



**BEYOND RIGHTS:
FRANCISCO DE VITORIA
AND THE RECOVERY OF JUSTICE**

*A Letter to the Order on the Fifth Centenary of
Francisco de Vitoria's Teaching at Salamanca
1526–2026*

Dear Brothers and Sisters,

Five hundred years ago, Francisco de Vitoria, distinguished friar of the Order of Preachers and disciple of Saint Thomas Aquinas, took up the *Cátedra de Prima* of Theology in Salamanca. He helped inaugurate a theological and intellectual tradition whose influence would extend far beyond the university, shaping subsequent debates about law, political authority, war, commerce, the rights of peoples, and the relations among nations.

On 5 June 2026, the University of Salamanca conferred a posthumous *Doctorate honoris causa* upon our brother, a distinction accepted on behalf of the Order by fr. Pablo Carlos Sicouly, OP., *Socius* of the Master for the Intellectual Life. He rightly described the occasion as “singular, significant and timely.”¹ Indeed, Vitoria’s questions are not merely historical questions. In a world marked by war, displaced persons, rival claims to sovereignty, and competing claims of justice, they have become more urgent than ever.

Francisco de Vitoria is best understood as a creative sixteenth-century Thomist. His Thomistic formation is well established: he emerged from the Dominican revival of Thomism,² collaborated in Peter Crockaert’s edition of Aquinas’s *Summa theologiae*, adopted the *Summa* as the principal framework for his theological lectures in Salamanca, and produced extensive commentaries on Aquinas.³ His Thomistic formation is evident at the doctrinal level, particularly in his accounts of natural law, political community, the common good, justice, and the relationship between natural and positive law. Yet Vitoria was no mere commentator of Aquinas. He brought Thomistic principles to bear on circumstances Aquinas could not have foreseen: the encounter with the peoples of the

¹ See Order of Preachers, “University of Salamanca Awards Posthumous Honorary Doctorate to Francisco de Vitoria, OP,” <https://www.op.org/university-of-salamanca-awards-posthumous-honorary-doctorate-to-francisco-de-vitoria-op/>.

² The Stanford Encyclopedia of Philosophy identifies Vitoria as a participant in the Thomist revival, noting that he “embraced this Thomist revival” and adopted Aquinas’s *Summa theologiae* as a central textbook for theological instruction. See Stanford Encyclopedia of Philosophy, “School of Salamanca,” section “The Thomist Revival,” rev. September 7, 2023, <https://plato.stanford.edu/entries/school-salamanca/>.

³ For example: Francisco de Vitoria, *Relection on Homicide & Commentary on Summa theologiae IIa-IIae, Q. 64*, trans. and intro. John P. Doyle (Milwaukee: Marquette University Press, 1997).

Americas, the juridical status of nations unknown to Christians, and the moral questions raised by European expansion on a global scale. Vitoria's achievement, therefore, was neither a departure from Thomism nor a simple repetition of it, but its creative application in response to the emergence of a genuinely global political order, which he knew through his confreres who went to the missions. This paradigmatic moment in the history of the Order is now called the *Salamanca process*, a **"sustained process of collaboration between friars engaged in pastoral ministry and friars dedicated to academic study**, analogous to the collaboration between the missionaries in the New World and the theologians of Salamanca".⁴

The Paradox of Rights

We live in an age that speaks constantly of human rights: freedom, autonomy, equality, dignity, sovereignty, self-determination, the rights of migrants and the rights of nations, the rights of children and the rights of parents. And yet the very proliferation of rights-language has not brought clarity about how competing claims are to be reconciled. The difficulty runs deeper than the fact that rights sometimes conflict. We disagree about what a given right actually protects, what duties it imposes, how far it extends, and what principles should govern its relation to other rights and to the common good.

Beginning in 2020, Fr. Luc Thomas Somme O.P., then Coordinator of the Academic Engagement Programme of Dominicans for Justice and Peace at the UN, presented to the Dominican Family ten themes for analysis, in which rights stood in tension with one another:

- Multilateralism and national sovereignty
- Environmental protection and development
- Women's rights and the right to life
- Self-determination and territorial integrity
- Universality of human rights and respect for peoples' cultures
- Freedom of education and state regulation
- Combating terrorism and individual freedoms
- Freedom of expression and the fight against hate speech
- Reception of migrants and refugees and regulation of migration flows
- Individual and community rights

In fr. Luc-Thomas' initial study, it is clear that these "tensions" are not all of the same kind. Some concern genuinely competing goods; some concern the proper scope of a particular right; others concern the duties that correspond to rights. Reading about these tensions raises a common question: what grounds a right as a right, and according to what principles should rights be ordered within a comprehensive account of justice?

