

THE ORIGINS OF THE FIRST UNIVERSITY OF THE NEW WORLD

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The discovery of the New World created unforeseen problems for the Spaniards. The variety of opinions of historians of the time on the implications of the discovery shows both the excitement and unpreparedness of the Spaniards. FERNANDO COLÓN maintained that his father's discovery was deliberate, "prompted by natural reasons, the authority of writers, and the testimony of sailors"¹. BARTOLOMÉ DE LAS CASAS saw the discovery as the manifestation of God's infinite mercy. By it the all-embracing nature of the redemption of Christ was realized². For LAS CASAS God was the central figure in this event and Columbus was merely the instrument of His plan. He extolled the virtues of the indigenous inhabitants, describing them as naturally good, simple, humble, gentle, and ready to receive the Catholic faith. Commissioned by Charles V to write a history of the New World, HERNÁNDEZ DE OVIEDO held that the Indians were lazy, vicious, idolatrous, cowardly, and without responsibility³.

These religious and secular traditions were startlingly juxtaposed in the early history of the New World. In their greed, the Spanish conquerors overburdened the Indians with work in the mines "each taking as many women and as much gold as he could"⁴. This part of the Spanish legacy is well known. Not so well known is the tradition of humanity, the seeds of which were planted by the Spanish missionaries. In an atmosphere of violence and self-indulgence, their generosity and hardships were fantastic.

The early attempts to establish educational institutions go back to the early years of the discovery of Española. CHRISTOPHER COLUMBUS, in a letter of Feb. 22, 1498, enjoined on his son the responsibility of upkeeping four masters of theology⁵. Queen ISABELLA exhorted her successors the task of sending "religious, clerks, and other learned and God-fearing men to instruct the inhabitants of the New World in the Catholic faith, to teach them Sacred Doctrine and good morals"⁶.

The Dominicans arrived in 1510 to undertake the conversion of the Indians. Life was by no means easy for them. They slept on wooden planks and those in good health were forbidden to beg for anything but bread, wine and oil for the sick⁷. BARTOLOMÉ DE LAS CASAS was high in his praise of the Dominicans: "Divine Providence had brought the Dominicans to this island as a light in the

¹ FERNANDO COLÓN, *The Life of the Admiral Christopher Columbus*, trans. by Benjamin Keen (New Jersey: Rutgers University Press, 1959), ch. 31, p. 96ff

² BARTOLOMÉ DE LAS CASAS, *Historia de las Indias* (Madrid, 1875), ch. 2, p. 41

³ HERNÁNDEZ DE OVIEDO, *Historia general y natural de las Indias, islas y tierra firme del mar oceano*, annotated by José Amador de los Ríos (Asunción del Paraguay, 1944), part 1, bk. 2, ch. 6; bk. 4, ch. 2; bk. 5, ch. 2—3

⁴ FERNANDO COLÓN, *op. cit.*, ch. 50, p. 119

⁵ CRISTOBAL COLÓN, *Relaciones y cartas de Cristobal Colón* (Madrid, 1892), p. 257

⁶ *Documentos del archivo de Indias. Organización de la Iglesia* (Madrid, 1919), part 1, pp. xxi—xxii

⁷ DIEGO DE LA MAZA, *Memorial* (Madrid, 1963), pp. 17—18

darkness"⁸. In 1524 they received a house for the establishment of a convent, which became the center of ecclesiastical and missionary life in the New World. Soon classes in the humanities and theology were organized to prepare the young men of Española who were interested in helping the missionaries. These Dominicans lost no opportunity to stand up for the interests of the Indians. In 1511 Fray ANTÓN DE MONTESINOS delivered a controversial sermon in which he attacked the inhumane social policy known as the *encomienda*, much to the embarrassment of the royal officials⁹. When it appeared that the imprecations of the friars were falling on deaf ears, BARTOLOMÉ DE LAS CASAS hurried to Spain to ask the support of the king of Spain. He pleaded his case successfully before the king's advisers who were persuaded to declare that the *encomienda* was cruel and that the Indians were free human beings. Of course the assembly was influenced by the ideas of the great Dominican, FRANCISCO DE VITORIA, who conceived of the New World as a community of sovereign peoples protected politically by Spain¹⁰. VITORIA also insisted that the Indians were free to dispose of themselves and their property as they pleased.

It was the Dominican convent which was the hub of all the missionary and educational activity. Primarily, the missionaries had come to educate the Indians and convert them to Christianity. However, the Spanish population was expanding and it became equally important to teach Spaniards. In 1520 the chancellor of the cathedral of Santo Domingo was entrusted with the responsibility of providing elementary training in grammar to Spanish children at a salary of 30,000 maravedis¹¹. A school of higher studies was established in the Dominican convent. But, it appears that this was for the training of religious. This school was quite active but did not yet possess the necessary privileges to enable it to confer academic degrees.

