

CCIG Forum

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From imperial toleration to cosmopolitan politics

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This presentation is concerned with the ways in which discourses on toleration, which derive from the idea of a common humanity, influence or underwrite our understandings of cosmopolitanism. Cosmopolitanism has changed with the times. The old cosmopolitans were at odds with the general interest of their society. They articulated a new vision of humanity in which we all share one common reason and we all are part of the same divine plan. The new cosmopolitans, on the contrary, although much inspired by the Stoics, do not put in question the City, but the Natural Law itself. They praise their own political culture, which in the post-liberal cosmos seems to be the only ground we've got left for toleration and Enlightenment progress. Their sympathies lay with our democratic polity. And although often self-represented as relativist or would-be ironic, the new cosmopolitan would like to extend democratic toleration to the rest of the world.

This program of "liberal" toleration has been severely criticised from Marcuse to Žižek or Wendy Brown. Tolerance talk is depicted by these critics as State production of docile, passive, deactivated citizens in the context of a volatile multiculturalism. However, the notion of toleration seems to have managed to survive in the global arena, when it has lost most of its appeal at the local level. Is this another indication of its imperial origins? Why has toleration lost its appeal?

Firstly, toleration presupposes an asymmetry: one who tolerates and one who is tolerated. And who wants to be tolerated? We all do want to have rights, don't we? To be respected, not to be tolerated. In the second place, formally speaking toleration requires us to accept other people's values even when we strongly disapprove of them. Of course, this is difficult and sometimes simply wrong. There are limits to what we are able to tolerate, even at the global level. There are certain things, such as mass murder, that we can't accept as legitimate expressions of the perpetrator's values, and in consequence we classify these crimes as crimes against our common humanity.

Still, there are cases in which toleration is not –it seems to me– a specious expedient for dealing with the most horrible abominations of human nature, neither a “governmental” strategy for submission and depolitisation of citizens. These would be those cases in which persisting conflict and disagreement are to be expected and are, at the same time, quite compatible with full respect for those with whom we disagree. Respect for others does not require us to abandon our disagreements. But it does place limits on how these “conflicts” can be pursued.

This is the kind of toleration that has gained new relevance in the context of what some have begun to refer –using the formulation of Charles Taylor– as legitimate aspirations voiced on behalf of groups defined by a sense of shared cultural, ethnic, religious or sexual identity. It's important not to exaggerate the novelty of the “politics of recognition”. Political struggles have been generally fought in the past by, and in the name of, newly assertive identity groups. It's also true that a number of new global challenges, including increased immigration, industrial transformation of the natural habitats, dissolution of the Soviet Union, return of ethno-nationalism and the extension of equality to the domestic sphere, have brought

again the claims for recognition closer to us, and, more importantly, these claims have gained in relevance by direct appeal to a global public. In doing this, movements for recognition have also explicitly challenged the classic idea of “democratic equality”. This project of democratic equality has often been conceived as involving the progressive elimination of all discriminations and the creation of a new polity of equal individuals: the modern State. By contrast, the advocates of the “politics of recognition” invoke toleration to justify what Will Kymlicka has called “group-differentiated” forms of citizenship.

It has been argued that a focus on affirming identity produces political fragmentation, diverts attention from material inequality, and leads to a fetishism of identity, reinforcing the tendency of groups to become exclusionary to outsiders and coercive to insiders. But it is obvious, at the same time, that demands for recognition have arisen within a wide range of democratic movements. The impulse to focus on identity thus comes out of specific practical dilemmas that are facing people who are struggling for basic resources within different contexts of social inequality. In these contexts, liberal toleration is a response to experiences of social and political discrimination, inequality, and vulnerability.

In other words, toleration for those with whom we may well disagree, although involving costs and dangers, is nonetheless an attitude that we all have reason to value as one way in which a sense of belonging could be re-imagined for our increasingly global identities. However, rather than a naïve acceptance that liberal toleration has been a success story resulting from the spread of Enlightenment thinking all over the world, I will assume in this presentation that dispossession and destruction is also part of the real history, the dark side history, and that we have many reasons to question the final establishment of

liberal democracy as a universal form of political organisation.

