

4

International relations in Christendom

The classical distinction between civilization and barbarism is replaced in medieval Europe by a religious dichotomy dividing Christians from non-Christians. The distinctions are cultural, but where the cultures they privilege are spatially bounded these distinctions can be interpreted geographically. The earliest Christians were scattered and oppressed, their faith divorced from the temporal world and therefore from its rulers and their territories. But as Christians grew more numerous and rulers were converted, Christianity came to be understood not only as a faith but as a realm of Christians and their lands. The church itself was organized into territorially defined bishoprics and Christian kingdoms distinguished collectively from the outer wilderness of paganism. With the expansion of Islam in the seventh, eighth, and ninth centuries, Christian communities in Asia Minor, Persia, and Africa were destroyed or (as in the case of the Ethiopian church) cut off from European Christianity. The threat posed by Islam to Christian communities everywhere probably reinforced the developing sense of Christian unity (Hay, 1968: 24). By the high middle ages there had emerged the idea of a concrete Christian society: the spiritually defined, ecclesiastically organized, and geographically delimited Christendom.

One concern of medieval Christian thinkers is to articulate the laws governing this society, a problem made difficult by the diversity of kinds of law recognized within it. In treating what we have come to call international relations, these thinkers articulate principles to guide Christian princes in their relations with one another and, occasionally, with non-Christians. The texts assembled in this chapter consider three aspects of this intramural Christian debate. First, which laws – and which lawmakers – rightly govern Christendom? Second, what obligations did these laws prescribe in the conduct of relations between Christians? How, in particular, should one regard the vexing question of war between Christians? And, third, what did these laws prescribe in relations with non-Christians, especially the

barbarians of the New World? These questions illustrate two of the main themes that Chris Brown identifies in his introduction to this book: whether conduct is to be judged according to local practices or general principles (“particularism/universalism”) and how to apply the appropriate standards to relations between as well as within communities (“inside/outside”).

Until the rediscovery of Aristotle’s *Ethics* and *Politics* in the thirteenth century, Christian theology had understood human action, law, and government in Augustinian terms, that is, in terms of original sin, divine providence, and salvation. Neither of these works referred to the Christian story of humanity’s creation, fall, and redemption by Christ. Instead of regarding politics, as Augustine did, as an expedient made necessary by original sin, Aristotle articulated a view of politics as a way of life particularly suited to human beings, and a conception of the common good of a community as an authentic and permanent good. *The Politics* introduced the idea of the city-state (*polis*) – the autonomous political community – into medieval thought about human affairs. For Aristotle, the *polis*, unlike the household or village, is “self-sufficient” because it possesses the resources needed to exist on its own. It is the only “complete” or “perfect” political community. This is one source of the idea of the independent European state, which would eventually dissolve the notional unity of Christendom. Because of Aristotle’s stature as the authority on logic, philosophy, physics, and biology, what he had to say about politics could not simply be dismissed; it had to be reconciled with the received, Augustinian, understanding.

Aquinas attacked this task of reconciliation, articulating a view of the created order as both natural and divine. Insofar as the world is a natural order, it is governed by natural laws. He understands these laws not as the observed regularities of Galilean science, but as Aristotelian teleological principles according to which all things, behaving according to their inherent natures, pursue their own intrinsic ends. Human beings are a part of this natural world. It is their nature to think and act, their characteristic potential to do so rationally, and they are most likely to realize this potential within a political community. Aristotle had argued that political life is the condition of the good life. As Aquinas interprets the Aristotelian argument, the civil order provides laws under which human beings can live together and pursue their ends, and rulers are needed to make and apply these laws. But the world is also a spiritual order. Human beings not only live an earthly existence but have eternal souls that belong to this timeless spiritual realm, whose earthly manifestation is the church. The authority of this church comes directly from God. The civil community, with its human laws, and the ecclesiastical community, with its canon laws, are separate legal orders, even though the spiritual arm depended on the temporal for physical protection and the enforcement of its laws. This dualism

permeates political and international thought throughout the medieval and early modern periods.

