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The [In] hospitable World

Introduction

From Late Antiquity the customs and institutions of hospitality facilitated the development of global connectivity. The institutional landscape of pre-modern Eurasia coalesced around customs of hospitality. Wayfarers could expect to receive food and lodgings in the monasteries, hospitals, and fondacos that laced the pilgrimage and trade routes that criss-crossed Eurasia and intersected different world religions. These institutions of hospitality provided sustenance for strangers in need. These strangers could be foreign travellers, merchants or pilgrims, or they could be the poor, who had become strangers in their own society through their poverty and were forced to look for support beyond family networks. However, while nominally providing simply for those in need, hospitality in fact provides a framework for the mediation of a variety of exchanges and, most importantly, facilitates the construction and legitimation of power asymmetries. As Derrida observed, hospitality is always conditional, and, as this chapter will show, this conditionality can be manipulated to institutionalise power asymmetries. Hospitality is a framework for movement between: between different places, between having the basic necessities or not, and between orders of power. As such it facilitated global movement across Eurasia from Late Antiquity. But it also played an important role in the expansion and transformation of global interactions that took place from the sixteenth century with the opening of the transatlantic, and later transpacific, worlds. Performances of hospitality formed part of early encounter narratives, from Columbus’s meeting with the Taíno Americas to Captain Cook’s encounter with the Polynesians in the Pacific. These stories of hospitality oiling the cogs of pre-modern connectivity are haunted by the parallel stories of betrayal and the making of the colonial world, the lingering indigestion of this convivial sociality.

In the Western tradition the concept of hospitality (hospitium) is derived from hospes (host, guest or stranger) which comes from the Latin root hostis (stranger or enemy). Within the exchange of hospitality mastery and communication clash, and it is not always clear which party will benefit and which will be wounded. The act of hospitality seemingly generously provides for the stranger, but that stranger may be both guest and enemy. The act of hospitality may be ethical, but it is also political. Practices of hospitality facilitate the construction of power asymmetries not only through the negotiation of the stranger as both guest and enemy, but through the manipulation of the ontological limitations of the stranger, the question of who ‘the stranger’ can be.

Hospitality, welcoming and providing for the stranger, is part of the deep history of international relations, and it also helps explain why so many international relations are asymmetrical. Hospitality is a not only a framework for movement between places and needs but between power formations. Like the discourse of protection recently studied by Lauren Benton and Adam Clulow, hospitality ‘represented a basic currency of interpolity relations’, whose ‘legal status is difficult to pin down’. Derrida explained that the ‘collusion

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1 Olivia Constable, Housing the Stranger in the Mediterranean World: Lodging, Trade, and Travel in Late Antiquity and the Middle Ages (Cambridge, 2009).
22 Derrida and Anne Dufourmantelle, Of Hospitality (Stanford, 2000), 55. Derrida explains that hospitality is exercised through ‘filtering, choosing, and thus by excluding and doing violence’.
between the violence of power or the force of law (Gewalt) on the one side, and hospitality on the other, seems to depend, in an absolutely radical way, on hospitality being inscribed in the form of a right', yet the power of hospitality is derived from its multidimensionality, its ability to bridge the gaps between cultural practices and intersecting rights of varying legal status. This fluidity is open to manipulation. As Derrida observed, the conditionality of hospitality means that the guest is always hostage, but the host can also become hostage, such that the laws of hospitality ‘make everyone into everyone else’s hostage’. Both guests and hosts, then, can be hostages; but hospitality as a power praxis goes beyond this. Hospitality provides a starting point for the transformation of the coordinates of ‘host’ and ‘guest’, as well as between guest and enemy. When European colonialists travelled to distant shores they arrived as guests operating within the normative framework of hospitality, but they transformed the landscape of hospitality such that they became hosts. As colonialism developed, the institutions of hospitality (from hospitals to monasteries) were transplanted to the Americas where the Amerindians were received as guests (strangers/enemies) much like the poor in Europe.

The early conquistadores conceptualised themselves as guests in the New World, but as colonialism unfolded the poles of the host/guest relationship switched and Amerindians became, not rich hosts inviting the conquistadores to the banquet table of the Americas, but a people struck by poverty and in need of hospitality. Bartolomé de Las Casas and other so-called ‘defenders of the Indians’ often referred to the Amerindians as ‘poor and wretched’, making the comparison between the Amerindians and the poor in Europe. Referring to the Amerindians as ‘personas miserabiles’ was not simply a rhetorical description of unfortunate people but had been developed during the Middle Ages to denote a juridical condition whereby the poor could legally claim certain protection, a protection which was in place of self-governance. This construction of the Amerindians as poor and needing care began to take shape legally. In 1539 Francisco de Vitoria suggested that the Amerindians might need special legal protection as they were unable to govern themselves, and Las Casas asserted that they should have the legal protections of the miserabiles in Europe. The definitive contribution to this construction of the Amerindians as poor came in the writings of Juan de Solórzano Pereira (1575 – 1655), who drew upon the legal category of the poor in Europe, miserabiles personae, to re-situate the Amerindians in colonial society. As Susan Scafidi explains, ‘reasoning from time-honoured principles of medieval law, [Solórzano] discovered that legal analogy would allow him to identify Native Americans with the poor, wretched members of European society. Analogy ossified into a set of rules and expectations, and Indians – elite and otherwise – became wards to be educated and protected by guardians under the special protection of the Spanish legal system’. Legal analogy constructed Amerindians as a vulnerable, incapable, and powerless
people and placed them under the protection of the church and crown. This ‘protection’ and ‘care’ was increasingly channelled through the physical institutional sites of hospitality that had been developed to care/govern the poor in Europe. The institutional sites of hospitality became deposits for Amerindian subjects and played a role in shaping the colonial society of the Spanish Empire.8

The sixteenth century was a threshold in the construction of inequality, both within Europe and globally. New visions of social order combined with hardening attitudes towards the poor led to the transformation of cultures and institutions of hospitality. Around the world Europeans began to build empires, establishing and institutionalising asymmetrical and appropriative relations with the people with the people whom they encountered. Within Europe the poor were no longer honoured guests, but were increasingly seen as enemies. Policies and programmes of assistance were increasingly embedded in paternalistic discourses, social assistance was increasingly institutionalised, and these sites of social assistance increasingly became sites of control. In the Americas, the impact of the colonial invasion intensified across the sixteenth century and shock-waves shook the socio-economic fabric of Amerindian society, increasing multiple forms of poverty as well as disrupting indigenous networks of social assistance. Amerindians were re-constructed as poor through socio-economic degradation and legal analogy. Those constructed as poor, in the Old World or the New, were to become strangers everywhere while the rich would be strangers nowhere.