On Oct. 27, 1538, Pope PAUL III granted it a Bull of foundation, elevating the *studium* in the Dominican convent to the status of University. The loss of the original text of this Bull in the destruction caused by Sir Francis Drake in Española in 1586 gave rise to much speculation concerning the legitimacy of the university. Fray DIEGO DE LA MAZA, a prior of the Dominican convent in 1686, included a copy of the charter of foundation in his report of the Dominican convent, thereby attesting to the legality of the university¹². He mentioned that the archives of the Dominican convent were destroyed in 1586 but that a copy was to be found in the convent of San Juan de Letrán in Habana, Cuba. The authenticity of the Bull was for a long time denied final

⁸ BARTOLOMÉ DE LAS CASAS, *op. cit.*, ch. 54

⁹ PEDRO DE CORDOBA, *Doctrina cristiana*, preface by E. Rodríguez Demorizi (Ciudad Trujillo, 1945), p. xii

¹⁰ LUCIANO PEREÑA VICENTE, *La Universidad de Salamanca, forja del pensamiento político español en el siglo XVI* (Salamanca, 1954), pp. 18—25

¹¹ VICENTE BELTRÁN DE HEREDIA, *La autenticidad de la Bula*. Publicaciones de la Universidad de Santo Domingo, series 9, vol. 99 (Ciudad Trujillo, 1955), pp. 10—11

¹² It is not known when Fray DIEGO DE LA MAZA came to Española. In 1686 he was prior of the Dominican convent and provincial general of the province of Santa Cruz. In 1700 he went to Cuba to establish an university in that island.

affirmation because the alleged copy in the Vatican archives was evidently lost when Napoleon transferred the Vatican archives to Paris. In the indices of the archives made in the seventeenth century, reference was made to the charter of foundation of the university: "(Diocese) of Santo Domingo in the Ocean Sea or where there is no See. (Petitioners) The master Provincial of the province of Santa Cruz of the Order of Preachers, the prior, and religious of the Dominican order of the city of Santo Domingo. (Grace attached) Erection of the university of the *studium generale* in the said city on the model of the university of Alcalá de Henares of the diocese of Toledo¹³." The Bull was finally authenticated when the petition for the Bull was found in the Vatican register of petitions by Fr. VICENTE BELTRÁN DE HEREDIA. Every papal Bull presupposed a petition from the interested party even when it was granted *motu proprio*, that is, when it was granted by the pope without being requested formally by any party.

The petition makes it clear that higher studies were flourishing in the Dominican convent when the petition was made: "Most holy father: The city of Santo Domingo in the islands of the Ocean Sea, once inhabited by pagans who have now been converted to the Christian faith through the apostolic activity of your preachers, the provincial, prior, and religious of the convent of St. Dominic of the same city, has been and continues to be so renowned that very many people from the neighbouring islands come here either to dwell or for purposes of business. There has been for some time now a *studium generale* by apostolic concession. If, for the direction of the said *studium*, a general university of scholars were instituted, established, and given ordinances in this very city, which is situated in parts quite remote and totally lacking in sacred studies, a university similar to that in Alcalá in the diocese of Toledo and other universities of general studies in the kingdom of Spain, to be governed by the prior or regent of the said convent, forming a corporation of masters and scholars with the privilege of a seal, a chest, and the insignia, liberties, exemptions and immunities that are customary in order that scholars who study here as well as those who come from elsewhere can, after a preliminary examination, be awarded academic degrees, this city, as its population expands, will gain a great reputation. Its inhabitants and those from neighbouring islands will be better instructed in the Christian faith which will give encouragement to the present preachers to continue their works of charity. This will redound to their honour and facilitate the efficacy of their work. Therefore, the aforementioned preachers humbly beg you to attend to what we have explained and to deign to establish in the said city a university of scholars in the form of a corporation of masters and students like the university of Alcalá, governed by a regent or rector, where students, both secular and regular, and from any region, can come, who, when they have completed their courses as the regulations demand and other pre-requisites, can be conferred with the degrees of bachelor, licentiate, doctor, and master in any licit faculty in the accustomed manner and the corresponding insignia after a due examination and with the assistance of four doctors of the same faculty; where the doctors and masters of the respective faculties and, in their absence, the regent of the university or the bishop of Santo Domingo can grant to the same scholars the aforementioned degrees, confer insignia, assign classes, appoint lecturers and, if funds

¹³ BELTRÁN DE HEREDIA, *op. cit.*, p. 17

are available, offer them a salary; where they can issue, change, correct, and reform ordinances like the previously mentioned universities, and do whatever is fit and proper in this respect by granting as a special favour that those promoted to degrees in this university should enjoy the privileges, pre-eminences, immunities, exemptions, liberties, favours and graces which graduates of the universities of Alcalá, Salamanca and other universities of Spain enjoy¹⁴."