The Europeans were not the only peoples to have colonised and subjugated other peoples; but their inability to understand other cultures on their own terms (with the result that non-Europeans were conceptualised in ways that dehumanised them and enabled their dispossession and subordination) made for many centuries of Europe's best legacy for a cosmopolitan politics, the "ius gentium" (what some contemporaries call now the Law of Peoples), another resource of cultural imperialism. Yet, this history of dispossession and subordination contains in itself the rudiments of our greatest hopes, illusions and cancellations: the history of the principle of toleration and the history of the universal jurisdiction of human rights.

What I'd like to bring here is not a high "criticism" or "advocacy" of liberal toleration, but a more modest approach that, perhaps, could offer us some lessons in self-understanding. My plan for today's presentation entails going back to the foundational debate of the Ibero-american intercultural history: the Valladolid Controversy of 1550-1551, where a royal historian, Juan Ginés de Sepúlveda, and a Dominican bishop, Bartolomé de Las Casas, met in a bitter disputation about the rights of the peoples conquered by Spain across the Atlantic. Las Casas contested Sepúlveda's claims that violence against the Native Americans was justified because of their immoral behaviour. The dispute echoed earlier royal consultations in which lawyers, theologians and other experts advised the Spanish monarchy on its policy in the New World. Prominent in these discussions –as it has been documented by many scholars– was Aristotle's doctrine of "slavery by nature", but not less prominent was Cicero's doctrine of "decorum" and "conversation", as hopefully I will show you today.

In the next few minutes I'm planning to give you a brief insight in the particulars of this Controversy and after that I'll return to the contemporary debate.

The point I want to make is that the arguments of both discussants had enormous implications for the history of European morality and politics, giving rise to a new intellectual framework designed to confront the increasingly (and sometimes exasperating) European intercultural experience. Eventually, this framework led to the conclusion that if crimes against human nature were intolerable, practices and identities that are worthy of respect also require from us some form of public recognition. Las Casas's public philosophy was decisive in this respect. Being an "intolerant" bishop who wanted to bring the new peoples to the Christian faith, he actually broadened our understanding of sources of injustice by pointing to a range of identity-based social and cultural harms which deprive people of equal civic status; his public philosophy reminded us to be vigilant about our own prejudices and the ways they can blind us to the needs and legitimate aspirations of those different from ourselves. It opened a new way to understand human rights from the point of view of the body and human vulnerability.

And this happened –you must recall– as the unintended consequence of this Controversy. The royal purpose was to seek advice on "the best way to introduce the Catholic faith and uphold the legal rights of the Spanish crown in the New World". These are the words of Domingo de Soto, the secretary of the commission and one of the most respected masters of theology at the University in Salamanca. However, being the purpose of the official inquiry to establish the best way to introduce law and religion in the New World, "these gentlemen", continues Soto, "haven't dealt with this in general and as a consultation;

however, in particular and as a disputation they have dealt with the following question: is it lawful for your Majesty to make war to those Indians before preaching them the faith, in order to subject them to your Majesty's Empire, and being afterwards more genteelly taught and enlightened by the Evangelic doctrine in the knowledge of their mistakes and the Christian truth?".

This makes me think that whatever one believes about moral progress –or the lack of it– we are always the beneficiaries of dubious struggles. Significant moral change comes often from people who are in a sense deviant from us. The idea of human rights was not so securely lodge at the back of the minds of those who witnessed the Controversy. Indeed, we have overwhelming evidence that prove to us how these men were using religion in realising their model of Empire. In other words, the idea of human rights ran parallel to the idea of world domination.

Sepúlveda opened the discussion with a focus on the legitimacy on the wars against the "Indians", presented it as a logical consequence of the state of insecurity and conflict described by his contemporaries; Las Casas followed the same pattern in his reply. They both seemed to believe that the Just War theory was the best ground to hold their very opposite views. Sepúlveda favoured the use of military force –when it proved to be necessary– in order to accomplish the mission of the Spanish crown in the New World, as prescribed by Pope Alexander VI's donation of imperial jurisdiction, and Las Casas holds that the use of any kind of violence against the Native Americans would destroy the nature of the papal mission itself.

