

**HUMAN SLAVERY AND THE NATURAL LAW**

**A Dissertation submitted to the College Department  
of St. Meinrad Seminary in Partial Fulfillment of the  
Requirements for a Bachelor of Arts Degree.**

**Rev. Richard Miller  
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St. Meinrad Seminary  
St. Meinrad, Indiana**



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## INTRODUCTION

In this modern age slavery is talked about as something dead. It is dead, for the most part, in all its traditional forms, but servitude of the human spirit is not entirely dead. It is alive in various forms: in the economic situation of nations, in the philosophical notions of others; it is alive on the streets where colored pass white, in ideologies of religion, in community life; it is alive in the intimacy of families. Slavery is not to be defined only in terms of chains, because the truest meaning of slavery embraces also the human spirit. The sense of slavery that is the deepest and most injurious is that committed upon the human spirit, for humiliation of soul has always been the hallmark and lodestar of slavery. Today servitude lives mainly in the periphery of life like the shoots of a weed after the main root is dead, carrying on still the species and life of the plant. Its only herbicide is the cultivation of knowledge and charity. These are more possible today than ever before.

The forces of knowledge and investigation are large, deep reservoirs of the human spirit. They remain, as ever, undreamed resources. And in this age technology makes learning easy and abundant. It is the new force -- the new power of discovery. The Magellans, DeGammars and Vespucii of today are not men but

peoples. The vehicles of fortune are not ships laden for conquest, but the air carrying the commerce of culture from people to people with the intimacy of coming into their homes or passing through their country roads. The whole picture of a people can be carried in a cannister with sound, or an instant historical setting thrown upon a screen of sky and seen anywhere with a small apparatus, the spread of writing to all places and the abundance of reading, the labyrinth of radio, the constant trespassing of wars and commerce, these are implacable movements today. And if they do not slake the philosopher's thirst for human brotherhood, they do at least create appetites that propel people toward people, enlarging their confines of thinking and knowing. The alchemy of freedom is such that it enlarges to knowledge and investigation, much as the ground bears her fruit to the touch of the cultivator.

The charity of the earth today is as never before disgowning to the passions for knowledge and education, sweetening as never before, laying back her long folds to the combing of plow and machine, endlessly changing coiffure to meet man's needs for food and cereal. And human artificers who but yesterday learned to ride the seas are now toiling toward wastes and deserts that the age of creation seemed to bypass only to disclose again to people of a later day. Our world is capable of bringing forth

undreamed good. Our portion is to ponder the meaning of man. Is he free or is he captive? Is man by his very personality a free being?

What has nature said about this complex of man? Has she described us to lots wherein we must comply to life or be misfit? These questions are congruent to the age in which we live, and to the age from which we have come. As people are drawing together on the broad basis of life, their meeting must not be as once, tribe meeting tribe in a clearing of jungle, but rather they must come to one another with meet feelings of respect. What has nature said about our colored, our yellow and our red? Is there a sense in which the ignorant are not free, the crippled and the halt? And the uncivilized? Do they deserve to share an equal society? These questions are answered daily by the societies in which such people live. But they are not always answered well and sometimes poorly. Let us see again for our own insight; let us listen to the wise of the past what must be done for the betterment of life.

### THE NATURAL SLAVE

Some wise men of history thought that people of a higher kind generally fail to elevate their neighbors of a lesser sort except by oppressing them with slavery and labor. Augustine said: "When men are subject to one another in a peaceful order, the lowly position does as much good to the servant as the proud position does harm to the master."<sup>1</sup> There is a beneficial status to slavery when it is once established among uncivilized people, in that it creates a regime of rights and duties that are a beginning of social order. The philosopher Mill observed that uncivilized nations, even the best, are adverse to labor of an unexciting kind, the cost of all true civilization, and that such industry is required to induce a people to civilization. "Even personal slavery," he thought, "by giving a commencement to industrial life and enforcing it as the exclusive occupation of the most numerous portion of the community, may accelerate a better transition to freedom than that of rapine and slaughter."<sup>2</sup> So philosophy, the perennial emancipator, from time to time takes a whimsical turn and falls victim to that dichotomy wherein freedom herself finds the enigma, that nature assigns to the human spirit both an inclination to liberty and a perfection in chains.