Theories of hospitality have been integral to conceptions of ideal societies in the Western tradition.9 The Ancient Greeks developed the concept and customs of hospitality, believing that providing for and not fearing the stranger constituted a civilized society and distinguished them from the barbarians.10 This idea was continued by the Romans, and references to hospitality can be found across classical texts. Within the classical framework hospitality was not just a custom but also part of the Western legal tradition and the right to hospitality, ius hospitii, became part of Roman law. During the Renaissance rediscovery of the classical world between the thirteenth and sixteenth centuries, humanists revived the idea of hospitality. This was not to be the universalist basis of an equal society, however, but rather a strategy of inequality. As Sanjay Subrahmanyam observes, we need to ‘examine how notions of universalism and humanism emerge in various vocabularies, and yet how these terms do not in fact unite the early modern world, but instead lead to new or intensified forms of hierarchy, domination and separation.’11 Hospitality proved a malleable material for the legitimation of power asymmetries. Not only did it mediate movements between enemies and guests, and guests and hosts, but as a cultural practice that was both

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9 Hospitality is not a static universal but has been interpreted and deployed in different ways by different societies. Further, exchanges are always contextually contingent and often have multiple codings. See also Francesca Trivellato, Leor Halevi, Cátia Antunes eds, *Religion and Trade, Cross-Cultural Exchanges in World History 1000–1900* (Oxford, 2014).

10 See Ladislaus J. Bolchazy, *Hospitality in Antiquity: Livy’s concept of its humanising force* (Chicago, 1995). Bolchazy identifies seven categories of hospitality in the Roman world: avoidance or mistreatment of strangers, Apotropaic hospitality, Medea category of hospitality, Theoxenic hospitality, ius hospitii or ius dei, contractual hospitality, and altruistic hospitality.

legally and morally normative it both hardened into the physical spaces of institutions and provided the fluid medium for the movement between different worlds.

The history of hospitality in the sixteenth century is the history of the opening of worlds for some, and the closing of worlds for others. This chapter begins with an exploration of how the normative cultural practice of hospitality provided a framework for the Spanish encounter with the Tlaxcalans. It then surveys the divergence of the application of hospitality as a body of legal and moral norms. It highlights how the Spanish tried to justify their appropriation of resources in the New World by drawing upon hospitality as a legal resource, at the same time that elites restricted systems of hospitality for the poor in the Old World and eroded the legal and moral foundations of the poor as recipients of hospitality. It concludes with a reflection of how the Spanish transformed the coordinates of hospitality in the New World to become hosts extending institutions of hospitality to Amerindian guests, transposing the infrastructure of hospitality as a system of control as it had been developed in sixteenth century Europe. The sixteenth century witnessed an inhospitable divergence, as Europeans extended claims to hospitality in the New World which were simultaneously being denied to those in need in the Old. It simultaneously experienced a convergence of power in the institutional sites of hospitality, namely hospitals, which were designed to assist and control those guests who were also enemies.

Encountering the inhospitable world

When the Spanish conquistador Hernán Cortés arrived in the capital he described how the Aztec ruler Moctezuma greeted him with great ceremony. Moctezuma gave Cortés ‘various treasures of gold and silver and featherwork, and as many as five or six thousand cotton garments, all very rich and woven and embroidered in various ways’. According to Cortés, Moctezuma also gave him the gift of power to rule, bidding him to take his position upon ‘a very rich throne’. Moctezuma then assured Cortés that ‘here you will be provided with all that you and your people require, and you shall receive no hurt, for you are in your own land and your own house’. Not long after this Cortés’ troops captured Moctezuma, executed an Amerindian who had reportedly killed some Spanish soldiers, and demanded to be show were the gold mines were. The available descriptions of the conquest of Mexico depict a scene of betrayed hospitality, with the imprisoned Moctezuma the archetypical wronged host. Gideon Baker uses the case of Cortés and Moctezuma to demonstrate that hosts are also vulnerable to conditions of unconditional hospitality, as in the case of Moctezuma ‘no host has come closer to offering unconditional hospitality and never have the results of hospitality been more terrible, indeed genocidal, for a host community’.

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13 Ibid, 85.
15 Cortes, Second Letter,
Cortés’s account of the conquest of Mexico portrays a host betrayed, but in the events leading up to this he narrates a story of the conquistadores as guests betrayed. In his ‘First Letter’ Cortés reports that as he arrived with his troops on the shores of the Yucatan Peninsula ‘certain Indians came to us in a canoe bringing some chickens and a little maize, which was barely enough for a single meal, and told us to take it and leave their land’. Cortés subsequently engaged in battle and captured the city. Cortés then reported that the chieftains brought gold ornaments ‘which were thin and of little value’. He informed them that they would not leave and that the Indians ‘must hold as their lords the greatest monarchs on earth and must serve them as their vassals’. He continued: ‘having arranged this friendship, the captain informed them that the Spaniards who were with him had nothing to eat nor had they brought any food from the ships and begged them therefore to bring us provisions for as long as we might remain in their land’. Cortés continued to report his attacks on the Amerindians in relation to their poor hospitality or obstruction to the Spanish taking food. As J. H. Elliott explained, this first letter was a political document designed to persuade Charles to retrospectively sanction Cortés’ actions. Cortés was making the case for the legitimacy of the conquest as he described the violence. In addition to the Amerindians not responding to the Requerimiento, they were defying norms of hospitality by denying the Spanish enough food or the ability to land and find food. Cortés constructed this early encounter as a case of wronged guests.