We have therefore arrived at a curious paradox. The language of rights has become nearly universal, while agreement about the foundations of that language has become increasingly elusive. Jacques Maritain recounts an exchange at a UNESCO National Commission meeting concerning the agreement among representatives of different

⁴ ACG 2013 Trogir, 112.

ideological positions on a list of human rights: “Yes, we agree about the rights but on condition no one asks us why!”⁵ Competing sides of contemporary controversies appeal to human rights and invoke human dignity. And they accuse their opponents of violating rights. So, the vocabulary is widely shared, but the underlying accounts of the human person, justice, and the common good often are not. Clearly, naming a right is not the same as grounding one.

Certainly, Vitoria does not offer us sixteenth-century answers that can simply be carried over into the twenty-first century. What he offers instead is a recovery of fundamental questions, without which an account of rights risks lacking a clear foundation: **What or who is the human person? What is justice? What is owed to another? What is the purpose of a political community? What is the common good? What authority does political power possess, and what are its limits?**

I would therefore propose the following: the contemporary crisis of rights discourse is not primarily a crisis of rights themselves, **but a crisis of the foundations that make rights intelligible**. We have become increasingly skilled at naming and asserting rights, but less clear about the account of the human person, justice, and the common good within which those rights can be grounded and ordered. Vitoria matters because his Thomistic account of natural law, justice, political community, and the *ius gentium* offers not a set of sixteenth-century answers to our problems, but a way of recovering the deeper foundations without which the language of rights ultimately becomes unstable.

From *Ius* to “Rights”: What Changed, and What Was Lost

The contemporary conceptual confusion we face regarding rights, I believe, has deeper philosophical roots. But it is not a simple story of the disappearance of *objective* rights and the sudden invention of *subjective* rights. Yet there was a significant change in the way *ius* was increasingly understood: the centre of gravity shifted from the *objectively just* to the powers and faculties of the person who possesses a right.

For St. Thomas Aquinas, *ius*, the word we translate as “right”, means first of all *ipsa res iusta*, the just thing itself.⁶ It is the object of the virtue of justice: what is due to another according to the relation that exists between them. The just is determined through a relation of due proportion or equality, and both natural and positive rights belong within this objective order of justice.

The subsequent history is more complicated than a simple opposition between *medieval objectivity* and *modern subjectivity*. Medieval canonists and theologians had already developed senses of *ius* that referred to a liberty or faculty belonging to a person. What changed in the early modern period is the increasing prominence of this vocabulary: in Grotius, *ius* is prominently understood as a moral quality belonging to a person, a power to act or possess something lawfully.⁷ Grotius retained substantial

⁵ See Jacques Maritain, ‘Introduction,’ in UNESCO, *Human Rights: Comments and Interpretations* (London: Allan Wingate, 1949), 9.

⁶ Aquinas states that *ius* was originally named “*ad significandum ipsam rem iustam*” (S.Th. II-II, q. 57, a. 1, ad 1).

⁷ Hugo Grotius, *De iure belli ac pacis* (1625), I.1.4–5, where *ius* is defined as “*qualitas moralis personae competens ad aliquid iuste habendum vel agendum*”, a moral quality belonging to a person enabling him justly to have or to do something.

natural-law frameworks, yet he increasingly foregrounded the individual bearer of a right rather than the objective determination of what justice requires in a relationship. The juridical shift mirrors a broader transformation in the modern understanding of knowledge itself: from a concern for *truth*, understood as the desire to do justice to things on their own terms, to a concern for *meaning*, understood as the desire to organise things in reference to human projects and experiences.⁸ In the pre-modern framework, reality is precisely that which is *other* than the subject, the *res alia* whose intelligibility the mind receives and to which justice must conform. The modern or “subjective” turn “domesticates” or assimilates this otherness. Reality becomes material organised by human purpose, and *ius* follows the same trajectory: from something owed to the other, to something claimed by the self.

When a right is conceived primarily as a faculty or protected sphere of individual action, the question it answers tends to be *self-referential*, framed in terms of individual entitlement: **“What am I entitled to choose, claim, or possess?”** Within the Thomistic framework, by contrast, the prior question is one of justice: **“What is justly due to me, to another, and to the community of which we are members?”**

None of this is to deny that subjective rights can carry genuine moral weight. The point is rather that a right cut off from an account of the human person, justice, and the common good has nothing by which its purpose or its limits can be determined.

It appears then that the language of rights has endured, but the deeper account of justice that once grounded it in an objective moral order is now deeply contested. If this account is correct, Vitoria’s contribution becomes clear. His concern is not to construct a modern politics centred on rights, but to understand rights within a broader theology or philosophy of justice. Rights require foundations beyond themselves: an account of the human person, objective goods, the duties we owe to one another, and the common good within which individual and communal claims find their proper order.

