

Contents

Preface

viii

A note on the text

xi

1 Early modern understandings of political order and the School of Salamanca

1

- Salamanca's responses to problems of their age* 1
- Three generations of Salamanca and related thinkers* 3
- Revivals of the School of Salamanca* 6
- Commonwealth as an actor of the European order* 13
- From the Reconquest to the Spanish monarchy* 16
- Commonwealth as an actor in relations
with non-European worlds* 21
- The emergence of the affairs of the Indies* 24
- Three basic issues of the affairs of the Indies* 31

2 Reason and prudence: The nature of the Indians

54

- 2.1 *Discourse on the "barbarous" Indians* 54
 - The Indians and the concept of "barbarians"* 54
 - Differences between the Indians, other non-
Christians, and impoverished Christians* 59
- 2.2 *Hierarchical teleology and the theory of natural slavery* 63
 - Servus: Slave or serf?* 64
 - Succession of Aristotelianism-Thomism:
From Major to Gregorio and Mesa* 65
 - Law of command and obedience: Sepúlveda* 69
 - Criteria for natural slave* 71
- 2.3 *Absence of education and the theory of the inferior* 73
 - Early criticisms of the theory of natural slavery:
Montesinos, Palacios Rubios, and Paz* 74

	<i>Human beings as the image of God: Vitoria</i>	79
	<i>Development of the School of Salamanca:</i>	
	<i>From the early (Soto, Cano, and others)</i>	
	<i>to the later (Molina, Suárez, and others)</i>	83
	<i>Early modern dichotomy between</i>	
	<i>civilization and barbarism</i>	89
2.4	<i>Acceptance of diversity and the theory of humankind</i>	90
	<i>Classification of barbarians: Zorita and</i>	
	<i>Peña vs. Acosta and Botero</i>	90
	<i>Las Casas's redefinition of the concept of</i>	
	<i>barbarians: Difference and inferiority</i>	93
	<i>Refutation of the theory of natural slavery</i>	100
	<i>Refutation of the theory of the inferior</i>	104
3	Power, commonwealth, and the law of nations:	
	The legitimacy of the Spanish dominion over the Indies	132
3.1	<i>Vitoria's criticism of conventional justifications</i>	135
	<i>Civil power, commonwealth power, and government</i>	
	<i>power: The naturalness of power</i>	135
	<i>Dominion, use, and usufruct</i>	143
	<i>Criticism of conventional justifications of the conquest</i>	
	<i>and Salamancans' understandings of power</i>	144
	<i>Commonwealth: Subsistence and morality</i>	145
	<i>The relationship between commonwealth and church</i>	148
	<i>Natural law and the law of nations in totus orbis:</i>	
	<i>The range of the application of laws</i>	151
	<i>Criticism of conventional justifications of the conquest and</i>	
	<i>Salamancans' understandings of the subject of power</i>	156
3.2	<i>New titles presented by the School of Salamanca</i>	159
	<i>Rights and obligations under the law of nations</i>	159
	<i>Natural inferiority</i>	163
	<i>Evaluation of the new titles</i>	164
3.3	<i>Las Casas's denial of the Spanish legitimacy</i>	166
	<i>Criticism of conventional justifications</i>	168
	<i>Criticism of Salamanca titles</i>	170
	<i>Potential dominion</i>	173

4 Conditions of just war: The conquest of the Indies	194
4.1 <i>Ius ad bellum and ius in bello</i>	194
<i>Appropriateness of the use of force by Christians</i>	194
<i>Origin and development of just war theory</i>	197
<i>Conditions for just war: Authority, causes, and the way</i>	199
<i>Criticism of just war theory</i>	201
4.2 <i>The legitimacy of the beginning of war</i>	202
<i>Authority of prince: Interpreting the requerimiento</i>	202
<i>Four causes: Sepúlveda</i>	206
<i>Seven causes based on the law of nations:</i>	
<i>The School of Salamanca</i>	209
<i>Denial of just causes: Las Casas</i>	214
4.3 <i>The justice of war's conduct</i>	215
<i>Illegal military action as "minor evil": Sepúlveda</i>	216
<i>Condemnation of inhumanity of the conquerors:</i>	
<i>The School of Salamanca</i>	219
<i>Claim for compensation and restitution: Las Casas</i>	223
5 Significance and problems of the Salamancan understandings of political order	240
<i>Moral restrictions against "interior barbarism"</i>	240
<i>Common political order with "exterior barbarism"</i>	242
<i>Salamancan theories after the affairs of the Indies</i>	245
 <i>Appendix 1 Salamancans and related thinkers</i>	 251
<i>Appendix 2 Life and publication history of key figures</i>	258
<i>Index</i>	271