

Sepúlveda, Las Casas, and the Other: Exploring the Tension between Moral Universalism and Alterity

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Abstract: Modern politics is at times a balancing act between universal claims about the human (equal rights, dignity, and respect) and political actions which may seem to violate these claims (torture, just wars, repudiation of certain cultural practices, tacit discrimination). An exploration of some of the philosophical roots of the modern understanding of the person, when it was the subject of debate, provides a perspective at the origin of Modernity from which to evaluate the tenuous relationship between moral universalism and alterity at the heart of this tension. The debates at Valladolid in 1550–51 between Las Casas and Sepúlveda, arguing their conceptions of the human, can shed light on how and why arguments for inequality creep back into the modern discourse on alterity. The lessons from Valladolid, therefore, might help to limit or clarify recourse to such arguments.

Introduction

“The moral world of the moderns,” writes Charles Taylor, “is significantly different from that of previous civilizations. This becomes clear, among other places, when we look at the sense that human beings command our respect. . . . What is peculiar to the modern West . . . is that its favored formulation for this principle of respect has come to be in terms of rights.”¹ However, this commitment to rights is coupled with an appreciation of cultural diversity encased in what Taylor calls a specific “constellation of understanding of person, nature, society, and the good.”² Tension can emerge when a group does not assimilate to this constellation of understanding, violently resists it, or seeks to impose another. Contemporary Western leaders of note have called such groups the opposite of “civilization”³ or

¹Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 11.

²Charles Taylor, “Two Theories of Modernity,” in *Alternative Modernities*, ed. Dilip Gaonkar (Durham, NC: Duke University Press, 1999), 179.

³President George W. Bush, at www.whitehouse.gov/news/releases/2002/01/20020129-11.html (accessed May 10, 2008).

“scum.”⁴ These are not neutral words, but part of a “civilizational discourse,” to use Wendy Brown’s phrase, which demarcates these peoples as Other, thus legitimizing “liberal polities’ illiberal treatment of selected practices, peoples, and states.”⁵ The validity of such treatment has been cause for recent debates, notably in the context of the War on Terror and immigration. In these contexts, modern politics can be a balancing act between universal claims about the human (equal rights, dignity, and respect) and political actions that seem to violate these claims (torture, “just wars,” repudiation of certain cultural practices, tacit discrimination). What is at stake in these debates is how to reconcile the apparently deviant behavior of the Other with the universality of our “constellation of understanding,” that is to say, to negotiate the scope of and limits on the Other’s right to choose its own version of the good within the liberal tradition of Modernity.⁶

The key to understanding this balancing act, and ultimately the place of the Other within Modernity, lies in parsing out the connection between the commitment to the Other’s rights and the conception of the good and the human that underlies this commitment. Civilizational discourse assumes a bounded view of the good ultimately couched in a specific (Western) constellation of values which informs what it means to be human, and thus the scope of rights. The right to choose one’s view of the good is bounded by what is deemed tolerable by the civilized. Thus, civilizational discourse also assumes a place beyond civilization where rights are withheld because the mores of the Other are deemed intolerable. The boundary line, however, is amorphous because in between are peoples who do not follow the good, but could be led to do so. The trenchant questions for the modern liberal are thus: Where is the boundary line between civilization and barbarism drawn? When is the Other really Other, and thus no longer deserving of rights? These are questions about the place of inequality within the liberal

⁴In 2005, the French Interior Minister (now President) Nicolas Sarkozy used the term “*racaille*” — a pejorative term which translates as “scum” — to refer to French citizens of immigrant descent at the heart of the suburbs crisis (“Nicolas Sarkozy continue de vilipender ‘*racailles et voyous*,’” *Le Monde*, November 11, 2005).

⁵Wendy Brown, “Tolerance As/In Civilizational Discourse,” in *Toleration and Its Limits*, ed. Melissa S. Williams (New York: New York University Press, 2008), 409.