Among the better philosophers who believed that a state of

bondage is natural to some was Aristotle. He discusses the matter in connection with the political science of running a household.<sup>3</sup>

Aristotle comments in this fashion. All the arts and sciences have a complementary instrument to insure their success. In running a household nature has provided the natural slave. Instruments are of various kinds: a rudder of a ship is a lifeless one; the pilot or captain is a living one. Some instruments are essentially productive as a shuttle, a garment; while others are for the service of action as clothing. As the needs of life are different, instruments are different. And life is action, the very action that prompts the sciences and benefits the community. Nature has provided life with the becoming instrument in the natural slave.

The class of men predestined to this lot have the qualities of living possessions, are not diminished or restrained by captivity, but are rather improved because they have a community of interest with their masters. They are of a kind that enjoy the rational principle but are at loggerheads to use it. A run of the mill slave Aristotle described as: "...he who is by nature not his own but another's man."<sup>4</sup>

Actually the churl described by the Philosopher is a human being without the benefits of education. He is constrained to

be what he is and cannot rise. He has not come upon the tools of culture. Should he be endowed with particular intelligence and break out of the garment of his milieu he merely stands an outlaw to the social fabric from which he was made and in which he must live. Such persons stand in better disposition to life if they are tamed and benefited by slavery. And although Aristotle assigned humanity to these persons, he thought of them largely as animal. "And indeed," he said, "the use made of slaves and tame animals is not very different."<sup>5</sup>

We observed instruments are for productivity or action. A speciality about instruments of action is that they have the characteristics of a part, contributing their whole being to some end of which they are a part. Should they be disjoined from their purpose they become useless, as the nature of a part is to contribute to something else and become nothing alone. A slave is that kind of companionable instrument that serves life by the office of being a part. And life is service and also action wherein are many things unable to be done by one gifted to do them unless he possesses a commensurate instrument with which to bring his principle to effect. Nature intends to imply such an instrument is available in the natural slave, one who is improved by his part in life because he puts to effect and action the principle of another. The servant and the mas-



ter therefore have the same interest and are equally benefitted by the arrangement.

One could believe nature had quarantined such a class of men to serve the offices of slaves if one observed nature in her first growth. Where one does discover life in her first growth, one finds a union of those things which cannot exist without each other, as male and female, father and children, subject and ruler. So he who can foresee by the exercise of his mind is intended to be lord and master. But he who by his body can give effect to such a foresight and nothing more is intended by nature to be servant and subject. In this manner nature assures the preservation of both.

The old peripatetic founded his ethical observations on a metaphysical basis. The essential reality of life he explained is expressed by the nature of the soul herself. The soul rules the body with a despotic rule whereas the mind rules the passions with a constitutional rule. Where the subject has no means of resisting there is the despotic rule, but where the subject has something of its own with which to resist there is a constitutional rule. The equal rule of the two, or the rule of the inferior over the superior would be harmful and surely not the intention of nature. But where such a state exists as between soul and body, or between men and animals, the lower is

by nature slave and is better kept under the rule of a master.

These conclusions are somewhat available to observation. Nature likes to distinguish between the bodies of freemen and slaves, making the one strong and the other upright, and although useless for hard work, helpful in the affairs of peace and war.

One is bound to take notice of certain corollaries that follow. Wars were legitimate against people whom nature intended to be slaves. Unjust and warlike tribes were properly committed to servitude. Likewise people who evidenced no art for their own management were logical hares to the chase. Such wars Aristotle described under the art of hunting whereby animals nature intended for the use of man are taken.

But perhaps the most universally applied argument in history for hunting down slaves is the title of spoils. Custom generally approved in the past, with broad observation, that virtue when supplied with means has actually the greatest power of force. Superior is some kind of law because it insinuates some kind of excellence. Those accordingly deserve to be slaves who are so lacking in virtue as to be powerless to resist and are rightly apportioned into slavery by capricious nature.

