. Isidoro Beato, former professor of International Law and significant in his adherence to the regime, using the Vitorian doctrine, had already retired, and Vicente Ramírez de Arellano was not named professor of Public and Private International Law until 25 February 1950 (Official State Gazette of 7 March).

somewhat irate expressions<sup>66</sup>: ‘From the Chair of Brother Francisco de Vitoria, the illustrious architect of modern International Law, this venerable School of Law of the University of Salamanca... now sounds an alert to the men and to the corporations that serve the cause of justice and cultivate the science of Law, denouncing the repeated grievances on the Law and Justice by the bodies of the United Nations when dealing with the affairs of Spain...’, and it continues: ‘This University Corporation, however, prefers to focus its protest on the latest and most serious of the abuses perpetrated against Spanish reason, when submitting to vote at the last Assembly the Brazilian proposal in favour of freedom of full and normal diplomatic relations with Spain, an undue ‘quorum’ of votes for its approval was imposed, which was not required as the quorum obtained and exceeded in favour of the proposal was and is sufficient, therefore the contrived and unfair dispute caused against our Nation must definitively end’.

From the content of this report, referring to the initiative taken by a group of South American countries to try to officially restore general diplomatic relations, we can deduce how Vitoria’s *ius Gentium* argument finds itself in the paradox of having settled and legitimised a State in the violent conquest of power by war, the just war of the scholastics, and claiming before an international peace organisation its recognition as a sovereign State capable of relating with other States as peers<sup>67</sup>. But we can also deduce how the professors of Salamanca do not react favourably, as the regime did, to the result of the vote which was, after all, the first step towards Spain’s full integration in the UN<sup>68</sup>. As was said in diplomatic channels, the ‘Spanish question’ -as Spain’s claim to join the UN was and is known- had long since ceased to be of a ‘legal nature to become substantially political’, which meant having overcome the

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<sup>66</sup> See the report in INFANTE, E. TORIJANO, ‘El Derecho Internacional de los siglos XIX y XX...’. The same report was published in the Annual academic report with the grandiose title of ‘Legal challenge of the agreements of the United Nations Organisation regarding Spain’, a space that reports all the university’s activities and the protest by the School of Law for the UN’s attitude. But it does not note that it transcended beyond the walls of the university and the ‘challenge’ remained a mere act of protest. ‘In the month of June, the School of Law of this university published the following document, drafted and approved by its faculty of professors, which presents in strictly legal terms the problem caused in the United Nations Organisation when it discussed the proposal submitted by Brazil and other American countries’. The Report also clarifies that the end of the document that ‘Until the time of drafting these pages, adherences to this document have been received from the Royal Academy of Jurisprudence and Legislation of Madrid, the General Council of the Bar Association of Spain, the University of Madrid School of Law, and other legal bodies’. *Memoria correspondiente al curso académico 1947-48. Actividades académicas del de 1948-49*, Salamanca, Imp. and Librería de Francisco Núñez, 1949, pp. 57 et seq. I have not located the adherences of the institutions mentioned.

<sup>67</sup> S. MARTÍN MARTÍN, ‘Los juristas en los orígenes ...’; ‘Los juristas en la génesis del franquismo. ¿Un contraste posible?’, I. BAROCHI, L. LOSCHIAVO (eds.), *I giuristi e il fascino del regime*, Roma, 2015, pp. 389-422;

<sup>68</sup> As is well known, a progressive reduction of countries contrary to Spain joining the UN began in 1947: from 36 to 15 in 1949 and the subsequent increased support, from five countries in 1947 to 26 in May 1949. This vote is subject to the protest-report mentioned. At the proposal of a group of South American countries, the Political Committee approved the proposal to void the Resolution of 1946 with 26 votes in favour. Irene SÁNCHEZ GONZÁLEZ, *Diez años de soledad. España, la ONU y la dictadura franquista*, University of Seville, 2015.