The government of Christendom

Though distinct legal orders, church and state derive equally from God’s rule over human beings. Both secular and ecclesiastical rulers receive their authority from God. How, then, should this authority be divided between them? The story of medieval church/state relations, as the powers of the church and various secular governments waxed and waned, is long and complicated. The twelfth-century dispute over whether the authority to “invest” (appoint) bishops in a realm belonged to the pope or to the king of that realm provides one illustrative episode. Another is the subsequent controversy over whether the pope could depose a secular ruler. The Holy Roman Emperor was by tradition crowned by the pope: if the pope had this power, might he not have the power to depose a sinful or unjust emperor? The pope could excommunicate a secular ruler, but that was not the same thing as taking away the power to govern. The tension between church and state, however it manifested itself, was always about where to draw the line between ecclesiastical and secular authority.

According to one view, the pope is the supreme ruler of Christendom, possessing ultimate authority over both church and state. All authority is hierarchical, and there can be only one supreme authority – the pope. Kings have secular power, but they must use that power in ways consistent with God’s law, and the church is the ultimate judge of what is or is not consistent with God’s law. It follows that kings exercise secular power under the authority and guidance of the church. Boniface VIII expressed this view in 1302 when he decreed that “both [the material and the spiritual swords] are in the power of the church ... One sword ought to be under the other and the temporal authority subject to the spiritual” (Black, 1993: 48). Fourteenth-century theologians and canon lawyers often drew upon Aristotle’s idea of the *polis* as a self-sufficient or “perfect” community to argue that the *church* is the “highest and most perfect” society (Black, 1993: 52).

Others challenged this hierarchical understanding of church and state. Civil rulers and their defenders saw church and state as equal powers. That is, they rejected the claim of papal supremacy. After Boniface issued his decree, the French king, Philip IV, responded that the pope was a heretic and should be tried by a council of the church. And when Boniface excommunicated Philip, Philip retaliated by ordering his arrest. Philip’s supporters argued that the pope and kings have their own proper spheres of authority. On this secular,

dualist, view, the church has authority in spiritual affairs (and this includes the actual governance of the church), but everything else falls under the authority of secular rulers. Kings should obey the pope on spiritual matters, but on temporal matters kings are supreme and the pope may not interfere. In practice, as one might expect, this neat division of authority broke down in disputes over whether a particular issue (like taxing the clergy) was spiritual or temporal.

John of Paris (c. 1250–1306), a Dominican and perhaps a student of St. Thomas Aquinas, defends the secular position, that is, a dualist rather than hierarchical view of church and state. *On Royal and Papal Power*, written around 1302, may be read as a contribution to the debate between the pope and Philip IV over the latter's right to tax and otherwise regulate the French church. Like his papalist adversaries, John draws upon Aristotelian ideas, defining a kingdom as "perfected [i.e. self-sufficient] government ... by one person ... for the common good" (p. 191). For John, as for Aristotle, a human being is a creature whose defining quality, rationality, can only be realized by living with other human beings in a rational way, that is, according to laws rather than by brute force, and this means living in a civil order. And a civil order requires a ruler to make its laws: community means living in peace and concord, which means living under one law and one ruler. There can be only one ruler in any realm, and that ruler is its king.

By arguing that royal authority is not derived from the authority of the church, John can conclude that secular authorities are superior to the pope with respect to temporal matters. John's argument for secular power is therefore in effect an argument for a *multiplicity* of powers against the unified, hierarchical power of the church. And although the argument might be used in defending the idea of a universal secular monarchy, in the manner of Dante, John himself does not offer such a defense. He argues only that there should be one rather than many rulers in a political community. This is an argument for kingship over oligarchy within a realm, not an argument that the entire world should be governed by a single king. It therefore presumes the pluralist ordering of secular authority that eventually developed into the European international system.

John's arguments, then, can be seen as undermining the medieval ideals of unity and hierarchy inherited from Rome: one church, one empire. But the organization of medieval Christendom was in fact not a unified hierarchy. Following the division of the Roman empire into a Western empire centered on the city of Rome and an Eastern empire centered on Byzantium, the universal church split into western (Roman) and eastern (Orthodox) branches. By the late middle ages, the Holy Roman Empire, successor to the Western empire, was little more than a kingdom centered in what is today Germany, with territories in northern Italy: as Voltaire put it, "neither holy, nor Roman, nor an

empire." The emperor, a figurehead elected by the various German princes and cities, had no authority outside this realm and little inside it. And, of course, the emperor was often at loggerheads with the pope: instead of unity, there was endless war between the "universal state" and the universal church.

