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## Francisco de Vitoria and On the American Indians: A Modern Contribution to International Relations

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Francisco de Vitoria, a theologian of the 16th century, was a core writer of the Renaissance since he attempted to question the legitimacy of the European expansion, putting forward, according to Martin C. Ortega, 'a mixture of legal, sacred, pagan and literary references to build up a concept of his own'.<sup>[1]</sup>

His mission, as a theologian, was to ensure that the political power will be under Christian ethico-political principles. At the same time, he was widely influenced by the work of the French humanists of his epoch but, above all, by St Thomas and his attempt to reconcile Greek philosophy and Holy writ. *On the American Indians*, his most famous work, tries to answer the following questions: 'by what rights were the barbarians subjected to Spanish rule?', 'what powers has the Spanish monarchy over the Indians in temporal and civil matters?' and 'What powers has the Spanish monarchy over the Indians in spiritual and religious matters?'<sup>[2]</sup>

What is particularly striking in his analysis of the rights of American Indians is, first of all, the concrete side of his work: contrary to the speculative theology of the medieval times, he developed a moral answer to a specific problem, the discovery of America and its native population.

Secondly, the discovery of America made him aware of the immensity of the world which led him to think about it and its humanity as a whole and not only as just only European.

Thirdly, he investigated both secular and religious rights of the Spaniards over the new world and derived from them a set of concepts, notably the law of nations (*ius gentium*), which is particularly new at that time. Therefore, the main interest is that his conception of international relations seems very modern and avant-gardist and, while reading *On the American Indians*, one can easily evaluate the contemporary nature of his work: the issue of human rights or the legitimacy of a military intervention abroad are core topics in this book and questions our contemporary understanding of these questions.

But the most striking is that the solutions that he put forward on these matters are very similar to the ones that shape the contemporary international system since 1945. To sum up, Vitoria questions our understanding of international affairs and, thus, International Relations as an academic discipline, and leads us to think about the ambiguity of the norms of the contemporary international system. Indeed, Vitoria was above all a catholic theologian and his ideas have to serve Jesus Christ's message and more generally, the mission of the Church.

The leading question of the following paper will be: why Vitoria's work about Indians was a decisive contribution to International Relations?

My subtend hypothesis is that Vitoria's discourse is above all an avant-gardist work because it shifts progressively from the spiritual side of Christianity to its human one to, eventually, give priority to the latter. This human sensitivity rooted in Christianity and that Francisco de Vitoria put forward was avant-gardist because it could not be applied in fundamentally spiritual societies like European ones at that epoch. It was only after a long process of autonomy given to domestic and international politics that Vitoria's work could have some feedbacks: modern European societies,

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more and more secularist, could not totally get rid of their Christian legacy and appropriated Vitoria's ideas which mainly deal with the human side of their religion.

My starting-point will be an analysis of the content of *On the American Indians* highlighting the shift between a spiritual Christianity and a human one through notably the concept of 'law of nations'. Then, I will analyze this human dimension through the International Relations prism and, more precisely, the English School's triad with an intellectual contextualisation of his thought throughout history and notably the Renaissance. Concluding that his thought is above all 'rationalist', I will evaluate its impact in our modern conception of international affairs and especially international law. The subtend idea will be to think about the moral ambiguity that shapes the rules of our modern world.

Vitoria's discourse: a shift from a spiritual Christianity to a human one

I affirm that *On the American Indians* presents a struggle, a tension within its content between a spiritual and a human Christianity where, eventually, the first slips away. This dichotomy is summarized in Jesus Christ's message:

'And one of the scribes came and heard them arguing, and recognizing that He had answered them well, asked Him, "What commandment is the foremost of all?" Jesus answered, "The foremost is, 'Hear, O Israel! The Lord our God is one Lord; and you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.' "The second is this, 'You shall love your neighbor as yourself.' There is no other commandment greater than these.'<sup>[3]</sup>

I argue that, on the one hand, the dictum 'The lord our God is one God' symbolizes the spiritual side of Christianity since it refers to the faith or belief for a transcendent reality which is god. On the other hand, the dictum 'You shall love your neighbor as yourself' represents the human side of Christianity.

In order to illustrate my argument, I will highlight Vitoria's shift from the spiritual Christian side of his discourse to its human Christian side. In addition to my analysis of *On the American Indians*, I will also use references from *On Law* and *On Civil Power* so as to give a broader intellectual framework to his work dealing with the rights of Native Americans.