The Papal donation was granted in the Papal grants –the so called "bulls"– which queen Isabella and king Ferdinand received in 1493. These documents stated that jurisdiction over the newly

discovered territories belong to the Spanish rulers on condition that missionary work was to be performed at their own expense. We shall return to these documents later, but now I wish to keep my focus on the particulars of the Controversy.

Soto's words pointed to how the official "consultation" had been transformed into an academic "disputatio". Disputations were the governing practice in all the universities at the time, but they were quite unusual, to say the least, as governing practices. This brings together two factors that have often been conceived as being antithetical: intellectuals and traditions of government.

Intellectuals have been seen as critics, as innovators or revolutionaries, as creators of cultural patterns or activities opposed to tradition. Less attention has been paid to intellectuals as carriers of traditions, as performers in the symbolic and institutional frameworks of such traditions. Of course, there were those intellectuals who viewed culture from a conservative perspective, such as religious leaders and writers who devoted much criticism to the liberal and rational premises of the modern society. But those intellectuals were by definition critics, counter-revolutionaries, advocates of an "old" order opposed to "new" established order. In our case both contenders were part of the establishment.

Sepúlveda was the official "humanist" and Las Casas the official "scholastic", and therefore their confrontation could also be described as a new episode in the long controversy between the champions of the humanist studies and the defenders of the scholastic methods. It is tempting to agree with this vision. Sepúlveda was a fair specialist in Greek and Latin, who uses the approach of the humanists (with their emphasis on the virtues of a "dialogue" as spontaneous conversation), while Las Casas was

the visionary Christian, the advocate of the Indian Rights who explores and answers all possible counter-arguments to his thesis. It may be argued, nonetheless, that sometimes we exaggerated the formal oppositions. And not just because many humanist saw value in scholasticism and many scholastics in poetry and philology. What remains to be examined is the important question of those who decided to fight the enemy with their own weapons. This is far more visible when a discussion moves from aesthetics to ideology, as happened in this Controversy. Here, the humanist Sepúlveda, using the “epideictic” oratory, is clearly interested in the doctrinal dimension of his arguments, and the scholastic Las Casas in witness and experience, rather than in book trained scholars, perhaps the best criterion for labelling a writer humanist in the XVI century.

The dispute was held in two sessions before the Council of the Indies, the supreme legislative and governing body for the newly found territories. The first session was in 1550 and the next in the following year. In the first session Sepúlveda presented –in three hours, more or less– the arguments of his dialogues. Democrates primus, published as a complement of his Exhortation to Charles V to Make War upon the Turks, which Sepúlveda published after he accepted the emperor’s offer to the post of official chronicler, and Democrates secundus, where he developed his theories on Just War in the American context. After this brief presentation –not for our standards, of course–, Las Casas stepped onto the floor and read for five consecutive days his own Latin Apology “pro” the virtues of the Native Americans.

After the first session, Soto wrote a Summary (from which we have quoted before) and gave it to both discussants and Council members. Sepúlveda replied to Las Casas with Twelve Objections, and Las Casas answered with another Twelve Replies. These were

the text of the second session. But the Council didn't reach any official conclusion. Then were the votes of the experts called for the occasion (four theologians and five civil lawyers), but these votes were divided. Las Casas might have had more information about these disagreements (he was a member of the Council himself) and this could explain the next and crucial step. He decided to publish his now universally famous A Short Account of the Destruction of the Indies. He perfectly understood how Sepúlveda's dialogues were an exercise in political rhetoric –a public philosophy directed against the political philosophy of the scholastics so often founded in learning– and, in consequence, he decided to counterattack with the same weapon.

Sepúlveda, the Latin Imperial Chronicler, was also well known for his translation of Aristotle's Politics. According to Aristotle, the “slave by nature” is a human being without control over his passions –a subject which may have reason but no deliberation. Then, this human being can only participate in the beauty and virtue of the “polis” through a third person, a proper person: the master. The Aristotelian link between natural “slavery” and “ugliness” is used by Las Casas to hold that the unquestionable beauty of the Indians was indeed the best indication of their natural access to political wisdom.