difficulties for the Franco regime<sup>69</sup>. Franco himself referred to this situation as “the problem that never existed” in his famous inaugural speech for the third legislature on 18 May 1949: “We must never be satisfied with reasons of a practical nature, or inefficiency of previous measures, or wishing to reinforce the lost authority and prestige of the United Nations on which it intended to base the rectification, but rather the underlying reasons of illegality, of injustice, of the immorality of a false accusation. The Spanish problem never existed nor can it be a matter of mathematical tricks; this is opposed by reasons of international morality. Our authority and our reason are above what an assembly with no authority over us attempts to resolve. Victory is, therefore, for themselves, for the United Nations itself, that, despite so much intrigue they tried to move, reason and the good sense of young peace and justice-loving people have been able to triumph’<sup>70</sup>.

The position of the professors of Salamanca could be classed as ‘closed’ and defending the homeland to unexpected limits without broadening their view. Little could they know in this corner of the world of the manoeuvres of Franco and his Foreign Minister Martín Artajo abroad, which started to bear fruit; nor of the about-turn by the United States towards accepting the most anti-Communist ally it could find in Europe into the United Nations. It seemed to remain anchored in its bubble of past centuries defending central power as a strategy for survival, as it was worth its while in contemporary centuries. This report could be the setting of a swan song that was nothing other than a gesture by someone who’s influence is no longer effective, since it is highly significant that the report was entrusted to an associate professor of Civil Law because the International Law position was not filled by any professor and the immediate future was not very promising<sup>71</sup>. It was, as I have been saying, a lost opportunity for Salamanca to become a Centre for Law and International Relations Studies, not due to a lack of interest by some professors who proved to have very clear ideas about this plan<sup>72</sup>, but fundamentally because of the regime’s design of centralism with iron control.

The 1950s and 60s were a respite for the Franco regime as US interest in agreeing strategic pacts with Spain whitewashed and brought tolerance for the dictatorship by the West. In those years, International Law chair was taught by the professor mentioned previously, Vicente Ramírez de Arellano, who held the post until his retirement in 1983. Ramírez de Arellano retired without penning any relevant work, just like his predecessor Isidro Beato. Nor was he capable, despite the timid but unstoppable opening, of attracting a Centre for International Law Studies to Salamanca, although a certain initiative to travel and welcome foreign colleagues can be appreciated. In this sense, we must note, as mentioned above, the choice of Salamanca to close the 5th Congress of Auditors of The Hague School of International Law on 12 April 1952, a congress that began its meetings in Madrid. With the participation of 19 countries, tribute was naturally paid to our universal Dominican. The event included the then professor of International Law Ramírez de Arellano, among others, and it was concluded by the chancellor of Salamanca. According to the report for the year, the afternoon was chosen to pay tribute to the School of Salamanca, visiting the pantheon of theologians at the Convent of San Esteban with a speech by the president of the

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<sup>69</sup> In the words of the Spanish Ambassador in Brazil to Spanish Foreign Minister Martín Artajo, *vid.* Carlos SOYA AYAPE, ‘América Latina ante la *Spanish question*: el régimen franquista como eje de la discordia en la ONU (1945-1950)’, *Latinoamérica. Revista de Estudios Latinoamericanos*, 61 (2015), pp. 65-96.

<sup>70</sup> Available at <https://redined.educacion.gob.es/xmlui/handle/11162/82410>

<sup>71</sup> Isabel RAMOS RUIZ, *Profesores, alumnos y saberes en la Universidad de Salamanca en el rectorado de D. Antonio Tovar (1951-1956)*, Ediciones Universidad de Salamanca, Salamanca, 2009, pp. 93 et seq.

<sup>72</sup> This is the case of the aforementioned International Law Institute that was subject of an ambitious project, which included that ‘in the near future it may have a new School, independent and autonomous from the School of Law, and that with its own faculty meets the training of the modern diplomat, also granting its own degrees’. As we know, the Spanish Diplomatic School was created after the war, in 1942. School Board Minutes 27 April 1933.