### A PSYCHOLOGICAL VIEW

The attitude of people toward slavery is one of the anomalies of history; a few decried it; the vast majority approved it; all used it, a tool for business and personal leisure. Philo, a Judeo-Greek philosopher, openly denounced it and he was a contemporary of Christ who said nothing about it. Adam Smith in "The Wealth of Nations" pointed out the economic failure of slavery. "It appears ... from experience of all ages and nations, I believe, that work done by freemen comes cheaper in the end than that performed by slaves."<sup>6</sup> He pointed out that unpropertied people have no other interest than to eat as much as possible and work as little as possible. Incentive and invention are erased. And the wear and tear of a slave is all at the master's expense.

The ancient Jews shared with Canaanites, Moabites, Phoenicians, Carthaginians and other peoples the custom of sacrificing a child, even a beloved son, to appease the wrath of heaven. In the course of time condemned criminals were used for this purpose and finally slaves.<sup>7</sup>

The fierce religion of the Aztecs, Mayas and Incas required constant war for obtaining bloody nectar for the god Huitzilopochtli in the form of human hearts and bodies of slaves and prisoners. Almost to our age, in 1486 A.D. King Ahuitzoti collect-

ed twenty thousand slaves in a two year war and spread-eagled them over a sacrificial stone where their hearts were cut out and held briefly to the sun pulsating and finally deposited in a sacrificial urn on the lap of the idol.<sup>8</sup>

The depraved customs of the ancient peoples make it difficult to describe what the natural law teaches about human dignity and freedom. And although this law may be effaced for a time where unnatural habits and vice blot out human reason for some people, still for the generality of man it remains an habitual and constant influence.

In colonizing the Spanish Americas, the Dominican Las Casas vigorously assaulted the colonial practice of "repartimientos," distributing Indians as slaves among the conquerors, before Zimines, regent of Ferdinand and Isabella. A commission of jurists and friars were sent who dispassionately ruled against the Indians on the grounds that they would not labor without compulsion nor be brought into communication with whites and converted.<sup>9</sup>

Western Civilization generally enjoyed the advantages of slavery through the efforts of rapacious Portuguese who slaved the fringes of the African continent during the fourteenth and fifteenth centuries. Columbus on his first trip to the continent marked how defenceless and primitive the simple Islanders

were, and on his second trip dispatched 500 natives to Spain, of whom 200 died enroute. The survivors were sold in the market at Seville. All were dead in a few years, unable to adjust to the colder climate or perhaps the savagery of civilization.<sup>10</sup>

As late as the Declaration of Independence, the Founding Fathers added the political insights of democracy to the problems of servitude in a Republic. They contributed the oblique light that slaves enjoyed both the characteristics of property and humanity. As property they were vendible and counted as goods. As humans they were liable to laws and punishments. Hence in allowing the right of their masters to the vote, they permitted one-third privilege. The Republic therefore which had predicted its existence on the premise "that all men are created equal" countenanced the negro two thirds not a man.<sup>11</sup>

The Scriptures offer a broad study into slavery which traces its pedigree from the dawn of letters and the era of monuments. All the canon of Scripture accepts servitude for the usefulness antiquity generally saw in it, but there exist many modifying influences not found commonly until the later part of Greek and Roman law. Some examples of moderation are; the Sabbatical rest,<sup>12</sup> those maimed by cruelty of their masters were freed,<sup>13</sup> bondsmen were remitted every seven years if Hebrew,<sup>14</sup> servants who died at once after mistreatment were avenged by an

admonishing but mild penalty.<sup>15</sup>

Two thousand years later Paul of Tarsus spoke of slave owners as "worthy of all honor."<sup>16</sup> And the head of the Christian Church having learned the lessons of freedom confirmed others in slavery.

"Servants be subject to your masters in all fear, not only to the good and moderate, but also to the severe. This is indeed a grace if for consciousness of God anyone endures sorrows, suffering unjustly. For what is the glory if, when you sin and are buffeted, you endure it? But if, when you do right and suffer, you take it patiently, this is acceptable to God."<sup>17</sup>

One may believe, however, slaves did not enjoy their happy lot. Epictetus (60 A.D. - 138 A.D.) once a slave, gained his freedom and turned philosopher. He lived in poverty having only earth, sky and a cloak, but savoured secretly the pleasures of teaching philosophy. Having lived the lives of either, he has a word for both.