Moreover, with this little book the scholastic Las Casas created a new literary form. He put the foundations of a new political rhetoric, a book of denunciation that inverts the position of barbarians and civilised peoples. Here, we are the barbarians – says Las Casas; the Indians are civilised. They are beautiful, pacific, sincere and intelligent; we are violent, greedy and cruel. In other words, with this little book Las Casas decided to dismantle the ships, the intellectual parallel of Cortés's famously bold decision to prevent defections.

Now, before getting into the full implications of Las Casas's public discourse, let me spend a few minutes in the "ideological context" of this Controversy.

According to current pragmatics, Sepúlveda and Las Casas could have a "controversy" because they share some basic principles. The disagreement was about how these principles should apply to what their contemporaries called "the affairs of the Indies". More precisely, because they share the stoic-Christian principle of a universal natural law they have a common ground on which to discuss and disagree. One political philosophy, two public discourses.

Let's start with the political philosophy.

The Christian Natural Law states that all the peoples of the world are rational human beings, and because all rational human beings know the difference between good and evil they are equally bound to the Civil Law. The Civil Law must reflect this Natural Law, which, in turn, is also a reflection of the Divine Law. This unity is the last reason of all Christian decorum, decorum which takes on a more didactic, moralising tone. Decorum could mean not only the most suitable or proper expression of human life in the arts, but the specific conformity to what is decent or proper in morality and reason. This is one of the first outcomes of a political philosophy which in the 16th Century have turned Augustinism and Thomism into a new synthesis, producing in Spain such leading figures as Vitoria, Soto and Las Casas, and in the beginning of the 17th Century the work of Suárez.

In other words, the Natural Law, "summun bonum", provided the basis for the definition of "summa iniuria". Evidence of corrupted and immoral practices –both real and imagined–, such

us idolatry, cruelty, human sacrifices or cannibalism provided the ground for the definition of barbarism, which, in turn, offered the final justification for Just War, the section of the “ius gentium” which dealt with self-defence, retaliation and due reparation.

These are the “basics” of their common political philosophy. Now to the two public discourses.

Sepúlveda starts his dialogues with a brief survey of the traditional causes for a just war: self-defence, protection of innocents, etc., but his final intention is to present a new category: the war against those retarded peoples who refuse the “imperium” of wiser, prudent peoples. This is the argument that he based on Aristotle’s doctrine of “slavery by nature” (Las Casas claimed that this psychological argument had been introduced into the American affairs by the Scottish John Mayor), but the key Latin words that Sepúlveda uses to define the “natural slave”, as something different from the “civil slave”, are certainly more social than psychological: “tarditatem insitam et mores inhumanos ac barbaros” (“inserted slowness and barbarian or inhuman manners”). In other words, the “slavery by nature” is induced, inbred over many generations as a “second nature”. It’s not an absence of a common humanity that justifies the war against those retarded peoples. This would incur a contradiction with the political philosophy of the Natural Law. The argument works in a different direction.

Demócrates (Sepúlveda’s alter ego) defines justice among the peoples –political justice according to the Natural Law– borrowing again from Aristotle: “the actions that have the same force everywhere”. The problem with this definition, says Leopold, the second character in his Democrates primus, is that there are “very few actions that have the same force

everywhere”. Democrates replies with the following Aristotelian argument: as we follow the judgement of the healthy to know what is good for our body, and the virtuous to know what it is good for the polity, so we have to follow the law of the prudent, humanitarian peoples (“gentes humanitiores”) to know what is just or unjust according to the natural law of peoples (“ius gentium”). In other words, the Law of the Peoples is the law of the “decent” peoples.