Francisco de Vitoria Association, among others. The next day, the association's Advisory Assembly meeting agreed to adopt the symbol of the Spanish association as its international emblem<sup>73</sup>.

The university's Annual Reports<sup>74</sup> can shed light on the activities of the different Chairs. Initiatives taken by younger, more dynamic professors contrast to those of their older colleagues, such as the case of Ramírez de Arellano, whose chair had more activity precisely when younger professors were incorporated<sup>75</sup>. Regarding the incorporation of new doctors, the first thesis read after peripheral universities recovered the power to grant a doctoral degree was read on 20 March 1956 by Fernando Gil Nieto, on the subject 'Contributions to the historical study of the so-called *rebus sic stantibus* clause, with reference to international pacts', directed by Ramírez de Arellano. As regards the invocation of Francisco de Vitoria during the second half of Franco's dictatorial regime and his classic link with the development of International Law, we must note that this relationship is maintained, linked to the concept of Natural Law, but with much less intensity than in past decades and with a certain open-mindedness to novel matters that the young discipline of International Law began to take on board. Thus, the Francisco de Vitoria Association held lectures with titles such as 'The law of nations in the work of José Finestres', 'Vitoria and the unity of human lineage', 'The law of nations in the work of Pérez Galindo', 'The controversy surrounding the obreptitious invalidity of the apostolic letter 'Interconcessory' from the Indies to Spain' and 'Today's Europe and the doctrine of Francisco de Vitoria', during the 1948-49 academic year. The next year, dissertations were heard on 'International policy of Ramón Lull', 'Common good and international order', 'Law of the just war' and 'The superinternationalism of Suárez and its current applications'. In 1951, professor Dr G Wengler visited from the University of Berlin, speaking about '*La notion de sujet de droit International publique examinée sous Páspect de quelques phenomènes politiques actuéls*', as well as those entitled 'The interventionism of Vitoria in a current problem', 'Peace and war in Father Andrés Mendo, S.T.', 'Vitoria and Suárez. Their contribution consistent with the elaboration of the concept of International Law', 'The humanism of Francisco de Vitoria' and 'The *rebus sic stantibus* clause in Suárez', by Ramírez de Arellano.

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<sup>73</sup> *Memoria del curso académico 1951-52*, pp. 44-45. The closing session was held on that day at the university auditorium with speeches by the president of the Spanish group, Dr García Arias, Professor of the University of Zaragoza; Doctor Ramírez de Arellano, from Salamanca; the Dean of the School of Law of Angers (France); Vice-president of the association, Mr de No Louis, from Spain; and the German, Belgian, British, Persian and Swiss delegates.

The tribute took place in the afternoon at the pantheon of theologians of San Esteban convent, where the remains of Brother Francisco de Vitoria rest. Afterwards, an academic ceremony took place in the convent's chapter house, with participation by José Gascón y Marín, President of the Francisco de Vitoria Association; Italian professor Socini; delegates from the Greek and Polish groups, and a Father from the Dominican community. The opportunity was taken to hold an extraordinary meeting of the association's Advisory Assembly.

<sup>74</sup> *Memorias de la Universidad de Salamanca*, <https://gredos.usal.es/>

<sup>75</sup> This is the case of Inocencio García Velasco, who was already a Professor of Private International Law, and Araceli Mangas Martín, of Public International Law.

The opening of the regime began to show interest in international organisation. Thus, in March 1951 a series of lectures was held simultaneously at several Spanish universities on the issue of 'Europe'. In Salamanca, Professor Aguilar Navarro from Seville spoke about 'European federalism in the face of International Law', and José Miguel Azaola about 'National complexes in the history of Europe'. The association and institute continued their activities the following year with the inaugural lecture by Dr Gabriele Sailvioli, professor from the University of Florence, on 'The effectiveness of International Law'; others were entitled 'Colonial policy of Andrade Corvo', 'Natural law, moral law. Current status of the problem', 'The legal philosophy of Fernando de Roa', 'The recovery of Europe' and 'International Law in 18th-century Spain'.