Cortés wrote his second letter while preparing for the siege and re-conquest of Tenochtitlan in 1520. This letter was also a narration of events and a plea for authorisation. He continued to describe how the contours of hospitality defined his journey to the Aztec capital. As he arrived in the kingdom of Cempoal he wrote that he was ‘very well received and accommodated by all the natives’ who ‘provided the provisions I needed for the journey’. But as he moved on he crossed an ‘uninhabitable’ desert, where his ‘people suffered from thirst and hunger’. He reports the limited hospitality, writing that in Tascalteca they were received with fanfare and received food ‘though not sufficient’. Cortés framed the events leading up to their next battle with the Amerindians in terms of wronged hospitality again: ‘during the three days I remained in that city they fed us worse each day, and the lords and principal persons of the city came only rarely to see and speak with me’. For Cortés, this decline in hospitality was an indicator of deteriorating relations and a warning of conflict. Their Yucatan interpreter, Geronimo de Aguilar, advised that the Indians were going to kill them, and they instead took the Amerindians by surprise, imprisoning their leaders and setting buildings on fire. This Spanish attack could have been interpreted as an ambush, but Cortés used the declining hospitality as contextualisation.

Cortés account of the final events of the conquest of Moctezuma’s Aztec empire may seem like a case of host betrayed but Cortés’ narration of events contains more nuance than this. According to Cortés, when Moctezuma handed him the goods, and power (symbolised

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19 Ibid, 20.
20 Ibid.
23 Ibid.
24 Ibid, 72.
25 Ibid, 73.
26 Ibid, 73.
by the throne) of the Aztec empire he also re-orientated the landscape of host – guest. Moctezuma admits that they are guests like the Spanish: ‘for a long time we have known from the writings of our ancestors that neither I, nor any of us who dwell in this land, are natives of it, but foreigners, who came from distant parts; and likewise we know that a chieftain, of whom we are all vassals, brought our people to this region.’ Cortes’s account of Moctezuma’s admission that the Amerindians knew themselves to be guests narrates the start of the reorientation of the guest/host coordinates.

Within three years Cortés, approximately three hundred Castilians (most of whom had never engaged in warfare before), and ‘a few thousand untrained and unpredictable allies’ had taken over a population estimated to contain at least 50,000 adults and an empire estimated to have been about 125,000 square miles.27 This extraordinary occurrence was, in part, facilitated by manipulations of hospitality, the norms of which also helped fashion the veneer of legitimacy. In the years that unfolded after the conquest of the Caribbean and Mexico, the Spanish developed an extractive regime of resources and labour, organised through the encomienda and mita systems. Many of the New World’s natural resources were appropriated into the stream of commerce flowing across the Atlantic. Cortés’ raid on Moctezuma’s treasure chest paled in comparison. In the case of silver, it is estimated that between 1503 and 1660 some 250,000 tons of New World silver poured into the Andalusia city of Seville,28 where the Casa de Contratación was established to manage this unprecedented extraction of resources. As Europeans told themselves a story of how this was legitimate, they once again tapped the benevolent resource of hospitality.

A legal and moral divergence

Ordering the New World

Around 16 years after Cortés conquered and plundered the Aztec capital, and as commodities and precious metals flowed through Spain, the Dominican scholar and so-called founder of international law Francisco de Vitoria set about theorising the legitimacy of this appropriation in his lecture De Indis, delivered in 1539. Here, Vitoria drew upon classical understandings of hospitality as a moral norm and created the right to hospitality (ius hospitii) to justify the colonial appropriation of the Spanish empire.29 Vitoria made an important contribution to the Western legal tradition, and his work contributed to the way hospitality was theorised within the natural law tradition, a position which persisted until the Enlightenment.30 As Anthony Pagden has also observed, he transformed hospitality from an ancient Greek custom to a right under the law of nations (ius gentium).31 Vitoria’s deployment of the right to hospitality came under the title of ‘natural partnership and communication’ (ius communicandi) and included the right to travel and dwell in the Americas, the right to common property (such as ‘running water and the open sea, rivers, and ports’, and other natural resources such as gold or pearls), and the right to become

28 Patrick O’Flanagan, Port Cities of Atlantic Iberia, c. 1500-1900 (Oxford: Routledge, 2008), 52.
29 See Vitoria, On the American Indians, Question 3 Article 1, Anthony Pagden and Jeremy Lawrence eds, Political Writings (Cambridge, 1991), 278-284.
citizens. Vitoria explained that these rights, and especially the rights of trading and rest, were available to everyone according to *ius gentium*, the law of nations.

Vitoria opened the Americas to claims of hospitality which went beyond the things of necessity, arguing that resources that were available before the division of private property (*divisio rerum*) could be claimed in the Americas according to the *ius gentium*. As Ileana Porras has also observed, Vitoria drew upon *ius gentium* to develop the concept of the right to hospitality. Vitoria developed this right to hospitality (*ius hospitii*), and also the right to trade (*ius negotiandi*), as ‘soft’ rights which facilitated colonial appropriation without reference to a right of possession. This contributed to the framework of legitimation for the opening of the veins of Latin America.