Of those who wished to revive the empire, some argued that it was needed to preserve the Christian faith and to convert unbelievers, others that it was, or could be, a means of upholding peace and justice in the world. Writing around 1320, a couple of decades after John, the poet Dante (1265–1321) defends the idea of a single secular authority for the entire world. His *Monarchy* is sometimes seen as anticipating modern ideas about world government, but it is probably more accurate to read it as a work that looks back, nostalgically, to the never-realized ideal of a united Christendom.

By "monarchy" Dante does not mean the kingship of a realm but "empire" – "a single sovereign authority set over all others" in the temporal world (p. 198). What could justify such an authority? Dante proceeds deductively, in the manner of the scholastic philosophers, though he abandons the dialectic of objections and answers one finds in some of their works. His conclusion is that the highest human purposes can be fulfilled only by humanity acting under the direction of a single ruler.

Is there, Dante asks, some purpose for which God made human beings which can be achieved only by humanity as a whole, and not by a single person, household, city, or kingdom? Human beings exist to fulfill their highest capacities, which are intellectual. But intellect cannot be realized fully in any single individual, household, or kingdom, only in the world as a whole. Furthermore, the use of the mind – the activity of thinking – is best pursued in peace and tranquillity. Therefore universal peace is the condition that is most conducive to the flourishing of intellect in humanity as a whole. But *do* we think best in tranquillity? It might be argued that we use our minds best when challenged, like a writer trying to articulate a complicated idea or a trial lawyer arguing a difficult case. Dante may believe that such thinking, limited by the immediate situation, is not truly objective: we think more deeply and more universally not in acting but when we recollect past actions in tranquillity.

If the well-being of the world depends on the fulfillment of humanity's highest capacity, which is to achieve truth by thinking critically and reflectively, how can that well-being be achieved? Here, like John of Paris and Aquinas before him, Dante looks back to Aristotle: if people are to cooperate for a common purpose, someone must guide or direct them. Just as the mind directs our other faculties, so one paterfamilias guides the family, one government a city, one king a kingdom. Peace, which is required for the human race to reach its potential as a thinking species, depends on a unity of wills. But a single will cannot prevail unless everyone is ruled by one ruler. Therefore,

one person – a “monarch” or “emperor” – must guide and direct humanity as a whole.

The views of those who defended imperial monarchy might be described as nostalgic because they focus on reviving a set of long-moribund institutions. But the same can be said about efforts to defend the papacy, for the fourteenth-century church, though still a political community with its own laws, rulers, subjects, and property, was disintegrating. And the Renaissance popes who came to preside over this community were also princes ruling Italian territories in thoroughly Machiavellian ways. This not only temporal but “worldly” church found itself vulnerable to the challenge of Lutheranism.

Martin Luther (1483–1546) began not as a revolutionary but as a scholar whose attacks on abuses within the church merely continued a medieval tradition of theological debate. But the church’s alarmed reaction invited him both to articulate his theology and to resist efforts to suppress it. Salvation, Luther argued, depends solely on faith. It is bestowed by an omnipotent God as an act of grace and cannot be earned, as the church had taught, by participating in the sacraments. It follows that there is no need for priests, whose function is to perform these sacraments, or for the church itself as an organized priesthood. Luther did not conclude that the priesthood must disappear, but he did deprive the organized church of an important theological rationale. The true church is a community composed not of priests but of true believers in the teachings of Christ. Unlike the existing Catholic church, this true church “is not of this world” (John 1836). What makes his theology so radical is that in restating the Augustinian dichotomy between the spiritual and temporal, Luther locates papal authority in the temporal realm.