What Vitoria would later argue and develop in the lecture halls of Salamanca, Fray Antonio de Montesinos had already preached in Hispaniola, in his celebrated sermon of the Fourth Sunday of Advent, 1511. Montesinos did not begin by declaring, “*These Indians have human rights.*” He began with more fundamental questions:

1. **“With what right and with what justice...?”**
2. **“Are these not human beings?”**

⁸ On this broader transformation, see Aldo Tassi, “Modernity as the Transformation of Truth into Meaning,” (*International Philosophical Quarterly* 22 (3):185-193). Tassi argues that the pre-modern world is dominated by a concern for truth: “the desire to do justice to reality governs the way in which things are to be explained and knowledge is to be achieved.” The modern world reverses this: “it is now reality that must respond to the cognitive and moral demands we make on it.” This shift from truth to meaning constitutes what might be called the *Copernican revolution* of modernity. The pre-modern mind understood itself as answerable to an objective order of being: knowledge meant conforming the intellect to what is real i.e., *res alia*. Truth is the correspondence of the intellect to something that stands over against it. Knowledge is *adaequatio intellectus et rei* (S.Th. I, q. 16, a. 1): the intellect conforms itself to the thing, and the thing is genuinely *other*, possessing its own form, its own intelligibility, its own demands. The modern mind reverses the direction. Reality is now something to be mediated through human meaning and organised according to human purposes. The world no longer determines the terms on which we engage it. We determine the terms on which we engage the world. The shift Tassi describes at the level of epistemology and metaphysics corresponds, in some significant sense, to the shift in the understanding of *ius* described above: from the objectively just thing (*ipsa res iusta*) to a faculty or power belonging to the subject (*potestas vel facultas*).

3. “Are you not obliged to love them as yourselves?”⁹

The sequence of the questions is significant. Montesinos begins with **justice**, moves to the **nature and dignity of the human person**, and then to the **obligation owed to the other**. Prior to understanding what anyone may claim as a right, Montesinos *begins with what is true of the human person and what justice therefore requires*. He gave voice to the moral and anthropological question which Vitoria later gave a systematic theological articulation.

Vitoria Begins with the Human Person and Justice

One of the great temptations in interpreting Francisco de Vitoria is to turn him too quickly into a sixteenth-century author of our own categories. But Vitoria did not possess the conceptual vocabulary of modern human-rights discourse. His arguments were formed by Scripture, Aristotle, Augustine, Aquinas, canon law, Roman law, natural law, *dominium*, and the *ius gentium*. Yet it would be equally misleading to say that he had no concept of subjective rights. Vitoria himself, in his commentary on Aquinas’s treatment of restitution, describes *ius* as a *potestas vel facultas*, a power or faculty belonging to someone according to law.¹⁰ His thought therefore stands at an important intersection: he inherits the Thomistic conception of *ius* as the just or due, while also employing a developed language of rights as faculties or forms of *dominium*. He brings together two dimensions of the juridical tradition: the objective question of what justice requires and the subjective question of what belongs to a person by virtue of his or her lawful *dominium*. His starting point, however, remains the human person within an objective moral order.

This became especially consequential when Vitoria confronted the question of the peoples of the Americas. The question was not simply, “What rights do the Spaniards have?” Nor was it simply, “What rights should the Spanish Crown grant to the Indigenous peoples?” The more fundamental question concerned the *dominium* and juridical standing of these peoples before the arrival of the Spaniards: were they, as

⁹ Bartolomé de las Casas, *Historia de las Indias*, bk. 3, chap. 4, “De las predicaciones de los frailes sobre el buen tratamiento de los indios,” Biblioteca Virtual Miguel de Cervantes, 2006, https://www.cervantesvirtual.com/obra-visor/historia-de-las-indias--0/html/d31cc52d-acd9-4776-a069-ee37b963f399_14.html : “Decid, **¿con qué derecho y con qué justicia** tenéis en tan cruel y horrible servidumbre aquestos indios? ¿Con qué autoridad habéis hecho tan detestables guerras a estas gentes que estaban en sus tierras mansas y pacíficas; donde tan infinitas dellas, con muertes y estragos nunca oídos, habéis consumido? ¿Cómo los tenéis tan opresos y fatigados, sin dalles de comer ni curallos en sus enfermedades, que de los excesivos trabajos que les dais incurren y se os mueren, y por mejor decir, los matáis, por sacar y adquirir oro cada día? ¿Y qué cuidado tenéis de quien los doctrine, y conozcan a su Dios y criador, sean batizados, oigan misa, guarden las fiestas y domingos? **¿Estos, no son hombres?** ¿No tienen ánimas racionales? **¿No sois obligados a amarlos como a vosotros mismos?**”

¹⁰ Francisco de Vitoria, *Comentarios a la Secunda secundae*, ed. Vicente Beltrán de Heredia, O.P., vol. III (Salamanca: Biblioteca de Teólogos Españoles, 1934), p. 64 (q. 62, a. 1): “*Dicit ergo quod ius est potestas vel facultas conveniens alicui secundum leges, id est, est facultas data, v.g. mihi a lege ad quamcumque rem opus sit. Hanc diffinitionem accepit Conradus ex Gerson in tractatu De potestate ecclesiastica, consideratione 13, et ideo vocatur ius quia facultas*”. Cited in Simona Langella, “Il Dominium in Francisco de Vitoria,” *L’Ircocervo* (2016), p. 5, n. 12.

