

Prologue: A Word about Words

Words are the means by which thinkers give expression to their ideas, and ‘discontinuity’ is perhaps the word which best describes the relationship that holds between the words chosen by Otto von Gierke, Martin Wight and Hedley Bull to present the idea of international society, using the English language, and those employed by Desiderius Erasmus, Francisco de Vitoria, Alberico Gentili and Hugo Grotius in their Latin writings, or, to put the same idea more descriptively, there are few direct lines connecting the vocabularies of the two groups of thinkers separated by centuries – and this despite the ‘Latinate reaches’¹ of the English language. While there are words that have the same meaning for both groups, their derivations may differ; words used as a matter of course by one group are not available to the other; words that are at the disposal of both have different meanings; and words that survive the passage of time unchanged are given a different currency. The art of translation is often undervalued. Some less than satisfactory translations are noted in the course of the study.

Here I offer a comparison of words used by Gierke, Wight and Bull with those employed by one of the early thinkers – Vitoria has been chosen, as his writings are less extensive than those of the other three thinkers.² The emphasis is on those key words which denote important ideas within the idea of international society.

¹ A formulation found in R. Williams, *Politics and Letters: Interviews with New Left Review* (London: N.L.B., 1979), p. 178.

² The following four texts in Latin have been used: ‘De Indis Recenter Inventis: Relectio Prior’ [On the Indians Lately Discovered: First *Relectio*], hereafter ‘De Indis’ [On the Indians], and ‘De Indis, Sive de Iure Belli Hispanorum in Barbaros: Relectio Posterior’ [On the Indians, Or On the Law of War Made by the Spaniards on the Barbarians: Second *Relectio*], hereafter ‘De Iure Belli’ [On the Law of War], both in E. Nys (ed.), *Francisci de Vitoria De Indis et De Iure Belli Relectiones* [Relectiones on the Indians and the Law of War by Franciscus de Vitoria], *The Classics of International Law* (Washington, DC: Carnegie Institution, 1917, reprinted New York: Oceana Publications, 1964), pp. 217–68 and 269–97; ‘De Potestate Civili’ [Concerning Civil Power] and ‘De Potestate Ecclesiae: Relectio Prior’ [Concerning the Power of the Church: First *Relectio*], hereafter ‘De Potestate Ecclesiae, P’, both in T. Urdánoz, *Obras de Francisco de Vitoria: Relecciones Teológicas* [Works by Francisco de Vitoria: Theological Relectiones] (Madrid: Autores Cristianos, 1960), pp. 150–95 and 290–316.

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International, Society, Community

International

‘International’ is one of the constituents of the term ‘international society’. Wight and Bull use the word, a creation of the late eighteenth century,³ in the sense of that which appertains to relations among states. Both its formative elements, ‘inter’ and ‘national’, go back to the Latin language, the former directly, as it is the Latin for ‘between’, ‘among’, ‘amidst’, while the latter, along with the older word ‘nation’, is derived by adaptation from *natio*, ‘nation’, ‘people’, ‘race’.

The Latin language does not have an adjective corresponding to ‘international’, but it has the word *inter*, and Vitoria uses it in conjunction with nouns which denote the specific entities with which he is concerned. Thus he speaks of the peace which is to be conserved ‘among princes’, *pax inter principes*, of the victor who sits as judge ‘between the states’ who went to war, *iudex inter respublicas*; and of the law that reason has established ‘among all nations’, *ius inter omnes gentes*. He also makes use of the genitive plural, for example, when he speaks of ‘the mutual accord of nations’, *consensus mutuus gentium*; of ‘the intention of nations’, *intention gentium*; and of ‘the law of nations’, *ius gentium* – a way of expressing himself which Gierke, writing nearly 400 years later, also chooses, for he speaks of the society ‘of states’ rather than ‘international’ society.

Society

‘Society’, the other constituent of the term ‘international society’ or ‘society of states’, is used by Gierke, Wight and Bull interchangeably with ‘community’ to describe the nature of the relationship held to exist among states – a usage which dictionaries have not yet added to the lists of meanings and changes of meanings attributed to the two words since they appeared in the fourteenth century. At their origin are the Latin words *societas* and *communitas* respectively.