'The Lord our God is one Lord' or the divine and eternal law: the spiritual Christian side of Vitoria's discourse

Vitoria is above all a theologian who is looking for the respect of the precepts of the gospels where god is the starting-point. Being a follower of St Thomas Aquinas, the main idea in the Christian spirituality of *On the American Indians* is the existence of a divine or eternal law and, to some extent, of the natural law (*ius naturae*). According to Vitoria, all rights are natural and they result from God's law where *dominium* plays a great role. *Dominium* may be defined thus: 'the right of the owner of a thing to use it or dispose of it at his pleasure'<sup>[4]</sup>. Vitoria is very explicit by quoting this sentence from the Bible: 'It is axiomatic that every dominion (*dominium*) exists by God's authority, since He is creator of all things and no one may have such dominium unless he is given it by God (Rom. 1: 18-20)<sup>[5]</sup>. Even though the concept of eternal law is not clearly explicated in *On the American Indians*, it constitutes the spiritual framework of his analysis. This framework directly refers to St Thomas d'Aquin's definition: eternal law is the transposition of the mind of God as seen by God himself<sup>[6]</sup>. Divine law is derived from eternal law as 'it appears historically to humans, especially through revelation, i.e. when it appears to human beings as divine commands.'<sup>[7]</sup> Thus, the divine law is constituted by the Old Law, i.e. the Old Testament and notably the Ten Commandments, and the New Law, i.e. the New Testament and more precisely the teaching of Jesus. Therefore, the eternal and then divine law are at the top of a sort of 'pyramid'.

Lower in the 'pyramid' is the natural law (*ius naturae*). According to Aquinas, it is 'the participation in the eternal law by rational creatures (*ST I.II. 91. 2 in c*)<sup>[8]</sup>. The first part of this natural law is constituted by the so-called 'first principles' (*prima praecepta*) that all rational beings are supposed to recognize. From these first principles, a set of secondary or even tertiary and quaternary ones are derived from and provide the rational underpinning for all codified laws<sup>[9]</sup>. 'The general consensus of men'<sup>[10]</sup> provides the accurate translation of these different principles. With the

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Thomist concept of natural law defined by Vitoria, one can notice the intermediate role that this set of law plays. Indeed, natural law is nothing more than the human contribution to eternal law.

The concept of 'law of nations': an intermediate and ambiguous space between spiritual and human Christianity

For some reasons that I am going to put forward, the concept of 'law of nations' (*ius gentium*) crystallises the shift of Vitoria's speech from a spiritual Christianity to a human one.

Before giving further details, I will describe the lowest law in Vitoria's work: the positive or human law. As the title mentions, it qualifies the laws enacted by man. They have to be derived from natural law but, at the same time, they also can be abrogated contrary to the previous one.

Being situated between the natural law described above and the positive law, the 'law of nations' is a set of principles enacted by the power of 'the whole world, which is a sense of commonwealth'<sup>[11]</sup> regardless of the particularities of each community around the world. To what extent does this intermediate space belong to the natural and the positive law? It is obvious that Vitoria's concept of 'law of nations' is very ambiguous.

On the one hand, as I mentioned before, all rights are natural and the consequence of God's law in Vitoria's work. Thus, the dictum 'The lord our God is one God' is the 'architecture' of the whole system.

On the other hand, going against Aquinas's conception, he clearly said that it is above all part of the positive law: it 'is not equitable of itself, but [has been established] by human statute grounded in reason'<sup>[12]</sup>. Vitoria gives to this set of laws a more human than divine nature. The discovery of America and the interaction between Christian states and non-Christian communities led Vitoria to define a framework for their relationship which is to some extent a cause and a result of human action. However, even though the concept of 'law of nations' is more human than divine, it is still Christian since all rights derive from God. Therefore, the 'law of nations' is the 'roof' of Vitoria's thought and it represents his human Christianity. Indeed, the concept of 'the whole world, which is a sense of commonwealth' directly refers, in broader terms, to a kind of brotherhood: beyond the particularities of each community around the world, all men who are either Native American 'barbarians' or Spaniards share a common conception of the 'law of nations', a kind of international law, which is above all normative because rooted in the human sensitivity of Christianity. This brotherhood announces the definite human Christian message in Vitoria's discourse.