In the 1953-54 academic year, the association and institute continued to hold lectures such as 'The concept of the law of nations of Father Vitoria', 'The organisation of the University of Salamanca in the 13th and 14th centuries' and 'Democracy and responsibility', by Professor Fenton Moran from the Catholic University of Washington. That same year, continuing with the subject of commemorating centenaries, the Chair of International Law celebrated the 4th Centenary of the birth of Father Juan de Salas, a teacher at this university from 1605 to 1612, with a lecture by Dr José Pérez Montero, association professor from Oviedo, and a series of five lectures entrusted to Dr R de Kotzebue, a Russian language lecturer from the university and former professor in Lausanne, on the general subject 'Introduction to the experimental science of Natural Law'. This Chair also organised another three-lecture series on 'Roman public law'. Other cycle, organised by the same Chair, was entrusted to Professor César GF Castañón on 'Spanish colonial ethics in the Golden Age'.

In the following academic years, the Francisco de Vitoria Institute offered lessons such as the course 'Salamanca, chair of peace' ('The common good, based on peace', on the day of inauguration, 'Social peace', 'Political peace' and 'International peace'); 'Nuclear weapons in International Law', 'Is European unity possible?'; 'NATO and the European movement' (by Dr Von Der Heidte, professor at the University of Wüzburg), 'The international thought of Simón Bolívar' and 'International economic policy', 'Current main legal problems of aeronautics and astronautics', 'The new law of American states'.

Thanks to the Francisco de Vitoria Institute, Salamanca was host to the Hispano-American Conference on Aeronautical Law in April 1959, in collaboration with the Aeronautical Law Section of the Francisco de Vitoria Institution (CSIC) and the Basic School of Pilots in Salamanca, to review problems related to air navigation and applicable legal rules. This theme was further cultivated by the chair over the following academic years by organising 'Aeronautical and Space Law Week' in 1963-64. The new issues to be address by law were also discreetly reflected in Salamanca, such as the lecture series organised by the Chair of International Law in 1963 on 'Atomic disarmament' ('On disarmament in light of atomic physics', 'Disarmament and International Policy' and 'Economic problems of atomic disarmament') without, of course, failing to invoke Vitoria at the lecture held in that same year and organised by the Francisco de Vitoria Institute, 'Social order according to the School of Salamanca', which continued in the following years: 'Domingo de Soto and his domain *relectio*', 'Francisco de Vitoria and the Vatican Council', 'Hobbes, Rousseau with Vitoria in the background', 'Protecting the rights of man in light of Spanish tradition, in International

Law', 'Arbitral conception of political power', 'Extra-European extensions: from the expansive Europe of Vitoria to the withdrawn Europe of 1966', 'Universalism and Europeanism. The European idea in Luis Vives'.

Francisco de Vitoria was once again honoured in 1967 by the International Grotius Foundation for the Propagation of the Law of Nations with an academic session inaugurated by the Foundation's president, Professor Rauchhaupt and a lecture by Antonio Truyol y Serra, professor at the University of Madrid, with 'The Vitorian idea of universal community'. The following year, the association hosted Professor Hans Thieme, who offered a lecture on 'Late Spanish Scholasticism and its influence on Natural Law'. I end this approximate list of lectures and seminars at the University of Salamanca on the memory of Francisco de Vitoria and the School of Salamanca to defend his paternity of International Law with the contribution of Dr D Stanislaw E Nahlik, Professor of Public International Law At the University of Krakow during the 1970-71 academic year entitled 'Spain and Poland: some parallels in the legal doctrines of the 16th century'.

In conclusion, and as I have stated, defending Francisco de Vitoria as the father of International Law was of little help to Salamanca, despite its fervour. It did not even manage to attract any institutions, such as the aforementioned Institute of International Studies or the Diplomatic School, and thus create a centre of studies for this discipline. The two professors who could have given a significant boost to this discipline at the university were natives of Salamanca, with little initiative and drive. The name of Francisco de Vitoria still resonates in the city and its university, still with some echoes of being the direct father of International Law.