The word *societas* is part of Vitoria’s vocabulary, but when he uses it, he does not tie it to other nouns denoting political entities. *Societas gentium*, to mention just one possibility, is not among his expressions. When he uses the word *societas*, he gives it other companions. Thus it appears together with the adjective *naturalis*. *Societas naturalis*, ‘natural society’,

³ Unless otherwise indicated, the information on the etymology of words is from C. T. Onions (ed.), *The Shorter Oxford English Dictionary on Historical Principles*, 3rd edn, 2 vols (Oxford: Clarendon Press, 1967).

is inclusive of all human beings. Or it is accompanied by the words *humanus* or *homines*. *Societas humana*, ‘human society’, or *societas hominum*, ‘society of human beings’, is exclusive of all who live ‘in solitude’, in ‘the manner of wild beasts’. Or, thirdly, it is joined by the word *civilis*. *Societas civilis*, ‘civil society’, is ‘of all societies that which best provides for the needs of men’.⁴

Community

Communitas occurs in Vitoria’s vocabulary in mainly one sense: *communitas perfecta*, ‘the perfect community’, *communitas quae habet proprias leges, proprium consilium et proprios magistratus*, ‘the community which has its own laws, its own council and its own magistrates’⁵ – which is his definition of the state.

As used by Vitoria, *societas* and *communitas* may relate to the same entity, but if they do, they emphasize different aspects of it.

World, Christendom

Gierke, Wight and Bull make little use of two words which are prominent in the vocabulary of Vitoria: ‘the world’ and ‘Christendom’.

World

Vitoria uses the word *orbis*, which he prefers to *mundus*, when he speaks of ‘the beginning of the world’, *principium orbis*, when he contrasts ‘the New World’, *Novus Orbis*, with ‘our world’, *noster orbis*, or when he refutes claims by emperor and pope to universal empire. *Imperator non est dominus totius orbis*, ‘the Emperor is not lord of the whole world’.⁶ *Papa non est dominus civilis aut temporalis totius orbis*, ‘the Pope is not civil or temporal lord of the whole world’.⁷ He also uses the word *orbis* as a metonym for ‘mankind’. *Una respublica (est) pars totius orbis*, ‘a state is a part of the world as a whole’.⁸ *Totus orbis ... aliquo modo est una respublica*, ‘the world as a whole is in a way a state’.⁹ He speaks of its ‘authority’, *auctoritas totius orbis*, and of its ‘end and good’, *finis et bonum totius orbis*.

⁴ ‘De Potestate Civili’, p. 156.

⁵ ‘De Iure Belli’, p. 277.

⁶ ‘De Indis’, p. 235.

⁷ *Ibid.*, p. 240.

⁸ ‘De Potestate Civili’, p. 168.

⁹ *Ibid.*, p. 191.

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Christendom

Ecclesia, ‘the Church’, *respublica christiana*, ‘the Christian state’, *respublica spiritalis*, ‘the spiritual state’, *christianitas*, ‘Christianity’ – these are the words which Vitoria uses when he refers to Christians collectively or to the Christian domain. *Tota Ecclesia est quodammodo una respublica*, ‘the Church as a whole is in a certain way a state’.¹⁰ *Provincia christiana (est) pars reipublicae (christianae)*, ‘a Christian province is a part of the Christian state’.¹¹ *Respublica spiritalis debet esse perfecta*, ‘the spiritual state must be perfect’.¹² And the word *christianitas* appears in expressions such as *invadere christianitatem*, ‘invading Christianity’, or *cum damno christianitatis*, ‘to the detriment of Christianity’.

State, Sovereignty

State

The word ‘state’, in the sense of ‘body politic’ used since the sixteenth century, is employed by Gierke, Wight and Bull to identify the members of international society. It is derived from the Latin word *status*.

Status is part of Vitoria’s vocabulary, but for him it only means ‘standing’, ‘position’, ‘condition’. Thus one meets with formulations such as *status reipublicae*, ‘the position of the state’, or *status felix*, ‘a happy condition’.

When Vitoria refers to those public entities which he endows with rights and obligations in relation to one another, he uses a number of words other than *status*. Foremost amongst these is the word *respublica*. *Quid est respublica?* ‘What is a state?’ he asks.¹³ *Respublica proprie vocatur perfecta communitas*, ‘a state is properly called a perfect community’.¹⁴ *Quaelibet respublica habet auctoritatem indicendi et inferendi bellum*, ‘every state has the authority to declare and make war’.¹⁵ Apart from using it in this general sense, he also applies it to particular states, for example, when he identifies ‘the French’ and ‘the English’ as ‘two distinct and separate states’, *duae respublicae disparatae et differentes, ut gallorum et anglorum*.¹⁶

Nearly as prevalent as *respublica* is the word *civitas*. It appears in general statements such as *nihil est illi principi Deo ... acceptius quam concilia*

¹⁰ Ibid., p. 180.