Because he condemns the church for its worldliness, one might expect Luther to be equally hostile to secular governments. But he is not. In *On Secular Authority* (1523), Luther acknowledges the failings of secular government, condemning princes as criminals or fools. But he does not dismiss it out of hand. Unlike the existing church, the state has a function: it exists to govern the many who, because they are not true Christians, need laws and rulers to guide their conduct, settle their disputes, and punish their crimes. The Christians whom the gospel teaches to live by faith alone and who do not need governing – the true Christians – are not the majority of those who call themselves Christians. If all the world were truly Christian there would be no need for government. But only a few are true Christians. The rest require and are deservedly subject to secular authority. If there were no authority, such people, lacking guidance and restraint, would destroy one another. No matter what their defects, then, secular rulers are necessary, their authority divinely ordained: “These are God’s jailers and hangmen ... The world is too wicked

to deserve princes much wiser and more just than this” (Luther, 1991: 30). Luther often refers to the state as “the sword,” a conventional metaphor but one that he uses quite deliberately to emphasize that civil order requires the executioner as well as the lawmaker and the judge (Höpfel, in Luther, 1991: xvi).

The government of the world resides, then, neither in an empire that is manifestly defunct nor a church that has no proper function to perform, spiritually or temporally. It resides, rather, with the separate princes who, simply because they exist, are the only instruments available for governing the great mass of sinning humanity. Like the argument of John of Paris two centuries before, Luther’s defense of secular authority suggests that a multiplicity of secular realms is the necessary and legitimate order of the world.

Just and unjust wars

In defending the divinely ordained right of secular princes to pacify the wicked, Luther joins a long tradition of debate on the lawfulness of killing and war in Christian communities. St. Thomas Aquinas (c. 1225–74), who discusses the conditions under which war can be waged “without sin” in his *Summary of Theology* (1265–73) and other writings, is the most influential but by no means the only theologian to discuss this question (see Russell, 1975; Barnes, 1982).

Aquinas inherited Augustine’s understanding of war as a consequence of sin. But against the view that all war is sinful, Aquinas argues that war can be justified if it punishes aggression or other injury. To overcome theological doubts that killing in war could ever be licit, Aquinas draws on Aristotle’s argument that rulers are responsible for the common good of the community, and that they must often use deadly force to fulfill this responsibility. War, in other words, is not only a sin; it is also a way of combating sin and, more generally, of preserving the common good. But because force can be used for evil ends as well as for good, choices that result in war and killing must be carefully examined. And because not all uses of force are consistent with moral law, the circumstances under which war and killing are justified must be carefully specified. We call the continuing elaboration of these circumstances by theologians, lawyers, philosophers, and moralists “just-war theory” or “the just-war tradition.”

A war is morally permissible when three conditions are met. First, it must be waged on the authority of a ruler, not of private individuals. Aquinas does not discuss the question, often contentious, of how public authorities are to be distinguished from private persons. Nor does he explicitly confront the objection that wars declared by public officials are often unjust, though a response to this objection is implicit in his second condition, that to be

permissible a war must be waged for a "just cause." For Aquinas, this expression means that the enemy must be guilty of doing wrong: "Those who are attacked should be attacked because they deserve it on account of some fault" (p. 214). Aquinas cites Augustine: a licit war is "one that avenges wrongs" – for example, when a government is punished "for refusing to make amends for the wrongs inflicted by its subjects or to restore what it has seized unjustly" (p. 214). Today, we are inclined to identify just cause with self-defense: a country is right to go to war to defend itself from attack. We worry about the idea of attacking to punish wrongdoing by other countries. But Aquinas does not mention self-defense as a just cause; his concern is to identify the conditions under which rulers may use force to avenge injustices committed against them.

Aquinas does, however, discuss self-defense in relation to killing by individuals. One can kill in self-defense without sin, provided that one intends only to save one's own life and not, as such, to kill the attacker. One is not guilty of murder if the attacker's death is the unavoidable consequence of efforts to resist attack. This is the principle of double effect. The main application of the principle, by later just-war moralists, is not to the issue of when it is permissible to go to war, but to the question of what actions by soldiers are permissible once a war is under way. Such moralists use the principle of double effect to distinguish between the direct and indirect killing of innocents in war. There is a distinction between killing innocent bystanders by accident, in the course of fighting an enemy, and killing them on purpose. When the Allies bombed German cities during the Second World War, they intended the deaths of civilians as a means of undermining Germany's will to fight. When they bombed railway lines in France before the Normandy invasion, they killed civilians living near those lines – but not as their end or a means to their end. According to recent just-war moralists, then, the Allies acted wrongly in the first case, but not in the second (Walzer, 1977: 151–9). For Aquinas, however, those who kill under public authority are exempt from this constraint on intentions: they *can* intend the deaths of attackers, provided they do so for the common good and not from evil motives.