Martti Koskenniemi has assessed Vitoria’s use of *ius negotiandi*, arguing that this ‘begins to reveal an international system of commerce, based upon the free use of their dominium by private merchants and bankers, which princes were not entitled to impede’. Similarly, Porras observed that Vitoria’s deployment of *ius negotiandi* and *ius hospitii* (underpinned by his conception of *ius gentium*) facilitated the transformation of the natural environment into natural resources, into commodities, that could be appropriated and placed into the stream of commerce. For Porras this explains ‘the structural link between international law’s long standing commitment to commerce and its inability to act decisively on behalf of the environment’. Vitoria’s use of *ius negotiandi* and *ius hospitii* as legitimations for the appropriation of natural resources helped pave the way for the environmental exploitations which still structure inequalities in Latin America today.

Vitoria drew upon the classical world to model projections of the ideal global order.

To explain why it was that the Amerindians had to welcome the Spanish according to the customs of hospitality Vitoria cited Virgil’s verses:

What men, what monsters, what inhuman race,  
What laws, what barbarous customs of the place,  
Shut up a desert shore to drowning men,  
And drive us to the cruel seas again!  
(Aeneid I. 539-40, Dryden’s translation)

Vitoria also drew upon the Christocentric principle of hospitality. He reminded his audience that ‘it is a law of nature to welcome strangers, this judgement is to be decreed amongst all men’, and cited the gospel of Matthew where Christ warned ‘I was a stranger and ye took me not in’ (Matt. 25: 43). This use of the figure of the stranger to whom hospitality must be granted is strategic. Vitoria had discredited both the idea that the

35 The story of this appropriation is laid out in Eduardo Galeano, *Las Venas Abiertas de América Latina* (Montevideo, 1971).
38 Vitoria, On the American Indies, Question 3 Article 1, Anthony Pagden and Jeremy Lawrence eds, *Political Writings* (Cambridge, 1991), 278.
39 Ibid, 279.
Emperor could be master of the whole world, but he salvaged a universalist vision of the world built upon the projection of a human community unified by Christianity. He cited St Augustine who wrote “when one says Love thy neighbour, it is clear that every man is your neighbour” (De doctrina Christiana I. 30. 32), explaining that ‘the Spaniards are the barbarians neighbours’ and ‘the barbarians are obliged to love their neighbours as themselves’.

It is no surprise that Vitoria should draw upon the writings of St Augustine to make this rhetorical move. Vitoria was a Dominican, whose Order was governed by the Rule of St Augustine. Western monasticism had been based upon the Rule of St Augustine (c. 400 C. E.), but it was adopted by the mendicant Dominican Order when it was established in 1216. The Augustinian Rule advocated a common life, where members of the community lived without individual property and held things in common. The Dominicans were one of the mendicant orders which revolutionised the institutional landscape in the thirteenth century by transcending the institutional site of the monastery and instead realising their institutional identity as they moved through civic spaces begging for alms, valorising a culture of need. Their brothers with whom they shared things in common were not those with whom they shared a monastic space but the people they met on the street who gave them alms.

It is worth remembering that this Augustinian model of hospitality was not informed by an idealised equality but by an idealised hierarchy. The Augustinian Rule stipulated that ‘food and clothing shall be distributed to each of you by your superior, not equally to all, for all do not enjoy equal health, but rather to each one’s need’. Here we see that in this idealised community people should have access to things of necessity but that there should be a hierarchy of distribution of resources according to needs decided by the superior. This hierarchy also distinguished between the voluntarily poor and the real poor, explaining that ‘they who owned nothing should not look for those things in the monastery that they were unable to have in the world’. It advocates a limited hospitality stipulating that these poor should receive the things of necessity, but they ‘should not consider themselves fortunate because they have found the kind of food and clothing that they were unable to find in the world’. They should have nothing in excess of what they need. Instead it prescribed moderation and self-denial, to ‘subdue the flesh’. When Vitoria extended the idea of hospitality to the Americas, this was based upon the notion of a universal community, but this was not intrinsically egalitarian but highly differentiated.

Vitoria referred to the Amerindians throughout De Indis as ‘the barbarians’. Engaging with his interlocutors who were critical of the faculties of the Amerindians, Vitoria considered their weaknesses, their lack of Christianity, their lack of rationality, and other foibles, but he concluded that they had the right to own their own property. Vitoria circumvented this unfortunate (for the Spanish crown) conclusion by invoking the universal custom of hospitality, a way to access resources without claiming a property right. This hospitality was conceptualised as universal, but it created a criteria for differentiation, for

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40 Ibid, 252 – 258.
41 Ibid, 258 – 264.
42 Ibid, 279.
43 The most radical of these mendicant Orders were the Franciscans, who formed a new religious life as they formulated a new rule Regula Vitae, which demanded the renunciation of common and individual property.
44 Rule of St Augustin, in Explanation of the Rule of St Augustin (Fall Creek, 2008), 24.
45 Ibid.
46 Ibid, p. 27.
inclusion and exclusion. The Ancient Greeks had developed one of the earliest notions of hospitality, of welcoming the stranger, but they had also used this as a mechanism for distinguishing themselves from primitive societies which feared strangers, a strategy which continued to define the Roman Empire.\(^{47}\) As Vitoria drew upon this classical conception of hospitality, he also tapped into its ancient politics, using it as a mechanism to differentiate and exclude. Vitoria stated that ‘to refuse to welcome strangers and foreigners is inherently evil’.\(^{48}\) Anthony Anghie has charted Vitoria’s contribution to the history of international law, arguing that Vitoria was ‘concerned not so much with the problem of order among sovereign states but the problem of order among societies belonging to two different cultural systems’.\(^{49}\) Anghie contends that Vitoria resolved this by focusing on the cultural practices of each society and assessing them in terms of the universal law of *ius gentium*.\(^{50}\) We see here that it was hospitality in particular that made the point of departure for colonial differentiation permissible for Vitoria.\(^{51}\)

Vitoria’s discussion of hospitality also had tangible negative implications for the indigenous population of sixteenth-century Mexico; he concluded that if the Spanish were denied these rights of hospitality, they may lawfully go to war. Furthermore, the Amerindians would become ‘treacherous foes against whom all rights of war can be exercised, including plunder, enslavement, deposition of their former masters, and the institutions of new ones’.\(^{52}\) Vitoria added that under these circumstances ‘the Spanish could have seized the lands and rule of the barbarians, so long as it was done without trickery or fraud and without inventing excuses to make war on them’.\(^{53}\) Historically this last caveat might suggest that the original Spanish betrayal of the Amerindians prevented the Spanish from becoming legitimate rulers in the Americas, but this was not the conclusion drawn by his audience. In Vitoria we see that Amerindian obstruction or contravention of Spanish assertion of their claims to resources according to the right of hospitality could justify the reconstitution of the conquistadors from guests claiming hospitality to hosts administering hospitality to increasingly impoverished Amerindian guests.