¹¹ Ibid., p. 168.

¹² ‘De Potestate Ecclesiae, I’, p. 308.

¹³ ‘De Iure Belli’, p. 277.

¹⁴ Ibid.

¹⁵ Ibid., p. 276.

¹⁶ ‘De Potestate Ecclesiae, I’, p. 302.

coetusque ... quae civitates appellantur, ‘nothing is more acceptable in the sight of God our King than are those associations called states’,¹⁷ or *civis (est) qui natus est in civitate*, ‘a citizen is he who is born in a state’.¹⁸ And it occurs in reference to specific states, for example, when he speaks of ‘free states such as Venice and Florence’, *liberae civitates ut sunt Venetiae et Florentiae*.

Sovereignty

The states which Gierke, Wight and Bull identify as members of international society are ‘sovereign’. This word, which goes back to Middle English,¹⁹ has at its origin the popular Latin *superanus*, from *super* ‘above’.

Vitoria does not have the word *superanus*, nor does he have another specific word to take its place. His way of giving expression to this Janus-faced idea comprises a number of words and expressions. When he speaks of the state, people or nation, which does not have another ‘above’ itself, he describes it as *liber*, ‘free’, *sui iuris*, ‘independent’, *per se totum*, ‘complete in itself’, *perfectus*, ‘perfect’, *sibi sufficiens*, ‘self-sufficient’; *non esse pars alterius reipublicae*, ‘not being a part of another state’, *non esse subiectus alicui extra se*, ‘not being subject to any one outside itself’; *habere potestatem gubernandi se*, ‘having the power to govern itself’, and by power he means *facultas*, *auctoritas*, *sive ius*, ‘ability, authority, or right’.

When he refers to the prince or ruler who does not have another ‘above’ himself and who is ‘above’ everyone else in the community, he mainly makes use of the word *princeps*. *Princeps ... non habent superiores*, ‘princes do not have superiors’;²⁰ *praesunt reipublicae*, ‘they are at the head of the state’. King, emperor and pope are *principes*.

Interchangeably with, but less frequently than *princeps*, occurs the word *dominus*. King, emperor and pope are *domini*.

His main words for ‘supreme rule’, the rule of *princeps* or *dominus*, are *principatus*, *dominium*, *regnum* and *imperium*, and of these *dominium* and *principatus* occur far more often than *regnum* and *imperium*.

And when Vitoria treats of the state, people or nation which is deprived by another of its *status* of being ‘sovereign’, he uses expressions such as *venire in potestatem aliorum*, ‘to come under the power of others’, *venire in dicionem aliorum*, ‘to come under the sway of others’;²¹ and he uses

¹⁷ ‘De Potestate Civili’, p. 158.

¹⁸ ‘De Indis’, p. 260.

¹⁹ The Middle English period extends from ca. 1150 to ca. 1450.

²⁰ ‘De Iure Belli’, p. 284.

²¹ ‘De Indis’, p. 218.

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further expressions such as *occupare principatum*, ‘seizing supreme rule’,²² *dominos priores deponere et novos constituere*, ‘deposing former lords and setting up new ones’²³ – combinations which intimate that he sees sovereignty as having two faces: an external and an internal.²⁴

International Law, Commerce, Diplomacy, Balance of Power, Great Powers and War

The terms included under this heading are used by Gierke, Wight and Bull to denote the common rules and institutions ascribed to international society. A comparative glance across the centuries identifies only one of these readily – *commercium* – while the others are found to have either quite different corresponding words or none at all.

International Law

‘International’, as mentioned above, is a creation of the eighteenth century. ‘Law’, on the other hand, goes back to a distant past, at its origin being the Old English²⁵ word *lagu*, plural *laga*. ‘International law’, like its component ‘international’, is an eighteenth-century invention. Older than it are the expressions ‘the public law of Europe’ and ‘the law of nations’.

Ius gentium is the corresponding term in Vitoria’s vocabulary. *Quod naturalis ratio inter omnes gentes constituit, vocatur ius gentium*, ‘what natural reason has established among all nations is called the law of nations’.²⁶ He uses the word *ius* in other expressions such as *ius divinum*, ‘divine law’, *ius humanum*, ‘human law’, *ius canonicum*, ‘canon law’, *ius civile*, ‘civil law’, and *ius belli*, ‘the law of war’. But he employs the word *lex* when he refers to that body of law that constitutes the Christian religion. This is *lex christiana*, ‘the Christian law’, or *lex Evangelica*, ‘the Evangelical law’. In the case of ‘the law of nature’, or ‘natural law’ one meets with both *ius naturae* or *ius naturale* and *lex naturae* or *lex naturale*. *Ius gentium*, however, never becomes *lex gentium*, but *ius gentium*, as Vitoria puts it, *habet vim legis*, that is, it ‘has the force of law’.²⁷

²² Ibid., p. 262.