This brings us to the third of Aquinas' conditions for a morally justified war: those who wage war must have "a rightful intention." They must "intend the advancement of good or the avoidance of evil" (p. 214). The issue here is *motive*: the spirit in which one acts, the emotions that move one to action. If one is moved to wage war by hatred or cruelty, then the war one chooses is morally wrong, even if the other conditions (lawful authority and just cause) are met. This has always been the part of his just-war theory that is hardest for our own secular and legalistic culture to assimilate. Unlike Aquinas, we usually think of public morality ("justice") as a matter of external conduct, not internal motives. Motives may be relevant to judging character, but for

the most part (and especially in law) it is enough if we can get people to obey rules governing their outward conduct.

All three conditions – authority, just cause, right intention – are controversial. As Russell (1975: 269) suggests, Aquinas is here trying to simplify earlier and far more complex lists of conditions linked to the specific conditions of medieval feudalism. By making his arguments in the language of theology and natural law, rather than feudal custom and canon law, Aquinas articulated a theory of the just war that could be applied in other times and places, which may be one reason for its subsequent influence. For example, because it makes being declared by proper authority a criterion of just war but fails to specify who holds such authority, the theory could be adapted to efforts to distinguish sovereigns from other nobles or officials on the grounds that only the former is entitled to initiate a war. Among those seeking to limit the right of war were advocates for papal or imperial authority, who claimed that only the pope (or the emperor) could authorize the use of force. Others insisted that the right of war belonged only to princes without temporal superiors. The feudal right of war was gradually suppressed and by the early seventeenth century "private war" was generally regarded not merely as illegal but as treason. But disagreement about who is "sovereign" continued into the modern period, and has indeed never entirely disappeared.

A quite different strand in Christian thought about war is illustrated in the writings of Desiderius Erasmus (1466–1536). Erasmus was born in Holland, the illegitimate son of a priest. After himself receiving a clerical education he went on to study theology at Paris. There he learned Greek and was drawn into the circle of Renaissance humanists, soon developing a preference for ancient literature over scholastic theology. Taking up biblical scholarship, Erasmus published a scholarly Greek version of the New Testament and worked to revive interest in the early church fathers. Like other Christian humanists, he hoped to purify Christian religion by turning away from medieval scholastics like Aquinas, seeking guidance from the Bible and early Christianity. As a religious reformer, Erasmus belonged to the movement that produced Martin Luther, though he eventually broke with the reformers in an effort to reconcile the emerging Protestant movement with the church in Rome. He hoped to preserve the unity of Christianity by avoiding the rigid positions that would make compromise impossible.

Erasmus' *Adages*, begun in 1500, comments on thousands of proverbs from the works of classical authors. His essay on the adage *dulce bellum inexpertis*, "war is sweet to those who have not tried it" (1515) expresses his understanding of Christianity and his belief in the values of moderation and peace. Though the intra-Christian religious wars of the sixteenth and seventeenth centuries were still in the future, war was endemic in Erasmus' day. The Turks were expanding into Europe, conquering Serbia and Bosnia and approaching Venice. Russia

was expanding from Moscow. The Spaniards by 1492 had driven the Moors out of Spain in a bloody reconquest. Western Europe was peppered with small wars and revolts, and the French were engaged in repeated attempts to conquer the Italian states. Wars, then, were taken for granted not only as inevitable but as the proper court of appeal in disputes between rulers over matters of inheritance (Hale, 1994: 92). Erasmus was one of the few who condemned war on humanist grounds, arguing that the doctrine of the just war had no effect except to provide pretexts for war and for rulers to receive the blessing of their church.

Erasmus' style is rhetorical, not logical. Instead of refuting the syllogisms of medieval scholasticism, he dismisses them with ridicule. Truth, he suggests, springs not from argument and disputation but from piety, experience, and imagination. Christianity is learned by living a Christian life, not by formal study. The piety of the early church has been undermined by learning and eloquence. The teachings of Christ are simple; you don't have to be "crammed up to the ears with nonsense out of Aristotle" to be a good Christian. Worst of all, Christianity has borrowed from Roman law the idea that force may be met with force, even though Christ teaches us to turn the other cheek. The result is the doctrine of the just war, according to which "just" is defined as what has been ordered by the prince, even if he be a child or a fool." This, though unfair as a restatement of Aquinas, captures the way in which just-war criteria are often used stupidly or disingenuously. Against the just-war ethic, Erasmus advocates a pacifism based on the gospel, reinvigorating a tradition of Christian pacifism that remains influential to this day.