Vitoria put it, “true owners” (*veri domini*), in both public and private law, and therefore subjects of natural law in their own right? ¹¹

In *De Indis*, Vitoria takes up this question directly, considering and rejecting the arguments that the Indigenous peoples’ unbelief, their sins, or an alleged lack of rational capacity deprived them of dominion. On this specific question his conclusion is unequivocal: before the arrival of the Spaniards, they possessed genuine dominion over their goods and genuine political authority, both publicly and privately. ¹²

The theological anthropology underlying the argument is decisive. Dominion is not something conferred upon human beings by membership in a particular political community, by Christian baptism, or by the recognition of a European sovereign. It is rooted in human nature: in the rational and free creature made in the image of God and capable of governing his or her own acts. For this reason, sin does not simply erase dominion, and unbelief does not place a people outside the moral order. Vitoria’s argument therefore gives juridical expression to a fundamental claim: the *other person* does not become a bearer of justice because we recognise him or her as such; rather, **we are bound to recognise the justice already owed to the other by virtue of what that person is.**

Nor should Vitoria be romanticised. His argument for a right of communication (travel) carried its own safeguard, that “foreigners do no harm and respect the authority of the host community,” but the safeguard proved thinner in practice than in principle: a right of passage became a right of trade, and a people’s refusal to trade could then be read as the very harm that justified war against them. Even Melchor Cano saw it: the Spaniards had come not as travelers but as conquerors.¹³ Vitoria’s significance lies not in anticipating human rights, nor in having supplied arguments the empire could not exploit, but in grounding rights in an account of the human person and ordering them by justice, a standard exacting enough to indict his own conclusions. His defence of indigenous *dominium* is thus not rights instead of justice, but rights understood through justice.

The *Ius Gentium* and the Universal Human Community

How can peoples who share no common faith or sovereign nonetheless be bound to one another in justice? Vitoria’s *ius gentium* gives us an answer by placing distinct

¹¹ Francisco de Vitoria, “On the American Indians,” in *Vitoria: Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 233, 239–251.

¹² Francisco de Vitoria, *Relectio de Indis: La questione degli Indios*, testo critico di L. Pereña, edizione italiana e traduzione di A. Lamacchia (Bari: Levante, 1996), *Prima pars*, Sectio I, §§4–6. Vitoria asks whether the Indigenous peoples were *veri domini* (“true owners”) before the arrival of the Spaniards and argues that *dominium* belongs to rational beings; neither mortal sin nor unbelief deprives them of it. See also *Prima pars*, Sectio I, §16, pp. 30–31: “*antequam Hispani ad illos venissent, illi erant veri domini, et publice et privati*” (“before the Spaniards came to them, they were true owners, both publicly and privately”). On the limits of imperial and papal authority, see *Prima pars*, Sectio I, §§5–6.

¹³ Melchor Cano, *De Dominio indorum*, in Luciano Pereña, ed., *Misión de España en América* (Madrid: Consejo Superior de Investigaciones Científicas, 1956), 142: “*nisi vocetur Alexander peregrinus*,” unless one is prepared to call Alexander the Great a traveler. See also Anthony Pagden, “Defending Empire: The School of Salamanca and the ‘Affair of the Indies,’” in *The Burdens of Empire* (Cambridge: Cambridge University Press, 2015), 65.

political communities within a wider juridical order. In *De potestate civili*, he describes the whole world, the *orbis*, as “in a certain sense, one republic” (*aliquo modo una respublica*), possessing authority to establish laws with the force of law (*vis legis*).¹⁴ The universal community thus has juridical standing without becoming a single government.

Vitoria’s account draws on both natural sociability and the consent or quasi-legislative authority of the *totus orbis*.¹⁵ The *ius gentium* is neither simply natural law nor voluntary agreement. Its norms emerge from the interaction of natural reason, common good, and the authority of the universal community. Norms governing communication, travel, commerce, and relations among peoples accordingly apply across political and religious boundaries.

Vitoria’s vision of humanity understood as, in his careful formulation, “in a certain sense” one *respublica* offers an interesting alternative to the so-called “world orders” we have seen in the last century: a universal community that encompasses particular political communities without becoming a universal sovereign.¹⁶ Yet Vitoria leaves unresolved the institutional question that follows from the principle: how can a universal juridical community exercise authority without a single institution capable of representing it? The persistence of war and injustice among peoples reminds us that the existence of universal norms does not by itself supply the institutions capable of giving them consistent effect. Vitoria’s enduring significance lies in holding these two ideas together: a universal human community can possess juridical authority without becoming a universal state, even if the institutional form adequate to that principle is still lacking.