"How then shall a man endure such a person as this slave? Slave yourself, will you not bear with your own brother, who has Zeus for his progenitor, and is like a son from the same seeds and of the same descent from above? But if you have been put in any such higher place, will you immediately make yourself a tyrant? Will you not remember who you are and whom you rule? that they are kinsmen, that they are brethren by nature, that they are offspring of Zeus? 'But I have purchased them, and they have not purchased me'. Do you see in what direction you are looking, that it is toward the earth, toward the pit, that it is toward these wretched laws of dead men? but toward the laws of the

of the gods you are not looking."18

### MAN AS NATURALLY FREE

People on the street are not conversant with the problem of freedom and servitude we are discussing. "Slavery!" a decadent word in the great almanac of life's words. Better lessons of history bid us beware a word so long lived. Then we have prevalent ideologies of Fascism, Communism, hedonism, pansexualism that degrade the notion of man. Slavery is never so dead as not to be resurrected by some political demagogue in a labyrinth of promises about a golden era, or begowned decoratively in some new economic costume. Certainly one of the most ferocious enslavers in history was the present day Adolf Hitler. Uneducated, he drew his notions from the speculative thought of university life.

Racism and totalitarianism have a solid footing in post-Napoleonic Germany with the teachings of the philosopher Johann Gottlieb Fichte, who in a series of "Addresses to the German Nation" from the podium of the University of Berlin in 1807 sewed the seeds for the two rancid errors that preoccupied modern German thought. He envisioned a new order of the cosmos, led by a small elite who would be free from any moral restraints.

His successor George Hegel incarnated the god-state. "The litany of private virtues -- modesty, humility, philanthropy and forbearance -- must not be raised against them.... So mighty a



form the state must trample down many an innocent flower -- crush to pieces many an object in its path," cried Hegel.<sup>19</sup>

Heinrich von Treitschke was enormously popular at the University of Berlin in the day of Hitler himself. Like Hegel he glorified the State, and conceived it as supreme, but his attitude is more brutish; the people, the subjects are to be little more than slaves. The human spirit is seldom more unregenerate than after enervating war. And Treitschke outdoes Hegel in proclaiming war the highest expression of man. "That war should ever be banished from the world is a hope not only absurd, but profoundly immoral."<sup>20</sup>

Another philosopher, Nietzsche, was proudly drummed in the day of National Socialism. People were immensely influenced by the presence of his thought, and schoolboys' textbooks glorified his heroes and heroines, who magnified their race and culture. In "The Will to Power" he exclaims; "A daring and ruler race is building itself up.... The aim should be to prepare a transvaluation of values for the particularly strong of man, most highly gifted in intellect and will. This man and the elite around him will become 'lords of the earth.' There is no such thing as the right to live, the right to work, or the right to be happy: in this respect man is no different than the meanest worm."<sup>21</sup>

Twenty years removed from a calamitous world war is enough

demonstration of evidence to prove that all men are not yet ready to see the human personality in its sovereign setting, nor to note the prerogatives it enjoys from deep fonts within. The mechanistic interpretation of life with its emphasis on force and power has always dealt the severest blows to the ideas of individual freedom and evolution to social privilege.

Among philosophers articulate about the freedom of the individual under the natural law was Thomas Aquinas. He taught that nature committed to human beings an affluence for freedom and a repugnance for slavery. Whatever falls to man's natural disposition belongs directly to the natural law, natural inclination being a harbinger of good. "The order of precepts of the natural law is according to the order of natural inclinations," observed the philosopher.<sup>22</sup> He then professes not to hear of a single people in history inclined to be slaved. In fact nations no matter how primitive have undergone the greatest sacrifices to be free. "Since every man's proper good is desirable to himself, and consequently it is a grievous matter to anyone to yield to another what ought to be one's own; therefore such a dominion implies pain inflicted on a subject and thus is not to be found in the state of innocence."<sup>23</sup> Here Aquinas is adjoining the notion of a state of original perfection in things. However every man's good is a proper and desirable individuality,

and ought to be his own as a consequence of life and existence. Moreover the object of the will is good, because the will is an agent tending to what is befitting it. The will is also an appetite, and good is the object of every appetite. Still the greatest good one wishes himself after his life and preservation is his freedom. It is a grievous matter for anyone to yield so great a good as one's own freedom. It seems, therefore, that the natural law intends man to be free.