The encounter with America

The question of whether the standards governing relations with infidels differ from those for relations among Christians became urgent in the wake of the European discovery of America. Unlike the Turks, who inhabited their own lands, the natives of the New World inhabited the territory of a European empire and their status as subjects and their rights against Christians could not be ignored.

Francisco de Vitoria (1486–1546) was a child when Columbus sailed in search of the Indies. By the time of his death the Spaniards had conquered the kingdoms of the Aztecs in Mexico and the Incas in Peru and were acquiring a vast empire in the Americas. This conquest, which resulted in the deaths of untold numbers of native Americans and the seizure of their lands and property, generated a vigorous debate between those who sought to justify it and those who were appalled by the behavior of the conquerors. Vitoria's lectures on the conquest, delivered at the University of Salamanca in the late

1530s, were not a mere exercise in scholastic theology, for the moral, legal, and theological issues at stake were directly relevant to the policies of the Spanish (imperial) crown. These issues were contested for the rest of the century, most famously in the public exchanges between Juan Ginés de Sepúlveda, a scholar and official in the government of Emperor Charles V, and Bartolomé de las Casas, a Dominican friar and advocate for the Indians (Hanke, 1949 and 1959; Pagden, 1987).

Europeans found the people of the New World as strange as its plants and animals, persistently viewing them through categories developed in a very different context. They saw most non-Europeans as "barbarians," a term the ancient Greeks had used for those who were not speakers of Greek. Because the Greeks lived in city-states and regarded city life as the life most suited to human beings as rational and free creatures, the term "barbarian" came to connote natural and moral inferiority. Barbarians are savage, cruel, even bestial: they have not learned to control their animal nature (Pagden, 1986: 18). They have failed to fulfill their potential as rational beings. They are, to use adjectives common in European discourse down to this century, not only different but "backward" or "primitive": inferior versions of what Europeans thought themselves to be.

Among the practices that were believed to distinguish barbarians from civilized peoples were the eating of human flesh and the sacrifice of human victims. The sacrifices practiced in Mexico by the Aztecs horrified the Spaniards and were often invoked to justify the Spanish conquest. Vitoria, however, was equally disgusted by the bloody massacres and plunder perpetrated by the Spaniards.

In one of his lectures, "On Dietary Laws, or Self-Restraint," Vitoria discusses whether cannibalism and human sacrifice among the Indians could justify conquest and expropriation. Although these practices are forbidden by divine and natural law, this in itself does not justify war against them: adultery, sodomy, perjury, and theft also violate divine and natural law yet do not justify war against communities in which these violations occur. But if the barbarians eat or sacrifice innocent people, their victims can be defended from harm. Such a war, which defends the innocent, resembles what would later be called "humanitarian intervention," and, like the latter, is strictly limited in its ends and means. Specifically, Vitoria argues, if the Spaniards wage war against the barbarians on these grounds, that is, to rectify an injustice, they cannot lawfully continue it once that goal is accomplished, and they are certainly barred from seizing Indian property. A lawful intervention cannot, without additional justification, become a lawful conquest. Furthermore, a Christian prince who comes, for whatever reason, to rule the Indians is morally obligated to rule them for their own good. This follows from the principle that in ruling a particular community a prince must be guided by the interests of that community.

Vitoria develops these principles in "On the American Indians." In this lecture, he asks "by what right were the barbarians [the Indians of the New World] subjected to Spanish rule?" Some attempted to justify the conquest by arguing that the Indians, being barbarians, were incapable of being true "masters" – rulers of kingdoms or owners of property. They used the Aristotelian idea of natural slavery to support the claim that Indians lacked government or ownership before the Spanish conquest. Natural slaves, for Aristotle, are human beings who possess only limited reason, creatures who can follow commands but not make choices of their own or command others. If the Indians are slaves by nature, they cannot own things or govern themselves, and, as slaves without masters, they may be owned and ruled by anyone and therefore by the Spaniards.