¹⁴ Francisco de Vitoria, *De potestate civili*, n. 21: “*Quod ius gentium non solum habet vim ex pacto et condito inter homines, sed etiam habet vim legis. Habet enim totus orbis, qui aliquo modo est una respublica, potestatem ferendi leges aequas et convenientes omnibus, quales sunt in iure gentium. [...] neque licet uni regno nolle teneri iure gentium; est enim latum totius orbis auctoritate.*” Critical edition: Francisco de Vitoria, *Relectio de Potestate Civili. Estudios sobre su Filosofía Política*, ed. Jesús Cordero Pando (Madrid: Consejo Superior de Investigaciones Científicas, 2008), 62. For discussion, see José Miguel Viejo-Ximénez, “Totus orbis, qui aliquo modo est una respublica: Francisco de Vitoria, el derecho de gentes y la expansión atlántica castellana,” *Almogaren* 34 (2004): 49–81, at 61–62, available at <https://dialnet.unirioja.es/descarga/articulo/7803806.pdf>.

¹⁵ In *De Indis*, III, 2, Vitoria states that the *ius gentium* “is natural law or derives from natural law” (*vel est ius naturale vel derivatur ex iure naturali*), yet in his commentaries on S.Th. II-II, q. 57, a. 3, he treats it as positive law, because its contents are just by human will rather than absolutely. He reconciles the two positions in *De Indis*, III, 4: “if the *ius gentium* is sufficiently derived from natural law, it manifestly has force to confer rights and create obligations. And even where it does not always derive from natural law, the consent of the greater part of the *orbis* seems sufficient, especially when directed to the common good of all.” See Pablo García Castillo, “El derecho de gentes de Vitoria a Suárez,” *Disputatio. Philosophical Research Bulletin* 6, no. 7 (2017): 489–510, at 498–499, available at <https://studiahumanitatis.eu/ojs/index.php/disputatio/article/download/garcia-derecho/226/>. See also Carlos Isler Soto, “La naturaleza, características e instituciones del *ius gentium* según Francisco Suárez,” *Prudentia Iuris* 100 (2025), DOI: 10.46553/prudentia.100.2025.7, note 36, which quotes the same *De potestate civili* passage and observes that for Vitoria the *ius gentium* “does not stem only from human pacts, because it has the ‘force of law’, whose legislator is, then, the whole world.” Available at <https://portal.amelica.org/ameli/journal/797/7975482010/7975482010.pdf>.

¹⁶ The specific norms Vitoria derives from the *ius gentium* are enumerated in *De Indis*, III, 1–3 (the first legitimate title: *ius communicationis*): the right of travel and sojourn (*ius peregrinandi*), free commerce, use of common goods (air, water, sea, rivers, ports), and the inviolability of ambassadors. See Viejo-Ximénez, “Totus orbis,” 72–73, who catalogues these norms and notes that “the list combines rights known since the Romans with new ones” while observing that they all serve two fundamental requirements of natural law: “friendship among all men” (*la amistad entre todos los hombres*) and the common character of air, water, and the sea.

Pope Leo XIV affirmed the continuing relevance of this five-hundred-year-old intuition:

“The intuition of the *totus orbis* - of a human community broader than any particular power — made it possible to affirm the existence of legal and moral bonds among peoples. From Spain, the reflections of the School of Salamanca — and in particular those of Fray Francisco de Vitoria, along with other Dominicans and Jesuits — helped to shape a legal and moral consciousness capable of remembering that authority always entails responsibility and that every human being must be recognized as a subject of rights and duties. That aspiration continues to resonate today: that dignity, justice and the common good should be the measure of social relations, both at the national and international levels.”¹⁷

Ius Communicationis: Encountering the Other

In the *Relectio de Indis* (1539), Vitoria argues that human beings, by virtue of their *social nature*, have a right to communicate with one another across political boundaries. From the *ius gentium*, he derives rights of travel, sojourn, trade, and peaceful communication, which he presents as the first legitimate title for the Spanish presence in the Americas, **“provided that foreigners do no harm and respect the authority of the host community”**.¹⁸ This should not be mistaken for a sixteenth-century version of an unrestricted right to migration. Vitoria does not abolish political boundaries or deny political communities the authority to regulate relations with foreigners. His deeper claim is that political boundaries do not determine the full extent of our moral obligations to one another.