²³ Ibid., p. 261.

²⁴ The term ‘sovereignty’ came to be widely used only after the publication of Jean Bodin’s theory in 1576, i.e., after Vitoria but before Gentili and Grotius, who are both familiar with it.

²⁵ The Old English period: before the middle of the twelfth century.

²⁶ ‘De Indis’, p. 257.

²⁷ ‘De Potestate Civili’, p. 191.

Commerce

The word ‘commerce’, in the sense of exchange of merchandise, especially on a large scale between countries, has been in use since the sixteenth century. It is derived from the Latin *commercium*.

Vitoria’s vocabulary includes the word *commercium*, and he gives it the same meaning as his twentieth-century counterparts to its derivative. *Et Lusitani magnum commercium habent cum similibus gentibus, quas non subiecerunt*, ‘and the Portuguese maintain a huge commerce with similar nations (as the Spaniards), without reducing them to subjection’.²⁸

Diplomacy

The English language acquired the word ‘diplomacy’, from French *diplomatie*, in the late eighteenth century. Older than it and its cognates ‘diplomatic’ and ‘diplomat’ are ‘embassy’, ‘ambassade’, ‘ambassador’ and ‘legation’, ‘legate’. Both of these groups of words are of Latin origin, the respective etymons being *ambactus* and *legatus*.

Vitoria uses the word *legatus*, and the point that matters to him is that *legati iure gentium sunt inviolabiles*, that is, ‘ambassadors are by the law of nations inviolable’.²⁹

Balance of Power

The first usage of the term ‘balance of power’ has not yet been ascertained by scholarship. David Hume, writing in the 1740s, credits ‘these later ages’ with the invention of the ‘phrase’, which he distinguishes from the idea to which he assigns a long history;³⁰ Frank Parkinson identifies it in the Treaty of Utrecht which was concluded in 1713 to end the War of the Spanish Succession³¹ – hints that the term ‘balance of power’ may not have originated before the eighteenth century.

Vitoria does not give expression to the idea of the balance of power.

Great Powers

Not much is known about the beginnings of the term ‘great powers’. *The Shorter Oxford English Dictionary* mentions that the word ‘power’, in

²⁸ ‘De Indis’, p. 268.

²⁹ *Ibid.*, p. 262.

³⁰ D. Hume, ‘Of the Balance of Power’, in P. Seabury (ed.), *Balance of Power* (San Francisco, CA: Chandler, 1965), p. 32.

³¹ F. Parkinson, *The Philosophy of International Relations: A Study in the History of Thought* (London: Sage, 1977), p. 45.

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the sense of a state or nation having international authority or influence, was not used before the early eighteenth century.³² It offers no information on the term ‘great powers’. In his essay of 1833, entitled ‘The Great Powers’, Leopold von Ranke expresses the view that it is ‘our century’ that ‘called the great powers into being’,³³ but he says nothing about the term which he uses to give expression to that phenomenon. The essay seems to have been first translated into English in 1950.

Vitoria’s vocabulary does not include a word or combination of words corresponding to ‘great powers’.

War

‘War’, like ‘law’, does not have a Latin origin. It is a native word going back to the late Old English *werre*.

Vitoria’s word for ‘war’ is *bellum*. He speaks of ‘defensive war’, *bellum defensivum*, and of ‘offensive war’, *bellum offensivum*; of ‘the law of war’, *ius belli*, and of ‘the rules of war’, *regulae belli*; of ‘the just war’, *bellum iustum*, and of ‘the justice of war’, *iustitia belli*. He does not use the words *privatus*, ‘private’, and *publicus*, ‘public’, in conjunction with *bellum*, but his concern is with the latter, public war.

³² ‘Power’, in Onions (ed.), *Shorter Oxford English Dictionary*, vol. 2, p. 1559.

³³ L. von Ranke, ‘The Great Powers’, in G. G. Iggers and K. von Moltke (eds), *The Theory and Practice of History by Leopold von Ranke* (Indianapolis and New York: Bobbs-Merrill, 1973), p. 99.