The point is completed in Democrates secundus where Sepúlveda adds that there is only one way to know which are the peoples who live according to the natural law of peoples: we need to examine the values embodied in their public institutions and civil laws. If we find, for example, that the laws do not punish or prevent effectively those crimes against nature, then they might be rightfully conquered. According to Sepúlveda, the historical empire of the Romans was founded on this legitimacy. The slavery by nature is the condition of those unable to free themselves from natural degradation and political corruption. These peoples, like the Oriental peoples conquered by the Romans, can only escape from their inhuman condition with the yoke of imperialism.

The language is the same used to describe Muslims in North Africa. Not in vain, the Iberian discoveries brought a whole new dimension to the early modern world. Papal donations or bulls played a key role in setting this new shape. In the Iberian Peninsula and the North of Africa, the “Moors” were thought to inhabit “terra irredenta”, lands that needed to be restored to legitimate Christian rulers, whereas the pagan’s lands in the rest of Africa were “terra nullius”, meaning not that these were uninhabited lands, but lands inhabited by peoples without a civility or polis.

By now, it was clear that the New World was not, formally speaking, “terra irredenta”, territories that have been part of the Roman Empire. However, as the conquest advanced from the Caribbean to the mighty empires of Mexico and Peru, it became also obvious that these lands were not “terra nullius”, because these peoples have forms of civil government. Therefore, a process of global identification started to take place in order to re-classify them. This is the globalisation of decorum that allowed Cortés to describe the Mexican temples as “mosques”. They were kingdoms in need of redemption, “terra irredenta”.

Let me put this another way. Renaissance entrepreneurs do not seem to have ventured across such enormous distances in pursuit of “new horizons of learning”, as an erudite historiography anxious to transplant the influential Burckhardtian definitions have tended to emphasise. The motives for supporting such costly expeditions were much more political. Distant territories were potentially lucrative markets for precious commodities which Europeans lacked, but for which the Muslim rulers, who were their chief opponents, had already created an eager demand for in the marts of northern Europe.

It is not entirely a coincidence that both Mehmed II “The Conqueror” and Süleyman I “The Magnificent”, who share an ambition to revive the Roman Empire by uniting Constantinople with Rome, were always guided by the same sense of decorum that characterised Christian relations with the rest of the world. The European expansion took place in the pick of the Ottoman-Hapsburg rivalry, as Sepúlveda rightly recorded in his Latin chronicle of the emperor Charles V. Süleyman always refused to recognise him the title of Caesar and, soon after his coronation as Holy Roman Emperor, he departed for a new war campaign. The Sultan’s procession, as Sepúlveda saw it, was filled with symbolic gestures. After several stops –one in Belgrade where

the streets had been decorated with the same Roman triumphs used in the coronation of Charles in Bologna— he arrived at Vienna, where he waited to meet the new Lord of the world. But the man who understood the papal bull of 4 May 1493, which drew the first imaginary line across the Atlantic (roughly 300 leagues west of Cape Verde Islands) as the symbolic act of dividing the entire globe up between Spain and Portugal, was nowhere to be found.

Codes of decorum were applied not just to ceremonial, etiquette, lavish costumes and all kinds of status symbols, but also to protocols for declaring war and, especially, to ceremonies of taking possession, such as planting crosses, standards, banners, marching in procession or picking up the soil. These symbolically significant gestures were meaningless for those who didn't share a common cultural experience. With these languages of decorum Europeans could understand each other, even when they did not always agree on the conditions for legitimately creating authority.

Now, in this ideological context, what did become of Las Casas's public discourse?

As we have said, Las Casas read his Latin Apology for five consecutive days. If you need five days to make a point, the least we can say is that you are in a difficult position. And, indeed, Las Casas was in a very difficult position. He wanted to refute Sepúlveda without questioning their common principles, which is what we were doing today. He never questions the papal donation of jurisdiction. What he does instead is to read these legal documents as a formal invitation to incorporate the Native Americans into the "conversation of humanity". These peoples should have the opportunity to accept the new religion without any force whatsoever and they will

always retain their natural rights to property, whether they become Christians or not.