Vitoria is unimpressed by these arguments, arguing that what Aristotle calls natural slavery is unrelated to slavery as a practice (commonly rationalized on the grounds that those defeated in battle owed their lives to the victors, who might choose to exercise their acquired right by enslaving the conquered). By natural slavery, Aristotle means only that some human beings are insufficiently rational to be considered responsible for their own decisions. He does not mean that such persons cannot own things or that they can become the property of others. Slavery of the latter kind "is a civil and legal condition, to which no man can belong by nature" (p. 234). Those who are intellectually deficient may need to be governed by others, as parents govern their children. Like children, natural slaves have rights. If the Indians are natural slaves, in Aristotle's sense, this fact justifies nothing beyond ruling them for their own good. It cannot justify expropriation, legal slavery, or massacre. But, Vitoria argues, the Indians are, in any case, not natural slaves. They are neither stupid nor mad: that they have cities, laws, magistrates, and commerce proves that they possess judgement, like other human beings.

But if the Indians did own property and rule themselves before the Spanish conquest, on what grounds can that conquest be defended? One cannot argue that the Americans belong to the emperor (the Spanish king) because the emperor rules the entire world, or that Spain rules America on behalf of the pope. Nor can the Spaniards claim title to the Indies on the grounds that they discovered them – this argument, says Vitoria, offers no more support for the Spanish conquest than it would if the Indians had discovered Spain. But even though these and many other false arguments ("unjust titles") can be refuted, it does not follow that the Spaniards have no right to rule over the Indians. There are several legitimate grounds ("just titles") on which Spanish dominion in the New World might be defended.

Vitoria assumes that Spaniards are entitled to travel, settle, engage in trade, and appropriate common resources in the Americas, so long as they do

not invade the rights of the indigenous inhabitants. But if they are attacked, they may defend themselves and also seek redress for the violation of their rights. And if the Indians continue to interfere with the Spaniards in the exercise of their legitimate rights, they can be treated as "treacherous foes against whom all rights of war can be exercised, including plunder, enslavement, deposition of their former masters, and the institution of new ones." Vitoria does say that whatever is done "must be done in moderation, in proportion to the actual offence." But can one really plunder, enslave, and conquer "in moderation"?

Christians have the right to preach Christianity among the barbarians and they may defend this right by force, if necessary. Those Indians who convert to Christianity may be protected from efforts to reverse their conversion. And if there are many converts, the pope may even depose "their infidel masters" and give them a Christian prince. Clearly, these precepts clear the way for Spanish rule. But not without doubts and resistance: critics ridiculed the characterization of Spaniards in America as "travelers," and one of the few books totally suppressed in Spain during the second half of the sixteenth century as morally objectionable was one in which Sepúlveda defended his view that the Indians were natural slaves (B. Hamilton, 1963: 10; Pagden, 1987: 89). Although by the end of the century the debate over the Indies had lost its practical importance because of a catastrophic decline in the Indian population and the waning of missionary fervor, the arguments it generated would echo in foreign policy debates until the collapse of the last European empires.

FURTHER READING

Black (1993) provides a good introduction to medieval political thought and to most of the authors and themes explored in this chapter. For additional discussion and bibliography, see Burns (1988) or Canning (1996). On Aquinas, Pieper (1962) is one place to start; Finnis (1998) is more difficult but also more up to date. Medieval just-war theory is ably surveyed by Barnes (1982) and, in more detail, by Russell (1975). To follow just-war thinking into modern times, see Johnson (1975), Walzer (1977), and Finnis (1996). On Erasmus and his context, Adams (1962) is helpful. B. Hamilton (1963) and Fernández-Santamaría (1977) discuss Vitoria's lecture on the American conquest in the context of Spanish neo-scholasticism. For more on the conquest itself, see Todorov (1999).

SOURCES

John of Paris, from *On Royal and Papal Power* (c. 1302), in *Medieval Political Theory – A Reader*, ed. Cary J. Nederman and Kate Langdon Forhan (London: Routledge, 1993), chs. 1, 5, and 7, pp. 161–3 and 164–7.