**Ordering the Old World**

As the Spanish extended their right to hospitality in the old world, based upon their needs as travellers, these rights were restricted for the poorest people within Europe. Within the Christian tradition, poverty had been considered to be a sacred condition in the Middle Ages and the poor might expect to receive the things they needed by wandering around and begging. In the thirteenth century the mendicant orders had valorised poverty and the socio-religious culture of need and had institutionalised this way of living as a religious life. These mendicant orders fashioned themselves on the poverty of Christ and embodied the New Testament message that God was present in strangers in need (Matt. 25: 43). However, in the sixteenth century attitudes towards the poor and ideas of how they should be provided for within an ideal society diversified. As the Spanish extended their right to hospitality in the old world, based upon their needs as travellers, these rights were restricted for the poorest people within Europe. The first town to develop a new plan for


\(^{48}\) Vitoria, *On the American Indies*, 281.


\(^{50}\) Ibid.

\(^{51}\) Vitoria, *On the American Indies*, 278.

\(^{52}\) Ibid, 283.

\(^{53}\) Ibid, 284.
society was the town of Ypres in 1525. A report of this revolution in poor relief can be found in *Forma subventionis pauperum*, published in 1531, which was compiled by multiple authors in defence of the scheme. Like *De Indis*, *Forma subventionis pauperum* drew upon classical ideas about hospitality to develop models of ideal societies, but with contrasting results. The *Forma* was a new model for an ideal society designed for ‘the plentiful increase of good social order’,

54 but for the town officials of Ypres this was to be realised by restricting hospitality for the poor. He cited Seneca who said that ‘only need compels people to beg’,

55 and Plato, who ‘judged all manner of beggars to be put out of his Republic’.

56 The social policies outlined in *Forma subventionis pauperum*, including the restriction of the movements of the poor and their access to hospitality, were part of a broader outbreak of debates about the rights and freedoms of the poor that took place in sixteenth century Europe. Treatises such as *Forma subventionis pauperum* were used to inform new repressive policies against the poor’s ability to seek hospitality. In 1531 Charles V drew upon this text as the basis for a series of poor laws and prohibited begging throughout the empire.57 Restrictions on the freedom of the poor to travel and to seek hospitality were opposed by the mendicant orders, who had built their existence on the value of these freedoms. The criminalisation of poverty in Spain was opposed in particular by the Dominican Domingo de Soto, who published *Deliberacion en la causa de los pobres* in 1545 (simultaneously in Latin and Spanish) in response to 1540 poor law. De Soto reminded people that the poor had natural rights, not only to the things of necessity (*ius necessitatis*) but also to travel (*ius pereginandi*) and to seek hospitality (*ius hospitii*). For de Soto, this *ius hospitii* was not absolute or unlimited but contextually contingent. De Soto was clear that the poor should not only have bread but all the things they needed.59 De Soto stipulated that the poor received the things they needed through alms (*limosnas*), but this did not fully locate power with the giver (or host), since to justified his position by citing Saint Gregory who had explained that everyone was obliged to give to the poor according to their ability, and that it was also important to defend the poor.60 De Soto also looked to classical texts, and invoked the Roman law right of foreigners to beg.61 De Soto’s *Deliberacion*, which drew upon a range of classical and theological sources, highlights the continuing complexity of conceptions of hospitality as a mixture of moral norms, religious obligations, and intersecting rights to travel and to access resources. The language of rights, of *ius hospitii*, did not resolve the ancient tensions within the concept of hospitality as an arbitration between the power of the host/guest or giver/receiver.

Significantly, the debates about hospitality (from the rights of the poor to travel and to seek alms to the ways they could access resources), which broke out in Europe in the sixteenth century in Europe were not confined to Europe but need to be placed within a global context. Firstly, as noted by Annabel Brett, de Soto’s investigation of the right to travel, part of his discussion on the rights of the poor, has international considerations that

55 Ibid, 123.
56 Ibid, 124.
57 F. R. Salter, *Some Early Tracts on Poor Relief* (London, 1936), 34, and a further poor law in 1540.
58 Developing from both Roman and Canon law.
60 Ibid.
have been overlooked by the earlier commentators.\textsuperscript{62} Further, Vitoria’s discussion of hospitality in the New World was part of this broader sixteenth century debate. Placing this sixteenth century intellectual history in a more global context highlights the divergence in accepted practices and uses of hospitality that took place between the Old World and the New at this time. While the Spanish Crown favoured the expansion of hospitality in the New World, it also favoured its restriction in the old.