He was playing with the enemy again. First, because he is appealing to the humanist's commitment to decorum, his ability to argue both sides of an issue (as Sepúlveda had been doing in his dialogues), in order to reach a new definition of the "Respublica Christiana". He spotted first the Ciceronian definition of conversation ("sermo"), the kind of speech "to be found in social groups, in philosophical discussions and among gatherings of friends" (De officiis 1.37.132), and, then, he made the point that there never was, in the history of mankind, a people so immature or savage as to be unreachable, with the use of the proper kind of persuasion ("la política conversación") a Christian "civitas".

Still, the key issue was how to read the verb "subiicere" in the Papal bulls. For Sepúlveda this word means simply to place the Indians under a new civil jurisdiction, a pre-condition for all future attempts to attract them to the Christian religion. For Las Casas, "subiicere" had to be interpreted following the tradition of legal toleration in the Canon Law. The intention of the Pope was to bring these peoples to our faith and this goal has to prevail over the literal meaning of the word.

The central part of Las Casas's Apology is a lengthy discussion of the universal jurisdiction of the Pope, both temporal and spiritual, and this long discussion drives him towards two important conclusions. The first is spiritual: the universal jurisdiction is a sort of moral attraction, not a physical compulsion; the compulsory or temporal jurisdiction can only be activated through a voluntary agreement. The second is more political. (You have to recall that Las Casas, as Sepúlveda, is philosophically bound to accept that there is another way to

activate the universal and temporal jurisdiction: the evidence of crimes against the Natural Law, such as blasphemy, sacrifice of innocents, cannibalism, etc.). So this time he argues for the scholastic doctrine of the lesser evil. Sometimes it's better to accept a lesser evil –so goes the argument– for the sake of a major good. A war against thousands of innocents to punish the crimes of a few would be a great evil.

The problem with this argument is that it had been used already by Sepúlveda. For Sepúlveda, if you recall, the use of force against the Native Americans was just such a lesser evil. They were bound to accept the yoke of imperialism for a major good, namely their own good. Moreover, and more relevantly, Sepúlveda had built a firewall against these moral and political considerations in favour of toleration: “in the city or village”, he wrote, “where there are human sacrifices by public authority, all are guilty, because all consent [in these crimes]”. Here we have again the link between the cultural and the natural as the result of a globalisation of decorum, public values and the liability of the individual for any crimes against the “*ius gentium*”.

Las Casas needed a stronger argument to take the bit in his teeth. And the humanist Sepúlveda, who always uses the word “*commoditas*” to identify the political association, did in fact open the way for him. According to Las Casas, the so called “crimes” against the Natural Law had to be understood in their own cultural context. Even the most horrible crimes had to be understood as the sediment of many generations. So the only way to pull them out from a corrupted “*commoditas*” is to invest enough time in our “conversation” to succeed. The character of this conversation is reflected in the decorum of preaching, which obliges the preacher to accommodate himself to his listeners, even to those who err. The burden was on the

Christian to find a more effective way of presenting his message. Moderate speech is a more effective way to persuasion than either threat or violence. This is the same Erasmian tradition of toleration that Las Casas develops in his De unico vocationis modo (“The only way to attract these peoples to the true religion”). Erasmus was thinking of the Protestants, Las Casas of the Native Americans. Erasmus didn’t show any respect for the “savages”, neither Las Casas for the Protestants, and both condemned Jews and Muslims. But here we are, with the Humanist and the Thomist arriving at the same time at the station of a “moderate” cultural relativism, without giving up their dogmatic principles.

Now, is “conversation” enough? Sepúlveda’s position is quite strong, indeed. If we have a universal law and the evidence of a crime against this law, we are compelled to act for the sake of the law. The only way to avoid immediate action is to put this evidence in question, to bring before our eyes new evidence. In other words, after his confrontation with Sepúlveda, Las Casas realised that the only way to face the “caesarinii” (the eagles of the new Roman police) was to offer a whole new “description” of the Spanish heritage in the New World. This is a world situated in the best regions of the planet, a world with great cities, lawful kingdoms and good institutions, and whose inhabitants practice the virtues of natural religion and rationality; intelligent, pacific, sincere and modest, these peoples are decent peoples.