Therefore, this concept of 'law of nations' shows the shift from a spiritual Christianity to a human one through its intermediate position between divine/eternal law and positive law as well as its ambiguous notion of 'the whole world'. In order to go beyond this ambiguity, I will attempt to analyze the different rules that he elaborated about the American Indians in order to evaluate their human Christian nature.

'You shall love your neighbor as yourself': the definitive human Christian nature of Vitoria's discourse

Since I assume that Vitoria's goal is to come back to the human sensitivity rooted in Jesus Christ's message, the goal here is to read *On the American Indians* in order to evaluate its human Christian nature and especially the love message for his neighbor: 'You shall love your neighbor as yourself.' To understand the reach of this message, it may be relevant to add that, according to Jesus Christ, 'your neighbor' means also your enemy:

"There is a saying, 'Love your friends and hate your enemies.' But I say: Love your enemies! Pray for those who persecute you! In that way you will be acting as true sons of your Father in heaven. For he gives his sunlight to both the evil and the good, and sends rain on the just and on the unjust too. If you love only those who love you, what good is that? Even scoundrels do that much. If you are friendly only to your friends, how are you different from anyone else? Even the heathen do that. But you are to be perfect, even as your Father in heaven is perfect. (TLB, Matthew 5:43-48)

Furthermore, if, according to Jesus Christ's message, 'You shall love your neighbor as yourself.', even your enemy, it implies that the necessary love relationship between two individuals eliminates the differences between individuals

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and tends to contribute to the concept of humanity and its subtend meaning: all men are equal. To my knowledge, that is the essence of human Christianity.

In light of these Christian principles, I can now evaluate its possible transposition in *On the American Indians*, notably through Vitoria's interpretation of the affairs of the Indians and the question of the 'just' war which are under the ambiguous but human Christian roof of the 'law of nations'.

Vitoria's main contribution was to have considered the Indians as rational beings as other men like Christians with, thus, 'a right to their territories, their families and possessions'. As a consequence, Christians cannot 'use either of these arguments to support their title to dispossess the barbarians of their good and lands'<sup>[13]</sup>.

What are the steps of the author's reasoning? All rational beings do have a dominium ('the right of the owner of a thing to use it or dispose of it at his pleasure'). Therefore, only irrational beings do not have a dominium. Besides, he adds that madmen have rights but cannot exercise dominium. The question thus arises: are the Indians rational beings? According to Vitoria, 'they have properly organized cities, proper marriages, magistrates and overloads (domini), laws, industries, and a commerce, all of which require the use of reason'.<sup>[14]</sup> Therefore, they 'undoubtedly possessed as true domination, both public and private, as any Christians'.<sup>[15]</sup>

The impact of this statement is great for two reasons: first of all, it implies that, by extension, all men are rational beings. Then, it goes against the so-called right of discovery. Indeed, before 1539, the Bulls of Donation made by the Pope Alexander VI in 1493 gave the right to possess all the lands inhabited by non-Christians discovered in the Atlantic.

The peaceful Jesus Christ's message to love one's neighbor is meaningful in Vitoria's work: even though Indians can be considered as enemies in the warlike context of the Conquest, they are above all men similar to Europeans and, on this behalf, deserve the same treatment that Spaniards give to themselves. As the Indians have to respect the sovereignty of the Spanish territory, the Spaniards are not supposed to conquest Indians' territory. Indeed, 'the Spaniards are the barbarians's neighbours'<sup>[16]</sup>.

However, acknowledging Indians as rational beings and more generally, men, as well as the peaceful human Christian message of loving each other is to some extent ambiguous and can even justify war as *On the American Indians* points out. Even though the Indians are men, they are still 'barbaric' because of 'their evil and barbarous education'<sup>[17]</sup>. Among the signs of barbarism, cannibalism and human sacrifice are the most unnatural and, according to Vitoria, military intervention may be justified by the universal right to defend the innocent, even against their will<sup>[18]</sup>.

This core interpretation of 'just' war according to Vitoria raises the complex and ambiguous message of human Christianity: because I love my Indian neighbour as myself, I can declare war on some of them if their practices are considered unnatural according to my standards.

However, it is worth mentioning that Vitoria is opposed to any kind of imposition of Christian faith through war and any form of threats, tortures<sup>[19]</sup>. The subtend idea is that Christian religion is so strong and, therefore, superior to any kind of other religion, that, once Indians will be educated, they will realize the power of Jesus Christ's message and naturally become Christians.