The \textit{Forma Subventionis Pauperum} wrote that ‘the freedom to beg in public may be restrained by civil laws’.\textsuperscript{63} The Scheme of Ypres’ opposition to extending hospitality in the city was clear; it stated ‘these strong and lazy beggars everywhere were living at their pleasure without any labour, in sloth and idleness, like drones. They are a nuisance to many, eating other people’s food, always wandering, always unstable, without the restraint or control from anyone, shameless, unpunished, running as they pleased.... by the emperor’s command, sturdy beggars should be banished from the realm’.\textsuperscript{64}

While Vitoria emphasised that hospitality should be extended to strangers in the New World, the \textit{Forma} opposed this for the old. Ypres prescribed how the city’s poor should be looked after, not those coming from elsewhere, and it opposed the free movement of the poor to beg for alms.\textsuperscript{65} The \textit{Forma} explained that:

\begin{quote}
God approved nothing better than kindness towards our neighbour for he that loves his neighbour fulfils the law. We think then that pity should be stretched to all poor people on every side, buy yet in such manner that order is maintained. We prefer our own citizens, whose personas and manners we know, to strangers with whom we have no acquaintance.\textsuperscript{66}
\end{quote}

It justified this by explaining that in the situation of limited resources, the city had to prioritise its poor citizens. Ypres protects further against strangers staying, ‘no house shall be let to strangers without the consent of the Senate’.\textsuperscript{67} In addition to drawing upon classical sources, the \textit{Forma Subventionis Pauperum} cited Saint Augustine, \textit{On True Religion}, who wrote ‘a man cannot justly help everyone he loves unless he helps those that are nearest unto him’.\textsuperscript{68}

While \textit{De Indis} had explained that the Spanish travelling to the New World had the right to stay, the \textit{Forma} clearly restricted the rights of strangers to stay. The \textit{Forma} accepted that ‘strangers ought in no wise to be forgotten’, stipulating that ‘we give therefore to every poor stranger what he needs, and we are able to provide’, qualifying that this means ‘meat and drink and beds’. But it was emphatic about the restrictions on this hospitality, noting that this must be restricted to hospitals and not public begging, and that this should be limited to ‘two, three, four days or sometimes longer till that are strong and able to continue’.\textsuperscript{69}

Vitoria had explained that the Spanish should have the right to become citizens in the New World, but such rights were denied by the Ypres \textit{Forma} to travellers in the Old

\textsuperscript{63} \textit{Forma Subventionis Pauperum}, 124.
\textsuperscript{64} Ibid, 120.
\textsuperscript{65} Ibid, 119-120.
\textsuperscript{66} Ibid, 127.
\textsuperscript{67} Ibid, 129.
\textsuperscript{68} Ibid, 136.
\textsuperscript{69} Ibid, 128.
World. It stipulated that ‘those strangers who come to live in our city and to take alms, with a great flock of children, we do not accept’.70 Although it added the exception that sometimes necessity such as the catastrophes of war, shipwreck, fire, might cause the city to accept more people make us receive them into the number of our poor’,71 but even then it warned that ‘we take no more of these people that the public purse can afford to maintain’. The Forma Subventionis Pauperum projects a model of the world with a very restricted hospitality, writing that ‘there is nowhere in the world that can receive and contain all poor people. There is no common chest anywhere that could sustain them all.’72

As Europeans were appropriating the goods of the Amerindians in the Americas and seeing this through the contorted lens of hospitality, scholars in Europe were thinking about hospitality in a way that protected the giver rather than the receiver. These measures concerned not only improving the provisions for poor, but protecting the rich. It wrote: ‘the rich men’s houses are not haunted with these idle parasites’.73 And ‘the poor thank the rich for everything they have’.74 The policies concerned moving power from the poor, and strengthening governance: ‘the three griefs of this world – beggary, beggars and begging – do not rule this city as they did before. Parasitical paupers, much to the harm of the community, were abusing the generosity of good men. Now they are denied the gains they had from begging, they are being brought to a quiet and sober manner of life’.75

The Forma Subventionis Pauperum advised that anyone opposing these recommendations, freely claiming their ius hospitii and ius perigrinandi, should be punished:

‘we should say something about insolent poor people, who obstinately reject a law that forbids begging. They complain, as if a right had been taken from them, that they are not free to beg, when in times past they did what they wanted. They wandered at their pleasure, running up and down, and reckoning nothing unlawful for them. This is not, as they think, liberty, when everyone does as he pleases; rather it is wasteful licence, which as Comicus says, debases us all. True liberty is ruled by reason. Reason considers not how much one would like, or but always looks what is appropriate.76

The Forma does not deny that the poor should have access to the things of necessity, but it explicitly states that poor access these things through controlled streams of charity and not as a right.

The Valencian humanist Juan Luis Vives was living in Northern Europe and was inspired by the Ypres scheme. In 1526, he wrote De Subventione Pauperum, which he addressed to the councillor and the senate of Bruges. Its opening statement indicates how he too drew upon the classical world to advocate restricted hospitality in Europe; he began, ‘Cicero says that it is a duty of travellers and visitors to avoid over-curiosity when abroad or in a foreign state’.77 Vives advocated more restricted hospitality and increased control of

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70 Ibid, 129.
71 Ibid, 129.
72 Ibid, 129.
73 Ibid, 132.
74 Ibid, 134.
75 Ibid, 132.
76 Ibid, 138.
77 Juan Luis Vives, On Assistance to the Poor (De Subventione Pauperum), trans. A. Tobriner (Toronto, 199), 33.
those who seek it, recommending that magistrates focus on ‘producing good citizens’,78 and reminding that charitable measures ‘require specific conditions which appear only too rarely in our times’.79 Vives also advocated the restriction of the free movement of the poor: ‘beggars in good health who wander about with no fixed dwelling-place should submit their names, and state the reason for their mendicancy to the Senate’.80 While Vitoria had advocated that hospitality meant that citizenship should be extended to strangers, Vives wrote that ‘of the able-bodied vagrants, those who are aliens should be returned to their own country’ (but they should have their journey provided for).81 For Vives there were distinct hierarchies of hospitality: native born coming before the foreign, disabled before the able, and he assessed various degrees of weakness relating to age, gender, health, and circumstance. Vives was not suggesting that nobody should receive charity, but he advocated a strict criterion which was to be meticulously scrutinised by authorities. More precise inclusion meant more precise exclusion in the sixteenth century. As Derrida explained, ‘exclusion and inclusion are inseparable in the same moment’.82

Nor were those receiving hospitality supposed to be considered equal to those who provided it. Hospitality was therefore a method for establishing a hierarchy of identities. De Subventione Pauperum is framed in paternalistic terms and suggests awareness that there will be opposition to the competing visions of social order; Vives wrote that ‘these poor, buried in squalor, filth, shame, idleness and crime, think they are being dragged into slavery if their condition is ameliorated’.83 The idea that the guest may feel wronged is anticipated and coercion expected.