The stranger is primarily a *person*, not just a worker, a consumer, or a threat to security or a political problem. This does not mean the state or legitimate authority cannot regulate entry, residence, commerce, or public order. The question is always **what does justice require in these concrete circumstances, taking into account both the dignity of the person and the common good?**

Rights, Duties, and the Limits of Power

A Thomistic reading of Vitoria helps restore the language of duties in the discourse about rights.¹⁹ During the General Chapter in Biên Hòa, I remarked that every brother whom we receive into the Order has a right to receive an authentic Dominican formation. A capitular immediately responded: “And the duty to live it accordingly!” Every genuine right belongs within a moral structure of obligation. The claims of the poor to the necessities of life place responsibilities on those who possess an abundance of goods. The rights of children correspond to the responsibilities of parents, just as the rights of citizens

¹⁷ Pope Leo XIV, Address to the Members of the Spanish Parliament, Palacio de las Cortes, Madrid, 8 June 2026.

¹⁸ Francisco de Vitoria, *De Indis*, III, 1–3 Vitoria derives from the *ius gentium* a right of travel, sojourn, trade, and communication among peoples, provided that the foreigners do no harm, respect the political authority of the host community, and observe the conditions of hospitality. See *Political Writings*, ed. Pagden and Lawrance, 278–284.

¹⁹ S. Th. II-II, q. 58, aa. 1, 2, 11: justice is “*ius suum unicuique tribuens*” (giving each person his right), is inherently *ad alterum* (directed toward another), and consists in “*reddere unicuique quod suum est*” (rendering to each what is his own).

carry obligations toward the political community. Political authority likewise brings duties toward those subject to it, while national sovereignty remains bounded by justice. Even individual freedom is not without direction: it is ordered toward truth and the good. The modern debate often asks: “What am I entitled to?” Vitoria would require us to add: “What is due to the other?” And then: “What am I therefore obliged to do?”

When someone asserts a right to private property, the Thomistic question is not simply whether such a right exists in the abstract, but what it is for and what it owes. Aquinas defends private ownership as necessary for good order and peace, yet he insists that the use of external goods remains ordered to the needs of all, so that in urgent necessity what one possesses in superabundance is owed to the poor.²⁰ The right is real, but it does not stand alone: it is bounded by the universal destination of goods. Likewise, when someone invokes bodily autonomy, the decisive question is what kind of being is affected, and whether that being is a subject of justice, that is, whether the unborn child is someone to whom something is *owed*. If so, the autonomy of one person cannot by itself settle what is due to another. In each case, the right must be adjudicated within the whole structure of justice, not asserted as if it were self-interpreting.

Vitoria’s *De iure belli* applies this same architecture to the most extreme exercise of political power. War cannot be justified merely because a sovereign possesses the power to wage it, nor simply because a nation believes itself to be in the right. It is not enough, Vitoria insists, for a prince to believe that his cause is just, for he may be acting “in vincible error, or under the influence of some passion.” He must therefore “examine the justice and causes of war with great care,” listen to the arguments of his opponents, and consult wise men who can speak “with freedom and without anger or hate or greed.”²¹ Even in a just war, the innocent may never be intentionally killed, and not every injury justifies the horrors of war.²² And when victory is won, the prince must think of himself “as a judge sitting in judgment between two commonwealths,” passing sentence “not as the prosecutor, but as a judge.”²³ *Even the powerful remain subject to justice.*

Nature, Justice, and the Common Good

The Thomistic framework underlying Vitoria’s thought begins with human nature. Human beings are oriented toward certain goods, which they attain through virtue. Among the virtues, justice has a distinctive role: whereas the other moral virtues order a person’s own passions, justice orders a person’s actions toward others, rendering to each what is properly theirs.²⁴ Its object is what is owed: *ius*, the just thing itself, the word we translate as “right.” Modern rights discourse often begins with the right itself, as though

²⁰ S.Th. II-II, q. 66, a. 2 (private possession is lawful, but external things are to be held “as common, so as to share them readily with others in need”) and a. 7 (in urgent necessity, all things are common, *in necessitate sunt omnia communia*). Cf. *Compendium of the Social Doctrine of the Church*, nn. 171–184.

²¹ Francisco de Vitoria, “On the Law of War,” in *Political Writings*, ed. Pagden and Lawrance, 2.1, §§20–21, pp. 306–307.

²² *Ibid.*, 1.3, §14, p. 304 (not every injury gives sufficient grounds for war); 3.1, §§34–37, pp. 314–315 (on killing the innocent).

²³ *Ibid.*, conclusion, third canon, §60, pp. 326–327.

²⁴ S.Th. II-II, q. 57, a. 1 (*ius* as the object of justice); q. 58, aa. 8–9 (justice concerns external operations toward another, not the passions).

it stood on its own. Vitoria begins further back, with the question: *what kind of being is the human person?*

The same point applies to the common good. There is always a concern that appealing to the common good can threaten individual rights. The history of authoritarianism gives us good reason to take that concern seriously. But the answer cannot be to abandon the idea of the common good. Properly understood, the common good is neither the good of the state at the expense of the individual, nor the good of the majority at the expense of the minority, nor simply the sum of private interests. It is the good of persons in community: the social conditions through which persons, families, and communities can pursue genuine human flourishing.²⁵ The person is not sacrificed to the common good. Rather, the common good exists for persons in communion. This is why Vitoria can defend the rights of peoples without dissolving political communities, and defend the universal human community without abolishing legitimate particularity. His treatment of the *orbis* in *De potestate civili* embodies precisely this balance: the common good of humanity does not absorb the common good of particular commonwealths, but provides the wider moral horizon within which they operate.