⁶When I speak of Modernity, I refer to a philosophical period characterized by the growth of reason which yielded universal claims about the common rationality and moral egalitarianism of all humans. Because of the salience of moral egalitarianism, Modernity entails a political link to the concept of universal human rights, and thus subsequently to liberalism and democracy. Taylor suggests it is “more appropriate to think of multiple modernities, and recognize that Western modernity might be powered by its own version of the good — that is, by one constellation of the good among many” (“Two Theories of Modernity,” 136). That said, it is also important to recognize how “Western modernity,” because it is the dominant form, circumscribes how the human is measured, and what this means for its egalitarian principles.

thread of Modernity, which has roots in early modern European encounters with the Other.⁷

Rather than disregard the place of inequality within Modernity, the challenge is to understand the logic behind this discourse to better regulate liberal dealings with alterity. If, as Anthony Pagden claims, our understanding of human rights evolved from a Western European understanding of the human and the good which, he argues, emerged, in part, out of the early modern debates about empire—and in particular the Spanish debates about the Indians of the New World—then exploring this period offers insight into the balancing act I described above.⁸ Following Todorov, I turn to the European encounter with the New World in the sixteenth century which he argues is at the origin of Modernity and “heralds and establishes our present identity.” For Todorov, 1492 marks the point when man recognized the totality of human kind in all of its diversity. The collision of two previously mutually exclusive continents, he claims, triggered historical and philosophical changes that shaped the modern history of humanity in important ways. Historically, the subsequent conquest placed the assimilationist Western model in the dominant position, a position it probably still retains today.⁹ As Daniel Castro observes, underlying the encounter was the perceived moral superiority of the Christian constellation of values over indigenous cosmologies, an assumption which validated the Spanish right to dominate, politically and culturally, the New World.¹⁰ Philosophically, the Discovery was the catalyst for debates in Spain about the notion of the human which took place over the course of the first half of the sixteenth century.¹¹ What emerges from these debates is a conception of the human which challenges claims that the Other is inferior and devoid of rights, but at the same time, in setting assimilation to Christianity as the barometer of

⁷Studies that explore this theme are Uday S. Methna, “Liberal Strategies of Exclusion,” *Politics and Society* 18, no. 4 (1990): 427–54; Charles Taylor, “Dynamics of Democratic Exclusion,” *Journal of Democracy* 9, no. 4 (1998): 143–56; Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Cambridge, MA: Harvard University Press, 2000); Laura Janara, “Brothers and Others: Tocqueville and Beaumont, U.S. Genealogy, Democracy, and Racism,” *Political Theory* 32, no. 6 (2004): 773–800.

⁸Anthony Pagden, “Human Rights, Natural Rights, and Europe’s Imperial Legacy,” *Political Theory* 31, no. 2 (2003): 192–94.

⁹Tzvetan Todorov, *The Conquest of America: The Question of the Other* (New York: Harper and Rowe, 1984), 4–5.

¹⁰Daniel Castro, *Another Face of Empire* (Durham, NC: Duke University Press, 2007), 163.

¹¹Among the many works on this subject, see Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia: University of Pennsylvania Press, 1949); Jaime Brufau Prats, *La escuela de Salamanca ante el descubrimiento del Nuevo Mundo* (Salamanca: Editorial San Estéban, 1989).

equality, legitimizes an underlying moral and political hierarchy that links the notion of the human to the Western (Christian) constellation of values. Within this conception, however, equality is not universal because insofar as radical alterity persists, that is, if the Other refuses to assimilate to the “universal” constellation of values when it had the chance, then the “civilized” feel justified in excluding the Other. Such exclusion can vary from limiting the Other’s right to choose conceptions of the good deemed outside the realm of the tolerable to waging permanent just wars to viewing the Other as inherently inferior.

In Spain, the prolonged inquiry known as the Affair of the Indies, which began as early as 1504, culminated in the debates at Valladolid in 1550–51 between Juan Gines de Sepúlveda and Bartolomé de las Casas. As an historical moment at the origins of Modernity when the notion of the human was debated and alternative interpretations presented as the most viable, the Valladolid debates provide the context to explore ways to attend to Otherness at the heart of civilizational discourse.¹² Sepúlveda’s view of the Indians—that they were philosophically and morally inferior because they were barbarians that violated the natural law—represents, as Anthony Pagden asserts, “the most persuasive expression of a widely held image of the Indian’s nature and the status of his intellectual and cultural world.”¹³ But at Valladolid, Sepúlveda was put in the position of trying to defend and reinforce this view against the burgeoning contentions made by some of his contemporaries that the Indians were equal and had the same rights as Christians. To do so, he lays bare the argument for the political inequality of the Indians based on appeals to the authority of the natural law and insists on the permanent aspect of their inequality because this represents, in his view, the logical outcome of reconciling the deviant behavior of the Other with a universal, nonnegotiable constellation of understanding.