Like Forma Subventionis Pauperum, De Subventione Pauperum also advocated the criminalisation of those opposing the new measures: ‘the Senators appointed to make these examinations and perform these duties should be given authority to coerce and compel obedience, even to the point of imprisonment, so that the Senate will be aware of the recalcitrant’.84

As previously mentioned, Charles V used the Forma Subventionis Pauperum and the De Subventione Pauperum to inform the series of poor laws that he issued in the sixteenth century. Defenders of the rights of the poor in Europe were ultimately unsuccessful in holding back the tides of discriminatory policies. De Soto’s attempt to defend the poor may even have made matters worse. De Soto argued that that expelling the poor simply relocated the problem;85 As a possible solution, and probably not the one that de Soto intended, in 1552 Charles V ordered that anyone found begging without a license was considered a vagabond and subject to 4 years galley service on a first attempt, 8 on a second, life on a third.86 This brings into focus the divergence in the norms of hospitality

78 Ibid, 36.
79 Ibid, 37.
80 Ibid, 38.
81 Ibid, 39.
82 Derrida, Of Hospitality, 81.
83 Vives, De Subventione Pauperum, 52.
84 Ibid, 38.
85 Domingo de Soto, Deliberación en la Causa de los Pobres, Salamanca, 30, de enero de 1545, in ed., El Gran Debate Sobre Los Pobres en el Siglo XVI, Félix Santolaria Sierra (Barcelona: Ariel, 2003), 49-116. Domingo De Soto also opposed other aspects of the divergence of norms of hospitality between the old world and the new; in De iustitia et iure he wrote that Europe’s resources should also be open to mining by others as the Americas were.
86 Linda Martz, Poverty and Welfare in Habsburg Spain, The Example of Toledo (Cambridge, 1983), p. 30. This might seem draconian, but as with many aspects of poor relief, it had precedence in Italy. In the 1520s and 30s
between the Old World and the New. Those who, perhaps driven by the necessity of poverty, had attempted to beg for alms, to claim a *ius hospitii*, in Spain, might have found themselves making up the forced maritime labour which was so important to the Spanish Empire which justified its appropriation based upon those same rights of hospitality that were being denied to the poor in Europe.

In the sixteenth century there was a battle to assert visions of ideal societies. The mendicants had built their Orders around the freedom to beg, and they contested the criminalisation of these rights in Europe. Advocates of the new social order in Europe did not just oppose the freedom of movement of the poor, but also the mendicant Orders that championed them. For example, the Ypres *Forma* explicitly opposed the *vita religiosa* of the mendicant orders, writing ‘is better to follow the soberness and discretion of the holy poor men, in Jerusalem at the beginning of the church, after they were converted to the faith. They lived contented with the alms that were given to them, neither running nor begging anywhere. They stayed at home, and applied themselves quietly and thankfully to prayer and contemplation’.  

However, on both sides of the Atlantic, advocates of new models of hospitality did not suggest that hospitality be distributed through monastic or ecclesiastic institutions as it typically had been in the Middle Ages, but through hospitals.

### A power convergence for the poor in Europe and the Amerindians in America

In the late Middle Ages and Early Modernity, hospitals were not only concerned with caring for the sick, but also the poor. In Western Christendom they were an offshoot of the hospitable function of the monasteries. Following the recommendations of treatises such as *Forma Subventionis Pauperum*, *De Subventione Pauperum*, charity was increasingly channelled through hospitals, which extended hospitality to those in need. Hospitals were sites of control as well as care. In the sixteenth century the institutions of hospitals evolved and proliferated, and the poor were increasingly confined to hospitals that were specifically for the poor. Poor bodies were increasingly associated with malaise, and the poor person entering the hospital was seen to need curing, physically, spiritually, and morally. Chapels were part of the infrastructure of early modern Spanish hospitals, and inhabitants were expected to receive confession and religious instruction during their stay. This use of hospitals as sites of indoctrination as well as care had a long precedent as Spanish monarchs had established hospitals in newly conquered cities during the *reconquista* to facilitate the conversion of Muslims. As the sixteenth century unfolded religious instruction was not enough and labour was seen to be part of the necessary procedure for curing the poor of their tendency towards idleness.

While religion remained central to the hospitals, during the transformations of the sixteenth century ecclesiastic authorities lost their monopoly of their control. Vives had advocated that the state control of the poor through hospitals. For Vives, the ideal society could be developed through the centralisation of control; he wrote that ‘liberty is found in yielding obedience to the magistrates of the community rather than in that encouragement

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Venice began to introduce poor laws, confining beggars to hospitals, and drafting able-bodies beggars to maritime service for the Venetian fleet.

87 *Forma Subventionis Pauperum*, 123.

88 Jon Arrizabalaga, ‘Poor Relief in Counter-Reformation Castile’, in Ole Peter Grell, Andrew Cunningham & Jon Arrizabalaga eds, *Health Care and Poor Relief in Counter Reformation Europe*, 151-175, 153.