Starting from the spiritual message of Christianity, Francisco de Vitoria gradually shifts to a more human sensitivity summarized by the dictum 'You shall love your neighbor as yourself'. What is central in that shift is the concept of 'law of nations', a kind of international law, whose ambiguous position raises the issue of its normatively. By extension, one could raise the same issue about our conception of modern international law. This is one of the goals of the next part.

Vitoria's Christian humanism and its impact in International Relations and modern international law

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Given that Vitoria's discourse is above all a human Christian message in an equation with the dictum 'You shall love your neighbor as yourself', it is now relevant to evaluate its impact in International Relations as a discipline and, then, in modern international law so as to understand why Vitoria's work is a decisive contribution to International Relations.

The ambition of the first sub-section is to analyze *On the American Indians* through the theoretical tool of the English School of International Relations. Arguing that Vitoria's work is above all a rationalist theory, I will evaluate its impact in the contemporary 'international society'.

Vitoria's discourse and its position among the English School of International Relations's triad

As Martin C. Ortega argues, 'Vitoria believed in the internationalist ideas of a later epoch but was prevented by his historical context from expressing such sentiments.'<sup>[20]</sup> My aim here is to analyze the profound contribution of Vitoria's discourse in International Relations through the English School's triad and, thus, questioning his human Christianity. The goal will be to choose which stream, among the three tendencies defined by this triad for classical international relations theories, best characterizes Vitoria's thought. The other interest lies in the opportunity to compare Vitoria's thought with other ones such as Machiavelli.

Barry Buzan defines an English School triad's which is composed of Realism and its subtend idea which is statism, Rationalism (internationalism) and Revolutionist (universalism). What is the position of Vitoria's thought within these three paradigms? Let's take the two opposite traditions: realist and revolutionist period.

Claiming that it is a realist work would question my hypothesis about the fundamental moral nature of *On the American Indians*. As I said previously, he is convinced of the superiority of Christianity.

As a theologian, his main preoccupation is to ensure the respect of his religion and, thus, defend a sort of a 'Christian interest'. By 'Christian interest', I mean here a defense of Jesus Christ's radical human message and not a protection of the Catholic Church as an institution. Indeed, as I mentioned in the first part, he went against the Pope, mainly by questioning the Bulls of Donation made by the Pope Alexander VI. This was, in a way, absolutely courageous because he also questioned the double link starting with the Middle Ages: from that epoch, church needed politics and vice-versa. With such a critique of the right of Conquest, he criticizes the temporal and spiritual powers of that time.

However, another level of meaning giving credence to the realist nature of Vitoria's thought may be his tendency to defend, beyond Christian message and Catholicism, his European civilization and, thus, Spanish interests. The *mission civilisatrice* that Vitoria put forward through the education of these 'barbarian' people is meaningful: education is the best means to homogenize a foreign population according to the values, norms and interests of a more powerful country such as Spain. In addition to the superiority of Christianity, Vitoria was obviously convinced by the central role and even supremacy of his civilisation. It was only Vitoria, representative of Christianity and, by extension of Spanish and European civilization, and none other that define the Indians' rights to property and even their status of man. He obviously perceived himself as higher than the Indians, convinced that he was the only one who can truly re-give the Holy dictums in a period characterized by great changes.

Whereas the discovery of America and of a new otherness might have been an opportunity to relativize their position in the world, Vitoria's discourse on the American Indians points out the idea that Spanish and Europeans reinforce their identity and notably their self-perception of being representative of a superior civilization. This was the emergence of the European individuality.

However, was Vitoria a classical realist such as Machiavelli? He was not. The main reason was that their approach to the relationship between moral and politics was absolutely different: whereas Vitoria attempted to re-introduce Christian morality in politics, Machiavelli aimed to give a definition of politics which produces a new morality, a sort of civic ethics.

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Besides, as Martin C. Ortega argues, Machiavelli perceived the relationship between Christian and non-Christian states as a means to establish colonies in the interest of the first ones, regardless of the human consequences among the native population<sup>[21]</sup>. But Vitoria cared about the condition of the Indians. Another argument is that realism is characterized by state-centrism and Vitoria's crystal-clear tendency not to talk about states but 'communities' (*communitas*) support the idea that he is not a realist. If he is not a true realist, is he a revolutionary?