The crisis of contemporary human-rights discourse is therefore not that we have too many rights, but that we have lost the account of the human person that makes rights intelligible. If there is no objective human good, competing rights become competing preferences. If there is no truth about the human person, dignity itself can be redefined according to political or cultural power.

What Would Vitoria Ask Us Today?

If Francisco de Vitoria were teaching in Salamanca in 2026, I imagine he would not begin with answers. He would begin with questions. Perhaps he would ask what becomes of rights when they are detached from duties, of freedom when it loses its relation to truth, and of sovereignty when it is severed from justice. What does migration require of both those who move and those who receive them? What moral limits must govern war? And can economic freedom be sustained without regard for the common good?

And perhaps he would add a question that could not have occurred to him five hundred years ago but arises naturally from his principles: when human beings create systems of artificial intelligence that shape decisions about who is hired, who is imprisoned, who receives medical care, and who is targeted in war, can these systems operate outside the order of justice? For Aquinas, following Boethius, a person is an individual substance of a rational nature, and it is this rationality that makes one capable of receiving what is due. Any power that touches persons, including technological power, remains subject to that same moral architecture. The *ius gentium* governed relations among peoples in Vitoria's time. The question for our time is whether we

²⁵ Cf. Second Vatican Council, *Gaudium et spes*, n. 26: the common good embraces the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment." See also Compendium of the Social Doctrine of the Church, nn. 164–170. Vitoria's treatment of the *orbis* in *De potestate civili* embodies this understanding: the common good of the *orbis* does not absorb the common good of particular commonwealths but provides the wider moral horizon within which they operate.

possess the moral imagination to extend that governance to those who design, deploy, and decide through these systems.

Apostolate or “Social Work”?

Some wonder whether advocacy for human rights, care for the environment, or work on behalf of the poor’s right to clean water -- an issue highlighted by Pope Leo XIV’s September 2026 prayer intention, “for the care of water,” which he describes as a “right without borders”-- are forms of valuable “social work” rather than properly Dominican apostolate.

Aquinas helps us here. The moral character of an action cannot be determined solely by its external or material object; it is also, and more decisively, determined by the *end* to which it is ordered. Two persons may dig the same well, yet the significance of the act depends upon the end that directs it. For the Christian, service to another is grounded not merely in the utility of the service rendered but in the dignity of the person served, who is *imago Dei*. Here justice and charity converge. For Aquinas, charity is the *forma virtutum* (S.Th. II-II, q. 23, a. 8) because it orders the acts of the other virtues to the ultimate end. Justice therefore does not stand apart from charity as an alternative mode of Christian action: what is due to another is rendered within a horizon ultimately ordered to God.

If a right expresses what is due to a person, then an account of rights necessarily presupposes an account of the person who possesses them. Vitoria’s understanding of rights cannot be separated from his theological account of human nature and dignity. For the Christian, the human person is ultimately understood as *imago Dei*. To defend what is due to such a person is not merely social advocacy; it is a form of theological witness. The task, therefore, is not to withdraw from such forms of engagement but to make their theological foundations explicit. The witness of Montesinos, Las Casas, Martin de Porres, Rose of Lima, Agnes of Montepulciano, and Pier Giorgio Frassati suggests that works of justice, mercy, and service to human dignity need not stand apart from preaching. Properly understood and ordered, they can themselves become credible forms of preaching, for Christ himself identified his presence with those whom we serve: *Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for Me* (Matt. 25:40).

Saint Dominic himself was moved with compassion for those suffering and dying during a severe famine. He sold his precious books and “established a centre for almsgiving where the poor could be fed,” and his “example so stirred the souls of his fellow-students and masters in theology that, seeing how stingy their own help had been in comparison with this young man’s liberality, they began to give alms in greater abundance”.²⁶ Dominic’s act was not charity set apart from preaching. In a profound sense, it was an expression of the *misericordia veritatis*,²⁷ the mercy of truth, which is perfectly manifested in Christ, *Misericordiae Vultus*,²⁸ “the face of the Father’s mercy,” who says of himself, “I am the Truth.” For Aquinas, mercy is “heartfelt sympathy

²⁶ Jordan of Saxony, *Libellus*, 10.

²⁷ Acts of the General Chapter of Providence (2001) 107.

²⁸ Francis, Bull of Indiction of the Extraordinary Jubilee of Mercy *Misericordiae Vultus* (11 April 2015), 1.