Another reason along the same demonstration is that happiness is that which is supremely desirable to all and therefore its contrary is to be shunned before all. But men shun servitude more than anything else. Servitude does not lead to happiness. Yet all men desire happiness by an inclination of nature. Therefore they could not find happiness in servitude.<sup>24</sup>

Yet the philosopher Aristotle taught a slave is one who is actually improved by his position in servitude; he is one "who is not by nature his own but another's man,"<sup>25</sup> who "is his master's in all that he is,"<sup>26</sup> who has the nature of a part and is nothing of itself, "but totally belongs to something else,"<sup>27</sup> who lacks the rational principle and therefore has the same "interest" as his master.

On the other hand Aquinas observed: "Man is not ordained to his neighbor as to his end, so as to be disposed in himself

as with regard to his neighbor...."<sup>28</sup> For this reason, he suggests, are found many judicial precepts, civil statutes, ordinances in every society directing man in a more determinate way to his neighbor. On the other hand, were he directed to his neighbor as to his end, the very dictate of reason would have indicated these things as natural reason does dictate when something ought to be done or avoided. But, of course, the end of man is not his neighbor as though he should be a slave, but the end of man is God.

However, natural reason does direct man more readily toward God so that many precepts, laws and rules need not be promulgated, as reason indicates what is obliging and fitting because man is directed to God as to his end.

But the most difficult crux in the reasoning of Aristotle is that he does not admit the rational principle to those indicated to slavery. "For he who can be and therefore is another's man, and he who participates in rational principle enough to apprehend but not to have such a principle, is a slave by nature."<sup>29</sup> In demonstrating their irrationality he compares a despotic rule in human creatures, where the soul moves the members of the body on command, or where a man rules an animal, and the constitutional rule where the mind rules the passions and emotions which can be excited against the wishes of the mind and

can refuse to comply. The slave he says belongs to the despotic rule because slaves are those "whose business it is to use their body and who can do nothing better."<sup>30</sup>

Of course, people who apprehend also enjoy the rational principle however uneducated their judgment may be. The first work of apprehension is reasoning. One apprehends for example the fundamental law of natural ethics, "good is to be done and evil avoided." From this universal principle one draws particular conclusions of right and wrong. To do this demands the use of reason and rightly indicates the possession of rationality. "But because to draw particular conclusions from universal principles is the work ... of reason," says St. Thomas.<sup>31</sup>

Moreover a servant would be useless who could not carry out the commands nor remember the prohibitions nor anticipate the wishes of his master, all of which are the works of reason.

Many uncivilized and poorly cultivated people that we observe in history lived so devoid of order and respect for the natural law, and with so much cruelty and barbarism, as to tempt some not to admit them into the family of human beings and so to assign them to slavery by a certain pretense. But although it is logical to restrain such persons and rehabilitate their customs and manners, they nevertheless ought to be assigned to the estate of humanity.

## SLAVERY AND THE NATURAL LAW

Although the natural law teaches the inherent freedom of every human being, it does not teach it in such a manner as not to allow for other views. There are first principles of the natural law. These are taught to all men by nature universally and cannot be other than known to all men as truth and morality. Some of these first principles include: "to do good and avoid evil," "to keep self-existence," "to preserve the species," "to know God, the Creator," "to clothe and educate offspring." All men everywhere know these first principles by an inclination of nature, so that they are everywhere known and observed. They form that part of the natural law that is unchangeable and which is found meetly in every civilization. But in further determinations of the natural law there can be error, the more one declines to particular circumstances and occasions. In this part it is possible for the natural law to change so that it forbids what was formerly permissible.<sup>32</sup>

The state of individual liberty or freedom is not one of the first principles of the natural law. A first principle is one that all men everywhere have accepted as a condition of life. Although self-preservation is a first principle, it requires reasoning to decide that freedom is the best means of self-preservation, especially when treating of barbarous and un-

civilized people. So in the past even the most cultivated civilizations have admitted the practice of servitude and it has perdured even to the present. And even though slavery is wrong today as to the truth according to the natural law and as to morality, it need not always have been so. Perhaps, in the future were the natural law to become less known and less cultivated, men would again practice the way of nations to take uncivilized and barbarous people into servitude again.