From the petition, we can reconstruct the essential features of the university. It was a community of masters and students, governed by a rector who was generally the prior of the Dominican convent. Students from different lands were allowed to receive degrees from the university of Santo Domingo provided they were able to fulfill the requirements of the university. In choosing the university of Alcalá as the model, it opted for modernity against the more traditional university of Salamanca. The philosophy of St. Thomas Aquinas formed the ore of the theological curriculum and it is significant that the university was called after him.

However, the shortage of teachers forced the university to utilize the services of distinguished professors who had stopped over in Española on their way to Mexico and South America. The English expedition under Sir Francis Drake in 1586 destroyed the university archives. Because of this, our knowledge of the early history of the university is very sketchy. It is known, however, that the university of Santo Domingo was authorized to grant degrees at the general chapter of the Dominican order held in 1551, and that on June 23, 1588, the students presented a play written by CRISTOBAL LLERENA, professor of canon law and organist of the cathedral¹⁵.

The loss of its records and consequent obscurity caused the history of the university of Santo Domingo to be confused with that of the university of Santiago de la Paz, which was founded in 1558. But the history of the university of Santiago de la Paz was characterized by futility. Efforts were made to establish it in 1529 when the bishop of Santo Domingo, SEBASTIÁN RAMÍREZ DE FUENLEAL, petitioned the king for a *studium generale* "where the natives and children of the Spaniards would be taught and which would have teachers of every science"¹⁶. In 1538, the city began to construct a building for classes in grammar in order to help students who otherwise would have had to go to Spain. The following year they sought to have this school elevated into a *studium generale*. Negotiations over this again proved abortive. Finally, in 1550, their efforts were successful. A royal letter, addressed to the audiencia of Santo Domingo, granted their petition to have "the college possess the liberties, and exemptions which the university of Salamanca enjoys"¹⁷. They were given permission to petition the pope for privileges and approval was given for the appropriation of the

¹⁴ BELTRÁN DE HEREDIA, *Bulario de la Universidad de Salamanca* (Salamanca, 1960), vol. 3, p. 277; La Bula "In Apostolatus culmine" del Papa Paulo III: *Publicaciones de la Universidad de Santo Domingo*, vol. 27 (Ciudad Trujillo, 1944), p. 37

¹⁵ JULIO ORTEGA Y FRIER, *El cuarto centenario de la universidad de Santo Domingo*. Publicaciones de la Universidad de Santo Domingo (Ciudad Trujillo, 1946), p. 44

¹⁶ C. M. AJO Y SÁINZ Y ZÚÑIGA, *Historia de las universidades hispánicas* (Madrid, 1957), vol. 2, p. 157

¹⁷ *Ibid.*

inheritance of HERNANDO GORJÓN. Hernando Gorjón had accumulated considerable wealth and had stipulated in his will that the rent from his property should be used to endow chairs "so that one can attend courses in all the sciences that are necessary for the exaltation of our Holy Catholic Faith and not have to pay a fee to attend the said courses"¹⁸. Yet it was not until Feb. 23, 1558, that the foundation of this university was authorized¹⁹. It was clearly stated that the rent from the property of Hernando Gorjón was to be used to pay the salaries of the professors, to finance the building of schools, and to provide for other ancillary expenses.

On Dec. 24, 1559, the king asked both the royal officials and the local city officials to cooperate in implementing his orders. He agreed to send Fray JUAN DE BUSTAMANTE and Fray REGINALDO DE SALAZAR to teach in the new university of Santiago de la Paz. The local officials were resentful of the intrusions of the royal officials and appealed to the king to rectify the situation. Disunity and hostility within the ranks of the administrators arrested the development of the university. Differences then arose between the local officials and the cathedral chapter over the responsibility for the administration of the chairs of scholastic theology and sacred scripture. The cathedral chapter held that they were better able to make decisions in theology. The local officials opposed this, claiming that this was a violation of their rights. In 1561, PHILLIP II sent representatives to investigate the educational and disciplinary life of the university of Santiago de la Paz. The frequent concern of the king manifested his dissatisfaction with the situation at the university. Indeed, in 1580, only grammar was taught. Not surprisingly, in 1603, the university of Santiago de la Paz was converted into a seminary college²⁰.