I could argue that he is a revolutionary since my emphasis throughout the first part was to point out the universal message of his human sensitivity rooted in Jesus Christ's message: 'You shall love your neighbor as yourself'.

Pretending that Indians are as rational men as Spaniards and that, by extension, all men are equal, his message goes beyond any kind of cultural or ethnical specificities: The world is 'inhabited by people who were equal in essence and in their rational nature, which conferred on them rights, property and free will'<sup>[22]</sup>. Taking this statement into account, one could evaluate its avant-gardist nature that only the French revolution symbolize three centuries later.

However, contrary to Emmanuel Kant, who is the core writer in the English school approach of the revolutionary perspective, he does not give any kind of best political regime to reach a world governance. He only talks about communities (*communitas*) in *On the American Indians* without describing what should be the best model to reach the Christian revolutionary message.

Besides, he is still a theologian who may give him the first role to comment and analyze his epoch: his discourse is above all religious. Taking into account this last argument and also his realist tendency, I can argue that Vitoria might be a rationalist which is situated, according to the English school model, between the realist and revolutionary approaches. And this is that same English school which is, in broader acceptance, a rationalist theory.

*On the American Indians*, a rationalist theory of international politics: the contemporary nature of Vitoria's discourse

In what follows, I argue that *On the American Indians* and especially the affairs of the Indians and the rightness of the war that results from it, is close to the rationalist approach in an equation with the English school paradigm.

First of all, I justify my choice by putting forward the commonly admitted idea that values are the heart of this school. It may be the most appropriate framework to analyze the human Christian values.

But the most striking similarity between *On the American Indians* and English school paradigm (or rationalist theory) deals with the concept of 'the whole world' and the 'law of nations'. According to Vitoria, the 'law of nations' is a set of principles enacted by the power of 'the whole world, which is a sense of commonwealth'<sup>[23]</sup> regardless of the particularities of each community around the world. This 'commonwealth' of different 'communities', which shares common norms and values deeply influenced by Christianity, is very similar with the definition of 'international society' provided by Bull: 'a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relation with one another, and share in the working of common institutions'<sup>[24]</sup>. Since the 'communities' that are around the world, notably the Native Indian ones and European ones, are not isolated thanks to the mutual interaction taking place between both of them from the 15<sup>th</sup> century, they can form an 'international society' and share a common 'law of nations' but also 'natural law' with "You shall love your neighbor as yourself" being the first dictum.

As a result, the 'whole world' is nothing more than a 'super-international society' which refers directly to the solidarist approach in the English school of International Relations. This approach may be defined as an institutional arrangement for producing order and justice and which requires that states commit to enforcing rules and they act as guardians of human rights<sup>[25]</sup>. International law and humanitarian intervention play, thus, a great role.

What is particularly relevant here is that, according to Bull, solidarist perspective is the main characteristic of the 'international society' of the 20<sup>th</sup> century, especially after the Second World War. In addition to the contribution to the concept of 'international society', Vitoria's work may think about our contemporary one, notably regarding

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humanitarian interventions.

The parallel to draw here is between international law and 'law of nations' and the ambiguity that both share with natural law. As Philip Allot argues, 'In international law, there is really only one problem, what to do about natural law'<sup>[26]</sup>. Once again, we are back to the ambiguity of the law which regulates the diplomatic relations between different states belonging to an 'international society'. What could be relevant is to focus on the concept of 'just' war through *On the American Indians* in a contemporary perspective.

One of the basic principles of 20<sup>th</sup> century international law is self-determination of peoples: people have the right to govern themselves. Vitoria's attribution of a *dominium* or ownership of their territory is only a premise of self-determination. Indeed, this *dominium* in Vitoria's perspective is not fully understood in political terms: he does not conceive a political independence for the Indian communities. He doubts that the Indians can maintain 'a government of their own'.<sup>[27]</sup> He envisages rather a voluntary association with the Spanish Crown.<sup>[28]</sup>

Vitoria obviously raises the issue of colonialism. As the European colonizers of the 19<sup>th</sup> and 20<sup>th</sup> centuries were convinced by the utility of their *mission civilisatrice* which was not inevitably religious, Vitoria justifies the Spanish intervention by the necessary subordination that the Indians need because the latter are not Christian and well-educated: he wrote about the Native Americans that 'belief in Christ and baptism is necessary for their own salvation'<sup>[29]</sup>. This similar pattern between two different periods of times questions the human sensitivity of the Christian message deeply rooted in the European civilization of the 19<sup>th</sup> century. Beyond the formal secular appearance that some of them could start to adopt, the 'love for your neighbour' dictum was an implicit credo that meant to civilize less civilized people. Robert Williams, an Australian political scientist, has a very radical analysis on this matter: 'Vitoria's Law of Nations provided Western legal discourse with its first secularly oriented, systematized elaboration of the superior rights of civilized Europeans to invade and conquer normatively divergent peoples'<sup>[30]</sup>.