This intellectual approach has a place in all his writings, petitions, histories, and it certainly has a place in Las Casas Apology, since it is basically a Latin digression on universal jurisdiction which offers a new typology of the barbarians to reach the final conclusion that the barbarians described by Aristotle, the men without government, civilisation or

friendship, the slaves of their own passions, are not the American Indians. This is the approach that evolves in his Apologetic History, what he calls the “empirical” part of his legal Apology, and in his also monumental History of the Indies.

However, these thoughtful works remained unpublished for many years. What his contemporaries knew better was the most bitter, polemic, virulent face of his public philosophy, the Very Short Account. This little book has a fascinating life which I can't now explore. Published in Seville in 1552 without the royal licence, the book was dedicated to the new Spanish King, Philip II, a trick which only a Catholic bishop could afford. Indeed Las Casas's Very Short Account was a perennial best seller among many Protestant publics. 43 translations (Dutch, Italian, French, German, English and Latin) between 1578 and 1648. In this book Las Casas speaks always in first person (“we, the Christians”), but for hundreds of years most of these translations rendered Las Casas's “cristianos” as “Spaniards”. Las Casas's “us” becomes the English “them”, paving the way for the claim of moral superiority of English's Empire, which ironically reproduced the Spanish self-legitimation against the Turks (as in Cortés's globalisation of decorum). To the English they were a new version of the Turks.

The crucial point here is that the book presents itself as a “speculum” of the Christian society as a whole. Modern subjectivity is presented in this book as a critical exercise. If we think of inter-subjectivity as eye contact, the only way to “public subjectivity” is facing a mirror. And this could be quite dramatic indeed, because when we face the mirror as a social group we are able to see what we have left behind us, hidden, repressed, covered, unnoticed. And the question emerges: How is possible that good people –decent upright and well meaning human beings– can behave so harshly, so at odds with

what they understand to be their good intentions, when they act on behalf of others and in the name of some higher principle?

At this point in his life, when he probably knew that he was losing the Controversy with Sepúlveda, he decided to show the evidence of the most enduring injustices against the American peoples, and he decided to focus on a new radical dimension: the body pain, suffering and vulnerability, the relational dimension of the human condition. Mutilation, rape, dismemberment, racking, roasting, impaling of pregnant women... These scenes are repeated again and again. In fact, the whole book is the systematic reproduction of virtual extermination, a reflection on the technical/cultural production of the victim which is carried on today by those who still think, with different names, in the relational dimension of the human/inhuman condition: "radical evil", "Holocaust", "biopolitics", "horrorism".

The Natural Law can't be use as an excuse for these abuses of the human condition. The Native Americans don't need our help to escape from barbarism. We are the ones in need of internal "redemption" from our unfortunate inability to resist the temptation of greediness, like the old Romans. Therefore, the war against the Native Americans is a serious transgression of the "ius gentium" and, in consequence, these peoples could be entitle to a just war against the Spaniards and restitution of their sovereignties ("dominium jurisdictionem").

Three pupils of Vitoria, Soto, Cano and Carranza, were the first to press the point. And all of this prompted Dr. Johnson into declaring that he loved the Spanish Scholastics, "for when the Spaniards were in doubt as to the lawfulness of their conquering America, the University of Salamanca gave it as their opinion that it was not lawful". He'd got it right, but not quite right! Still, they were Scholastics examined all the possible sides of

the argument. Restitution and prescription were the two extremes of this argument. The lawfulness of the Spanish empire in America was granted on "ius communicationes", the Christians thus has the right and obligation in natural law to explore and settle on what Vitoria called "the whole world which is in a sense a commonwealth". This "ius" applied, however, only to peaceful travellers. It could hardly, therefore apply to some Spanish conquerors, for as Cano remarked acidly, "we would not usually call Alexander the Great a traveller". But now, Vitoria claimed to believe, that so many were Christians to withdraw would be to create a greater evil than the one it sought to remedy.