In the light of doubts raised by such excellent Latin American historians of universities as DANIEL VALCARCEL and CIPRIANO DE UTRERA as to the validity of the University of Santo Domingo, an examination of the problem will not be irrelevant²¹. On Nov. 19, 1570, the king sent a letter to the audiencia pertinent to the problem: "Fray Andrés López, proctor general of the Dominican order . . . has reported to me that in the said monastery there is a Bull which His Holiness, Paul III, gave in 1538, by which His Holiness . . . erected a university. University exercises have been carried out and degrees granted according to the manner of the universities of Spain. However, the fiscal of the royal audiencia has now asked that the exercises be terminated and that the degrees which have been granted be annulled since there was no royal cédula to sanction the said Bull. Fray Andrés López has petitioned me, in the name of the university, that, as nothing unbecoming has happened since its foundation, but, rather, much service to God and prosperity of the city through the benefit which the persons had given to the university, the degrees should continue to be granted. I want to be informed of all that happens and (a) whether it is

¹⁸ "Para que en ellas se lea gratis sin interes alguno ni por ello se de o pague cosa alguna": *ibid.*

¹⁹ *Ibid.*, vol. 2, doc. ccliii, p. 545

²⁰ La Bula "*In Apostolatus culmine*", p. 9

²¹ See DANIEL VALCARCEL, *San Marcos, la más antigua universidad real y pontificia de América* (Lima, 1959); CIPRIANO DE UTRERA, *Universidades de Santiago de la Paz y de santo Tomás de Aquino y seminario conciliar de la ciudad de Santo Domingo* (Santo Domingo, 1932)

proper that degrees be granted in the said monastery as have been done up to now by virtue of the said Bull of His Holiness (b) whether it is well that this practice cease and the degrees already granted be revoked and annulled and (c) whether any impropriety might arise from it and why²²."

This letter must be viewed against the context of the petty rivalries and envy that prevailed among the officials of the city and the king. The inability of these officials to motivate the university of Santiago de la Paz intensified their envy of the comparative excellence of the University of Santo Domingo. There was also a legal problem. This problem presupposes a degree of hostility between the monarchy and the papacy. The emergence and consolidation of national consciousness in the late fifteenth and sixteenth centuries tended to pit king against pope. Clashes between the king and the pope were frequent. On Sept. 6, 1538, CHARLES V declared that any papal Bull which concerned the government of the Indies had to be presented and approved by the council of the Indies. The procedure concerning the ratification of papal Bulls involved sending them to the council of the Indies through the royal audiencia in the island. If ratification was refused, the Bull was sent back to the pope who would then amend or revoke it: "If any Bulls or letters of the pope were sent to our Indies, which have to do with the government of those provinces, if they have not been presented in our council of the Indies and passed by it, we order the viceroys . . . to take everything from the possession of those who possess them . . . If it is agreed that they are of such a nature that they should come into effect, sanction should be granted. If there is anything damaging in them, they should again petition Our Holy Father about it, who, being better informed, will order it to be revoked²³." It is not clear from the letter whether the council of the Indies had the legal power to revoke a papal Bull. It can be argued, too, that a papal Bull authorizing the foundation of a university did not come into the same category as Bulls which had to do with the government of the Indies. Moreover, the Bull of foundation of the university of Alcalá was neither passed by a royal council nor corroborated by a royal letter. Yet, no one doubted the legitimacy of its foundation. Also, according to the *siete partidas* of ALFONSO THE WISE, a university could be founded by the pope, emperor or the king²⁴.

The life of law is not logic but experience. The continuity of the university, its resilience in the face of difficulties and, most importantly, the fact that it produced two fair daughters in the universities of Havana and Caracas and sent countless sons to teach and preach in other countries of the New World, attest convincingly to the validity of its existence. DIEGO DE LA MAZA called the University of Santo Domingo "the first temple of the New World". ORTEGA Y FRIER termed it "the Athens of the New World". It might be more apt to call it the Paris of the New World. For the university of Santo Domingo was the centrifugal and centripetal force of the New World during the first half of the XVIth century just as Paris was in Europe from the XIIIth to the XVth century.

²² C. M. AJO Y SÁINZ Y ZÚÑIGA, *op. cit.*, vol. 2, pp. 576—577

²³ *Anales de la universidad de Santo Domingo* 14 (1949), pp. 247—265

²⁴ ALFONSO EL SABIO, *Siete Partidas* (Madrid, 1789), vol. 1, 2nd partida, tit. 31, ley 1