89 Vives, *De Subventione Pauperum*, 37. Vives noted the classical precedent in an aside that the Greek word is *Ptochotrophia*.
to violence or in the opportunity for widespread license in whatever direction caprice may lead'.\textsuperscript{90} Vives advocated reform and increased control of the hospitals: ‘when all the leeches have been eliminated from the hospitals, the resources of each institution should be examined’.\textsuperscript{91} Here we see the power dynamics of the conditionality of hospitality, identified by Derrida as the desire to distinguish between guests and parasites.\textsuperscript{92} These sixteenth century hospitals were also spaces were humanistic visions of ideal societies could be realised, which meant purification from cultures of greed. Vives had written that in the hospital there should be enough but ‘there should be no luxury by which they might easily fall into bad practices’.\textsuperscript{93} Hospitality would be provided, but with austere conditions. Despite the austerity of the hospital regimes, wealth was on display in the architecture and art commissioned by the founders and benefactors of the hospitals, emphasising the power and importance of the hosts. This is illustrated in the building of the hospital de las cinco llagas in Seville which opened in 1558, a building so grand it became the seat of the Andalusian parliament.

Across the Atlantic hospitals continued to play an important role in power formations. The ways in which the extractive labour regimes of encomienda and mita played a role in the reorganisation of the lives and resources of the Amerindians is well known, but the role played by institutions of hospitality is less well known yet equally important. On the site were Cortés first met Moctezuma, a hospital was built, the hospital of La Purísima Concepción y Jesús Nazareno, founded by Cortés. Hospitals were also power statements, and they helped to structure the Spanish empire.

Around 1531 one of the oidor’s (judges) of the second Audiencias of New Spain, Vasco de Quiroga founded the hospital towns of Santa Fe, in the North West periphery of Mexico City. This experiment to create an ideal community using the institution of hospitals was inspired by Thomas More’s Utopia, a book he had borrowed from the library of the Franciscan Juan de Zumarraga. Quiroga’s hospital towns of Santa Fé are another important example of the role that the humanistic recovery of classical models of hospitality played in the construction of visions of global order in the sixteenth century. The hospital town of Santa Fé provided basic resources for the Amerindians but was aimed at facilitating conversion. Amerindians who had lived in disparate settlements were brought together to make the task of conversion easier.\textsuperscript{94} Quiroga’s hospital towns were concerned with saving and controlling the lives of the Amerindians at the same time: Amerindians living in the hospital town were subject to a comprehensive regime of religious instruction. The regulations of the lives of the Amerindians were laid on in the Doctrina Christiana, which even stipulated the clothes that Amerindians could wear. As with the poor hospitals being developed in sixteenth century Spain, inhabitants were not only required to receive communion and participate in a regime of religious instruction but also to work.

Quiroga continued to emphasise the importance of hospital towns for controlling rebellious Amerindians. In 1535 he wrote Información en Derecho explaining the importance of creating communities of patrilinear families with indigenous and Spanish overseers. His policies were put to the test when he was sent to Michoacán following the Chichimec

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\textsuperscript{90} Ibid, 38.
\textsuperscript{91} Ibid, 41.
\textsuperscript{92} Derrida, Of Hospitality, 59.
\textsuperscript{93} Vives, De Subventione Pauperum, 41.
\textsuperscript{94} This hospital town is depicted on the map of Tenochtitlán produced by Alonso de Santa Cruz c. 1550. Now in the Uppsala Library.
\end{flushright}
rebellion in 1533. He developed a new hospital town of Santa Fé de la Laguna in Michoacán, the plans of which are mapped out in his *Ordenanzas*. Quiroga wanted to use hospitals for the total reorganisation of Amerindian society and behaviour, but as with other sites of mission there were also opportunities for resistance and adaptation. For example, despite Quiroga’s plan for patrilinear communities, the Purhépecha social structure of *guatapera*, a form of women’s community, survived in the hospital towns and formed the basis of hospitals especially for women.

The colonial project to use hospitals to reorganise Amerindian society in sixteenth century Mexico highlighted the way in which the Spanish had transformed themselves into hosts and the indigenous populations into guests. Yet the game of hospitality cannot be controlled so easily. As a system of intersecting rights and customary practices aimed at negotiating the power relationship between hosts and guests, hospitality tends towards a more fluid formation in which the ambiguity of the power relationship between guest and host can be manipulated but cannot be overcome.

**Conclusion**

We live in inhospitable times, with Europe becoming more closed than ever to ‘strangers’ and those in need. It therefore seems an appropriate moment to reflect on the deep, and often dark, history of hospitality, to expose the normative assumptions and institutional processes that generate asymmetrical relationships and to consider the ways in which multiple inclusions can generate multiple exclusions. As Gideon Baker has observed, hospitality ethics ‘is a large, and largely untapped normative resource for those who want to critique the exclusions of world politics’. The issues raised by histories of hospitality are central to today’s debates about the politics of migration and freedom of movement, and the boundaries of legal communities. As Cavallar observed, debates regarding hospitality relate to important questions for today’s world, such as ‘how do we balance the right of the political community to self-preservation with the right of the individuals to free movement?’ The complexity of hospitality exposes the permeability and the malleability of boundaries, between friends and enemies, insiders and outsiders. In this way hospitality remains important to the way in which we imagine global communities.

This chapter does not intend to offer an exhaustive overview or comprehensive genealogy of the concept of hospitality in the Western tradition, but to offer a thin slice from the sixteenth century to highlight the tensions and contradictions that have characterised the history of this concept. Hospitality is also an interesting test case for signposting future directions in global intellectual history since it is, by its definition, a dynamic concept: multidimensional, contextually contingent, and providing a framework for physical movement between places and metaphysical movement between positions of power. As such, it tests the boundaries of contextual determinism, translation, and the politics of knowledge, going beyond discourses of hybridity to bring into focus the continuous dynamics of movement and power. As globalization discourses continue to monopolise public and academic debates, the history of hospitality offers a resource for analysing the ways in which transcultural interactions have been managed and how global

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communities have been imagined, and to reflect upon how unequal distributions have been legitimated and become normative.