However, after the process of de-colonization taking place subsequently to the end of the Second World War, the commonly admitted intervention in international politics was a humanitarian one. According to Adam Roberts, 'humanitarian' may be defined as the use of unilateral collective force in order to protect persons from human rights violations, without asking for the consent of the state, community, or other entity affected<sup>[31]</sup>. For Vitoria, the main reason to lead an intervention which may be qualified retrospectively as 'humanitarian' is the practice of cannibalism and human sacrifice. Both are a sort of injure to humanity. This rejection of such a practice points out a certain ethnocentrism. Indeed, a lot of irrespective practices for human integrity were made at that time in Europe. If cannibalism and especially human sacrifices are considered as unnatural for Vitoria, it is mainly because it does not correspond to his Western Catholic values.

What kind of parallel can we draw with our modern 'international society'? In recent years, the European Union as a foreign actor became, according to Ian Manner, a 'Normative Power Actor' (NPE) that-is-to-say that the European Union promotes above all civil, political and economical rights through concepts such as peace, democracy, the rule of law and human rights. Based on post-structuralist literature and more precisely on Michel Foucault's work, Michael Merlingen goes against the NPE by pointing out the hidden side of the European Union showing that, even though its foreign policy claims to spread a 'better life' abroad, its functioning is mainly based on a logic of domination/subordination with other countries.<sup>[32]</sup> Besides, although it tends to limit degradation of individuals, they are also subordinated to the pretension of the normative side of the EU with its universal ambition.<sup>[33]</sup> If the European Union decides to intervene in a foreign country, it is again according to its standards that it perceives as being the best ones which is also an expression of ethnocentrism. But the core idea that my argumentation can add is that the moral universalism that the European Union can advocate, puts forward a kind of moral community of humankind which is, eventually, in an equation with Vitoria's concept of 'whole world' and the human Christian values that shape it.

Therefore, one could argue that the main logic behind all those interventions is morality and Christian values: many actors around the world share as Vitoria at his time a moral duty to help victims of aggression in other communities. However, the characteristics of the 'international society' of the 15<sup>th</sup> century are different from the contemporary one: nowadays, there is such a consensus among some actors that an 'international community' emerged which implies a

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more diffuse power among the states which belong to it, and also, other new actors, like international organizations. The duty to help one's neighbour is definitely part of our contemporary 'international society' and institutionalizes through the concept of human rights.

One of the legal bases of human rights is without any doubt the Universal Declaration on Human Rights<sup>[34]</sup> adopted by the General Assembly of the United Nations in 1948. Its first article reflects Vitoria's contemporary and his Christian human sensitivity.

## Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

One can even wonder whether Vitoria is the author of this article since it embodies so much the main idea that he develops throughout his book *On the American Indians*. Indeed, it points out the rational nature of mankind and highlights the equality among all men. But it puts forward the 'brotherhood' among men which is a strong illustration of the dictum: 'You shall love your neighbor as yourself'.

The English School's triad commonly used to situate classical international relations theories allows us to comprehend its rationalist nature: without being a true realist, Vitoria's analysis of the affairs of the Indians is not totally revolutionary since his ambiguous discourse is above all religious and tends to defend the values, norms and interests of the Spanish and European civilizations, notably religious. His world, as being an 'international society', is very contemporary and the questions that he raised about the causes of a 'just' war are particularly relevant to understand the fundamental human Christian aspect of the norms that shape it. For instance, the concept of human rights is finally a product of a Christian culture and more particularly to its human sensitivity to one's neighbour.