This does not argue against what the natural law teaches in her truest perfection. It is reasonable that men be free and determine their own existence and its consequences. But where the natural law is not adequately known and its manners not cultivated, where wars and cruelty become a fixed habit of society, servitude is to be found and the perfections of the natural law unattained.

Human slavery, we may conclude, is opposed to the teachings of the natural law, and the more the natural law is cultivated the more slavery is diminished and the more freedom is equitably distributed to mankind. Men ought to see the further determinations of the natural law as to the wisdom, comeliness and dignity that flow from its first principles. But sometimes they do not, and herein we find the natural law teaching different things to various people.

People of our era are enough educated to say that servitude in its forms cannot long keep sway over society or over mankind wherever he may be. But the spirit and economy of slavery can continue to exist in the social injustices of human institution. Understanding and study of the true nature of man and life can lessen these evil influences. Charity for man, whereby malevolence is removed, can quicken the social evolution of those societies once condemned to slavery. In the meantime those who hold an estimation for man, and those who understand how capricious nature sorts out the menial tasks of life to those less gifted in mind or body or clan, for the building up of the community of all, will labor that every human being receive his share of happiness and privilege that comes to him as a consequence of human life.



#### FOOTNOTES

<sup>1</sup> St. Augustine, The City of God, Bk. XIX, ch. 15, as found in the Great Books of the Western World, Vol. 18, p. 521. (This series will henceforth be referred to as GBWW.)

<sup>2</sup> J.S. Mill, Representative Government, as found in GBWW, Vol. 43, pp. 339-343.

<sup>3</sup> Aristotle, Nicomachean Ethics, Bk. V, ch. 3, as found in GBWW, vol. 9, pp. 378-379.

<sup>4</sup> Aristotle, Politics, Bk. I, ch. 3-7, as found in GBWW, Vol. 9, pp. 446-449.

<sup>5</sup> Ibid.

<sup>6</sup> Adam Smith, The Wealth of Nations, ch. VIII, as found in GBWW, vol. 39, p. 34.

<sup>7</sup> Will Durant, The Story of Civilization, Vol. III, p. 588.

<sup>8</sup> Victor von Hagen, The Ancient Sun Kingdoms of the Americas, p. 139.

<sup>9</sup> William Prescott, The Conquest of Mexico, p. 7.

<sup>10</sup> Will Durant, op. cit., p. 262-263.

<sup>11</sup> The Federalist, #54, as found in GBWW, Vol. 43, p. 170.

<sup>12</sup> Deuteronomy 5:4.

<sup>13</sup> Exodus 21:26.

<sup>14</sup> Exodus 21:27.

<sup>15</sup> Leviticus 25:39.

<sup>16</sup> I Timothy 6:1.

<sup>17</sup> I Peter 2:18-21.

<sup>18</sup> Epictetus, Discourses, Bk. I, ch. 13, as found in GBWW, Vol. 12, p. 120.

- 19 William Shirer, Rise and Fall of the Third Reich, p. 144.
- 20 Ibid., pp. 146-147.
- 21 Ibid.
- 22 St. Thomas Aquinas, Summa Theologica, I-II, q. 94, a. 2.
- 23 Ibid., I, q. 96, a. 4.
- 24 Ibid., I-II, q. 2, a. 4, ad 3.
- 25 Aristotle, Politics, Bk. I, ch. 5, as found in GBWW, Vol. 9, pp. 447-448.
- 26 Ibid.
- 27 Ibid.
- 28 St. Thomas Aquinas, Summa Theologica, q. 104, a. 1, ad 3.
- 29 Aristotle, Politics, Bk. I, ch. 5, as found in GBWW, Vol. 9, pp. 447-448.
- 30 Ibid.
- 31 St. Thomas Aquinas, Summa Theologica, I, q. 81, a. 3.
- 32 Ibid., I-II, q. 94, a. 5.

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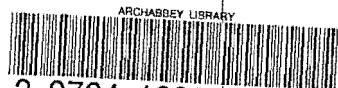
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