[*affective* mercy] for another's distress, impelling us to succour him if we can [*effective* mercy]."²⁹ It is effective mercy that moves us to care for others, to heal persons and relationships, to work for justice, and thereby to build peace. In this sense, Dominic's compassion was not merely a sentiment but a concrete act of Christian charity, and it continues to find expression in his brothers and sisters across different times and places.

Contemplata aliis tradere. One way in which the "mercy of truth" has been contemplated and handed on is found in the theologians of Salamanca, who asked difficult questions, considered them in the light of faith and reason, and shared the fruits of their study with their confrères across the Atlantic, who, in turn, applied them to the concrete challenges they encountered. But there is another mode of *contemplata aliis tradere* that we should not overlook. Praising Saint Martin de Porres, the future Pope Benedict XVI observed: "The great social saints were in reality always the great Eucharistic saints. ... Martin lived from the adoration of the Lord present in the Eucharist, passing entire nights in prayer before the crucified Lord in the tabernacle, while during the day he tirelessly cared for the sick and assisted the socially outcast and despised."³⁰

Martin's care for the sick and the excluded flowed from his contemplative life. Rooted in contemplation of Christ, the face of the Father's mercy, his service became an expression of Dominican preaching: what he had received in prayer, he handed on through his actions. This is the heart of *contemplata aliis tradere*: contemplation is not an end that remains enclosed within the contemplative, but a gift received and communicated for the good of others. True, the external activity is identical with humanitarian or social work, but what gives it its specifically Dominican apostolic character are the truth contemplated, the charity that animates it, and the end to which it is ordered.

Dominicans at the United Nations

At General Chapters, and at times during visitations, friars raise a fundamental question: Why is the Order present at the United Nations? How can the Order participate constructively in an institution whose policies and evolving interpretations of human rights do not always correspond with Catholic teaching, particularly on questions concerning abortion, contraception, sterilisation, marriage, sexuality, and the understanding of gender?

First, it is important to understand that the Holy See itself, while maintaining a permanent presence at the United Nations, has expressed reservations about, and at times opposition to, developments in these areas.³¹ Yet its presence has never signified uncritical endorsement. The Holy See is determined to engage the international community in defence of human dignity, peace, justice, development, and fundamental

²⁹ S.Th. II-II, q. 30, a. 1.

³⁰ Joseph Ratzinger, "*Eucharist, Communion and Solidarity*", Lecture by H.E. Cardinal Ratzinger at the Bishops' Conference of the Region of Campania in Benevento (Italy), Sunday 2 June 2002.

³¹ The Holy See has maintained Permanent Observer status at the United Nations since 1964. Its participation has consistently included reservations on documents and declarations touching on matters of life, family, and sexual ethics, while affirming the broader framework of human rights, development, peace, and the common good. The Order of Preachers has held consultative status with the United Nations Economic and Social Council since 2002, through the Dominican Leadership Conference.

human rights, while bearing witness to the truth about the human person. We should understand the Order's presence in the same spirit. We are not there because we agree with everything that is proposed or adopted. We are there because the Church has something fundamental to offer, and because the Dominican tradition carries a particular responsibility to bring reason, truth, justice, and the dignity of the human person into the places where these questions are debated and decisions are shaped.

There is, however, a deeper reason. The Order's presence at the United Nations is a continuation of the mission embodied by Francisco de Vitoria. Vitoria did not withdraw from the great questions of his age, questions about the dignity of the human person, the rights of peoples, the foundations of law and justice, the limits of political power, the obligations that bind one human community to another. He did so not as a political actor but **as a theologian and a preacher, bringing the resources of faith and reason to bear on questions that others preferred to settle by power alone.**

And this goes further back than Vitoria. In 1511, Montesinos went to where the injustice was being committed, and preached. Las Casas, converted by that preaching, took the cause to the Crown and to the Council of the Indies. Vitoria, receiving the reports from the field, brought the questions into the university classroom and subjected them to the discipline of theology, natural law, and the *ius gentium*. **In these contexts, the Dominican vocation remained constant: to be present where questions of justice are decided, to bring the resources of faith and reason to bear upon them, and to let the light of the Gospel illuminate those situations in which human life and dignity are diminished by sins that contradict God's plan for his creation.**

We are present at the United Nations because the questions debated there are questions that the Dominican tradition has courageously confronted. And we are there because Vitoria was there before us, not merely because a great hall in UN Geneva bears his name or because his bust stands in UN New York, but because the intellectual and moral purpose that brings us to Geneva, New York, Vienna, or Nairobi today is in continuity with the purpose that animated his work in Salamanca five centuries ago.

To commemorate the fifth centenary of Vitoria's teaching in Salamanca is not merely to recall what he taught, but to renew the task to which his thought calls us: to discern, with intellectual honesty and moral courage, what justice demands of us in the circumstances of our own time.


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