Nowadays, we don't talk much about "self-evident" natural laws, but we do talk about human rights and crimes against humanity as a lawful basis for "lesser evil" intervention in foreign countries or "failed" states. We have been told "sovereignty" is not longer the organisational principle in international politics, but the very idea that the State can do as it pleases within its own territories, with no interference whatsoever, has always been put in question as we have seen. The Law of Peoples is still the law of decent peoples. The advocates of the new imperial vision hold that international law can't be a sanctuary for rouge states and terrorist groups, therefore it may be possible to reduce or suppress the sovereignty of a third State, especially when is unable to guarantee its own citizens' rights or the human rights to global traffic.

However, the word "decency" (decorum), on the other hand, occupies in contemporary political philosophy about the same place as honour. Decency and honour are seen as ideological remains of obsolete social classes, such as religious preachers or military officers. Progressive political philosophy is built on the language of human rights. Indeed the same philosophers

who fail to understand an issue of decency and honour, such as the “affair du foulard” or the caricatures of the Prophet Muhammad, are quite naturally disposed to accept the demands for “equal rights” made on behalf of almost every group defined by a share identity –ethnic, racial, religious, sexual, and so on.

I’m not saying that the focus on equal rights and dignity has been a change for worse. On the contrary, we believe that even the weakest members of the human society have an inherent right to protection and dignity, the proscription of slavery, torture, genocide and all the forms of racial and ethnic oppression, the new sensitivity to the rights of the child, all these vast moral achievements have been made possible by adherence to the principle of equal dignity and rights. And, all in all, we still see how these terms fail to capture the substantial cultural content at their base.

This was not a major problem for the Scholastics. They simply assumed that the natural law of peoples (“ius gentium”) was a reflection of the Divine Law. But we live in a secular age, and this means that contemporary philosophers also live in the built-in identity crisis of their age. We no longer see decorum as the global unity of ethics and politics, no matter how many Christian and Aristotelian philosophers we still have in our universities. Our concept of decorum is no longer linked to our moral dignity. We “have” cultures, we are not culture. Our contemporary mission is to rescue poor fellow human beings who still trapped in their oppressive cultures. A task that we have to meet without the assistance of a divine plan. Locke’s “reasonableness of Christianity” has become post-liberal “reasonableness of pluralism”. That this remains relatively uncharted territory is surprising, given the profound impact of the language of decorum in the history of political philosophy, a history that probably starts with the stoics and ends, for the

moment, with John Rawls' The Law of Peoples and his proposed alliance between liberal peoples and non-liberal but "decent" peoples.

The demand of global decorum is also embodied in the cosmopolitanism reactivated by a good number of philosophers and social theorist to challenge conventional notions of belonging, identity and rights. In some cases this cosmopolitanism is presented as a set of loyalties to humanity as a whole –what Martha Nussbaum has called a "habit of mind" to be inculcated through a global education program–, in other cases as "discursive ethics", a new narrative of global democratic toleration evolved from "dialogue" and "conversation" and aiming towards what Habermas terms "the post-national constellation".

There are other cases in which cosmopolitanism is not presented as normatively superior to nationalism. In these cases, the cosmopolitan ethos, inspired by the Stoics and Kant, is complemented with the insights of Diderot or Herder, who developed a clear understanding of humans as inherently cultural agents. As we have seen, Las Casas was also a forerunner in the approach to human agency, and this could explain why he has served as such an inspirational man for those who want cosmopolitanism from below, specially since New Year's Day 1994, when a massive Indian uprising erupted in the Mexican state of Chiapas (his own diocese) and a storm of international criticism stoped the military counterattack of the government.

One is never entirely certain of the meaning of this cosmopolitanism from below. Enduring global injustice seems compounded by a new cocktail of imperial politics, terrorism, ethnic and religious fundamentalism, the submission of women and the relentless growth of the world's population, but the new Lascasians don't generally subscribe to a transcendental

philosophy. Generally speaking, they are quite familiar with our post-liberal ethos, with the emphasis in sentiments and education rather than in God, Nature or History, but they also keep in mind the spurious claims of moral superiority of Empires and want to move from the “White Man's Burden” to the burden of human reason through cross-examination, evidence and prove.

This is Las Casas’s legacy. But is not the legacy of Las Casas’s political philosophy. It’s the legacy of his public discourse.