*On the American Indians* is a decisive contribution to International Relations. I argued that the tension, dichotomy between a spiritual Christianity and a human one, eventually, turns into the second one: 'You shall love your neighbour as yourself' is, thus, a dictum which more or less leads Vitoria to define a set of rules to apply to the American Indians. Beyond the defence of his religion but also his country, there is obviously a constancy to consider all men and, therefore, the Indians, are equal so as to form the 'whole world' which is very close to the rationalist concept of 'international society'. Thus, the idea behind Vitoria's thought is to form a common society where the different 'communities' share common norms within a kind of international law situated between the divine and the positive law. This ambiguous position but more generally his perception of the world is very contemporary and, thus, questions the Christian reach of most of the norms that shape our understanding of international affairs. Human Rights, as the first article of Universal Declaration on Human Rights demonstrates, is, therefore, a result of those norms and raises the issue of the 'just' war. Besides, the so-called 'Normative Power of Europe' contains a hidden side which tends to ethnocentrism and, therefore, may bring an imposition of European Christian values. Behind the peaceful message of human Christianity, Vitoria's argumentation shows that it is because some people care about their neighbour that they are willing to help them through a military intervention. Furthermore, this universalist message, deeply rooted in Western societies which are officially secular, make their advocates think that it is the best one and, thus, behave in a way which may lead them to impose a model that, eventually, some other countries do not want. The interest is not to say whether such an universalist attitude is good or not which would be a moralist approach, but rather think about our own values and realize to what extent they shape our intersubjective perception of politics.

[1] Martin C. Ortega, 'Vitoria and the Universalist Conception of International Relations' in Ian Clark and Iver B. Neumann Eds, *Classical Theories of International Relations* (London: Macmillan, 1999): 113

[2] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. 233

[3] Bible Ressources, 'The Greatest Commandment', Mark 12:28-34, <http://bibleresources.bible.com/Bcommand.php>



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[4] The free dictionary by Farlex, 'Dominion', <http://legal-dictionary.thefreedictionary.com/dominion>

[5] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. 241

[6] Dr. Jan Edward Garrett homepage, 'Aquinas on Law', WKU University, <http://www.wku.edu/~jan.garrett/302/aquinlaw.htm>

[7] Ibid.

[8] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. xiv

[9] Ibid.

[10] Ibid.

[11] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. xv

[12] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. xvi

[13] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. 246

[14] Ibid. p. 250

[15] Ibid. p. 239

[16] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. 279

[17] Ibid.

[18] Bernice Hamilton, *Political Thought in Sixteenth-Century Spain*. (Oxford: Oxford University Press), p.129

[19] Martin C. Ortega, '*Vitoria and the Universalist Conception of International Relations*' in Ian Clark and Iver B. Neumann Eds, *Classical Theories of International Relations* (London: Macmillan, 1999): 113

[20] Martin C. Ortega, '*Vitoria and the Universalist Conception of International Relations*' in Ian Clark and Iver B. Neumann Eds, *Classical Theories of International Relations* (London: Macmillan, 1999): 113

[21] Martin C. Ortega, '*Vitoria and the Universalist Conception of International Relations*' in Ian Clark and Iver B. Neumann Eds, *Classical Theories of International Relations* (London: Macmillan, 1999): 115

[22] Ibid.

[23] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. xv

[24] Bull, Hedley. *The Anarchical Society: A Study of Order in World Politics* (1977)

[25] Andrew, Linklater and Suganami Hidermi. 'The argument of the English School', in: *The English School of International Relations: A Contemporary Reassessment* (Cambridge: Cambridge University Press, pp. 60

[26] Philip Allot, 'Language, Method and the Nature of International Law', *British Yearbook of International Law*, 45 (1971)

[27] Martin C. Ortega, '*Vitoria and the Universalist Conception of International Relations*' in Ian Clark and Iver B.

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Written by Adrien Jahier

Neumann Eds, *Classical Theories of International Relations* (London: Macmillan, 1999): 117

[28] *Ibid.*, p. 118

[29] Francisco De Vitoria, *Political Writings*. (Cambridge: Cambridge University Press, 1991), p. 271

[30] Robert, Williams, 'American Indians', in: Georg, Cavallar. *The Rights of Strangers* (Ashgate: Ashgate publishing limited) p. 99

[31] Adam Roberts, 'Humanitarian war: military intervention and human rights', *International affairs*, 69 (1993), p. 445

[32] Michael Merlingen, Everything Is Dangerous: A Critique of 'Normative Power Europe', *Security Dialogue*, Vol. 38, No. 4, 435-453 (2007), <http://sdi.sagepub.com/cgi/reprint/38/4/435>

[33] *Ibid.*

[34] For the complete Declaration, please see <http://www.un.org/Overview/rights.html>

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