

**FRANCISCI DE VICTORIA
DE IVRE BELLI RELECTIO.
A DISSERTATION**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649312573

Francisci de Victoria De Ivre Belli Relectio. A dissertation by Herbert Francis Wright

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

HERBERT FRANCIS WRIGHT

**FRANCISCI DE VICTORIA
DE IVRE BELLI RELECTIO.
A DISSERTATION**

Cover

C 1379.5.80

FRANCISCI DE VICTORIA
DE IVRE BELLI RELECTIO

BY
HERBERT FRANCIS WRIGHT

A DISSERTATION
*Submitted to the Faculty of Letters of the Catholic
University of America in Partial Fulfillment
of the Requirements for the Degree
of Doctor of Philosophy*

WASHINGTON
PUBLISHED BY THE AUTHOR
1916

C 1379.5.80



*Library
Cath. Lib. of the University*

PRESS OF GIBSON BROTHERS
WASHINGTON, D. C.

PREFACE.

It is no unusual thing now, since the attention of the whole world has been engaged so long by the War in Europe, to hear propounded on all sides such questions as "May Christians make war?" "Have the people any voice in declaring war?" "When are wars just?" "What may be done in a just war and how far may one proceed against enemies?" And while, at first sight, we may think that these questions, which are suggested by the present war, are new, the fact remains that each and every one of them was discussed and answered by a Spanish moral theologian, Franciscus de Victoria, of the Order of Preachers, in his *De Iure Belli*, published over three hundred and fifty years ago as the fifth of his *Relectiones Theologicae XII*. For, to use the words of Thomas Alfred Walker, "In Victoria's treatment of these problems, the reader, who is unprepared for the surprises of the literature of the Reformation Age, will be astonished to discover the setting forth of principles which the historian of international practice is wont to represent as entirely modern." Victoria was over four hundred years ahead of his age. He boldly advanced opinions which some of the international lawyers of today are just beginning to find courage to uphold. For instance, "If a war is useful to one province or state, but would draw in its train great injuries to the entire world and to Christianity, I think that such a war is unjust," says Victoria.

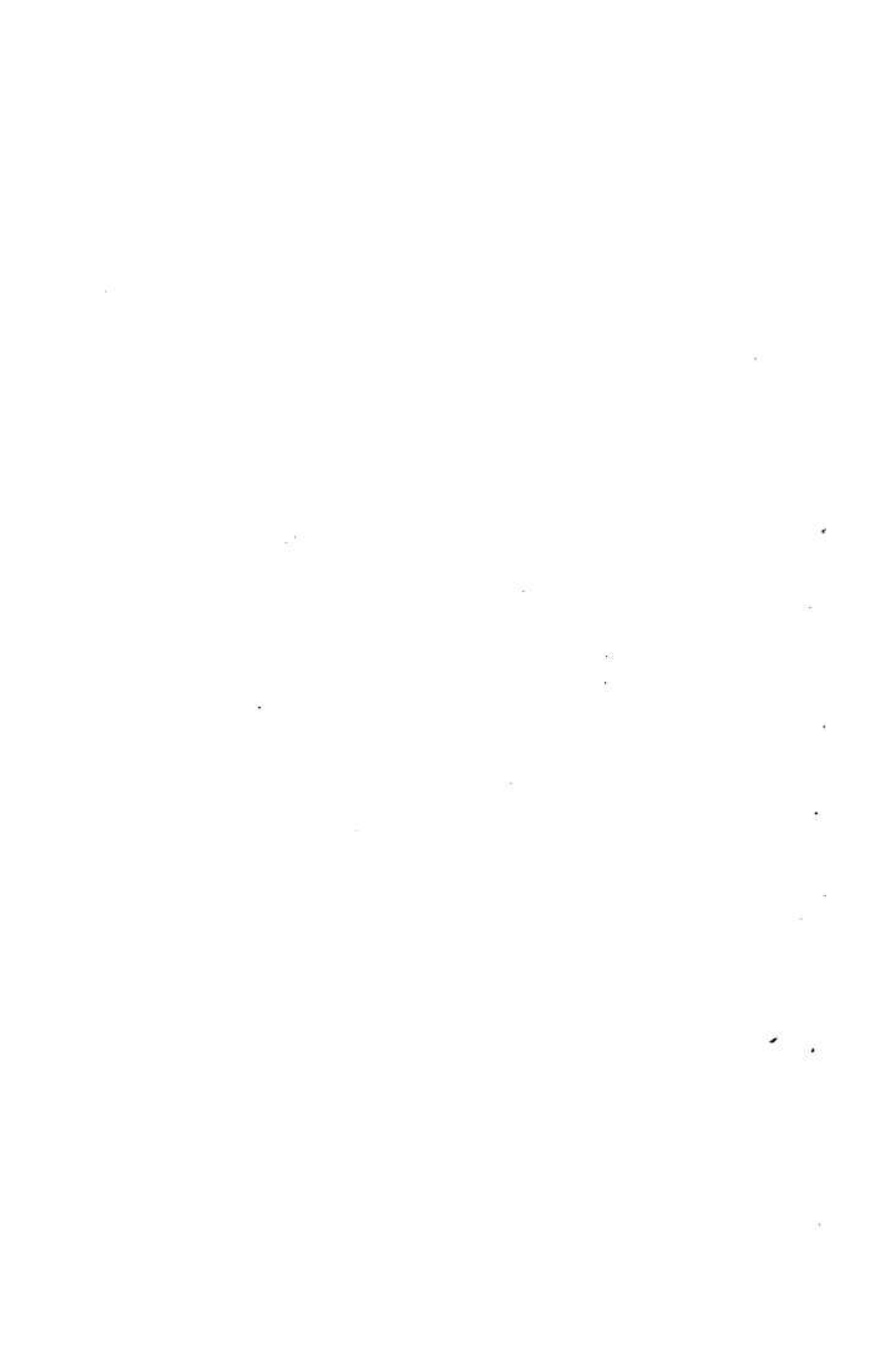
Moreover, the canons for waging war properly, as laid down at the end of his *De Iure Belli*, have been formulated

so wisely that they seem easily able to stand the test of time. These canons are three in number and deal respectively with conduct before war is declared, during the war itself, and after the war has been finished. First, granting that a ruler has the authority to wage war, he ought not to seek occasions and causes of war, but ought to have peace with all men. Secondly, granting that war has arisen from just causes, the ruler ought to wage it not for the destruction of the opposing nation, but for the prosecution of his own right and the defence of his own country, and in such a way that peace and security may eventually be obtained. Thirdly, at the end of the war, the victor should use his victory with moderation and Christian modesty and ought to consider himself as a judge between the wronged nation and the nation doing wrong, and not as a prosecutor. It is difficult to imagine how more prudent or more equitable rules could be formulated than those with which Victoria concludes his *De Iure Belli*.

It is precisely because of the importance of this scholar and theologian and the importance of his *De Iure Belli* that it has been deemed expedient to present a critical introduction to and analysis of the text of that work. The utility of such a critique becomes more evident when we consider the untrustworthiness of the texts available. By special permission of the Faculty of Letters, the text and critical apparatus are not published herewith.

CONTENTS.

	Pages.
Preface.....	3-4
I. Victoria's Life and Writings.....	7-13
A. The Life of Victoria.....	7-10
B. The Writings of Victoria.....	10-13
II. Importance of Victoria's <i>De Iure Belli</i>	14-22
III. History of the Text of the <i>De Iure Belli</i>	23-38
A. Manuscripts.....	23-25
B. First Edition.....	25-28
C. Second Edition.....	28-34
D. Third Edition.....	34-37
E. Other Editions.....	37-38
F. Summary.....	38
IV. Preparation of Present Text.....	39-45
Bibliography of Works consulted in the Preparation of this Dissertation.....	46-49
Index of Authors referred to by Victoria.....	50-52



FRANCISCI DE VICTORIA DE IVRE BELLI RELECTIO

I. VICTORIA'S LIFE AND WRITINGS.

A. THE LIFE OF VICTORIA.

Franciscus de Victoria¹ was born at Vittoria, the chief city of Alava, in Old Castile about 1480. While still a boy he moved with his parents to Burgos, where he is said to have received a liberal education under excellent teachers and surpassed his fellows in acuteness of mind. There, too, as a young man he entered the Order of St. Dominic, following the example of an older brother, Didacus de Victoria, who was already professed. After completing his novitiate, he spent some years in the usual philosophical and theological studies and was then sent by the Order to the University of

¹For a detailed account of Victoria's life and works, see QUÉTIF-ECHARD, *Scriptores ordinis prædicatorum*, vol. II, pp. 128-130 (Paris, 1721); TOURON, *Histoire des hommes illustres de l'ordre de S. Dominique*, vol. IV, pp. 55-65 (Paris, 1747); ANTONIO, *Bibliotheca Hispana nova*, vol. I, pp. 496-497 (Madrid, 1783); DUPIN, *Nouvelle bibliothèque des auteurs ecclésiastiques*, vol. XIV, pp. 172-175 (Paris, 1703); WETZER-WELTE, *Kirchenlexikon*, vol. IV, pp. 1837-1839 (Freiburg, 1886); HURTER, *Nomenclator literarius*, vol. II, pp. 1367-1370 (Innsbruck, 1906); and EHRLE, in *Katholik*, vol. II (1884), p. 505 *seqq.*, 518 *seqq.* For the most part I have followed QUÉTIF-ECHARD for the details of Victoria's life.

For Victoria's place in the history of international law, see NYS, *Le droit de la guerre et les précurseurs de Grotius* (Brussels, 1882); VANDERPOL, *Le guerre devant le christianisme* (Paris, 1911); HALLAM, *Introduction to the literature of Europe* (London, n. d.); WALKER, *A history of the law of nations*, vol. I (Cambridge, 1899); NYS, *Les origines du droit international* (Brussels, 1894); BARTHÉLEMY, *Les fondateurs du droit international* (Paris, 1904), pp. 1-36; and VANDERPOL, *Le droit de guerre d'après les théologiens et les canonistes du moyen-âge* (Paris, 1911).