Las Casas’s attack on Sepúlveda expounds the logic behind the repudiation of inegalitarianism, capturing a tension-laden understanding of the human that began to emerge in its place. His defense of the Indians, based on a view of the unity of humanity and a nascent understanding of natural rights, reveals an important fault line characterizing the modern concept of the human. I think it is significant that the thinker who has garnered a reputation as one of the greatest defenders of the Other ultimately rests his

¹²As one scholar recently observed, the Valladolid debates “[have] not yet earned a secure place in the ‘cultural literacy’ of most educated Anglophones” (David Luper, *Romans in a New World: Classical Models in Sixteenth Century Spanish America* [Ann Arbor, MI: University of Michigan Press, 2003], 57). On the details of the debate, see Eduardo Andujar, “Bartolomé de las Casas and Juan Gines de Sepúlveda: Moral Theology versus Political Philosophy,” in *Hispanic Philosophy in the Age of Discovery*, ed. Kevin White (Washington, DC: Catholic University of America Press, 1997), 69–87.

¹³Anthony Pagden, *The Fall of Natural Man* (Cambridge: Cambridge University Press, 1986), 45.

arguments for equality on his faith that the Indians will inevitably cease to be culturally different. Las Casas's faith in the assimilability of the Other is a key aspect of the way in which we, the inheritors of the liberal threads of Modernity, conceptualize the human: consider the contemporary faith in the universality of human rights and the belief that those from other cultures will inevitably come to accept this view of the human as the only legitimate one. This faith in the Other's assimilability offers an argument for including the Other under the umbrella of moral egalitarianism despite its deviant behavior, but postpones the question of what might happen if the Other does not assimilate. Las Casas was hesitant to speculate on such a scenario, but his passing comments on the Turks and the Indians who refuse assimilation provide some indication of the limits he places on tolerating the Other that move beyond his initial and oft-heralded defense of the Indians. Specifically, they reveal where Las Casas draws the line on respecting the right of the Other to choose its own version of the good, thus demarcating a boundary between civilization and otherness that can no longer be tolerated.

While the majority of studies on the Valladolid debates stop at the sixteenth century, I think it is important to garner some indication of the legacy of these debates. In this vein, I look ahead to the French Enlightenment, and in particular the radical de Pauw who, in responding to the likes of Voltaire and Marmontel who had preserved Las Casas's legacy, challenged the Las Casasian faith in the capacity of the Indians. An examination of de Pauw projects the philosophical claims made at Valladolid into the historical future, revealing that a Las Casasian-style faith in the Other is never unlimited and pointing to alarming arguments about the plight of the Other that emerged when it was lost. This process deserves our attention given that some scholars, responding to the contemporary risks associated with the Other who brazenly challenges our universal truths, have argued that we cannot afford to embrace "naïve" forms of humanism that claim that differences with the Other can be overcome peacefully. Rather, they argue that we must recognize that irreconcilable evil exists and fight it in order to protect and spread the values of democracy.¹⁴ Such arguments suggest a moral distancing from a Las Casasian faith in human unity and the assimilability of the Other characteristic of the bishop's initial defense of the Indians. When this faith begins to falter, understanding the limits Las Casas himself places on toleration as well as the full brunt of Sepúlveda's logic become all the more salient to reconciling alterity and moral universalism.¹⁵

¹⁴See Jean Bethke Elshtain, *Just War against Terror: The Burden of American Power* (New York: Basic Books, 2003), 6.

¹⁵Neta Crawford, "Just War Theory and the U.S. Counter-terror War," *Perspectives on Politics* 1, no. 1 (2003), 17–19; Immanuel Wallerstein, *European Universalism: The Rhetoric of Power* (New York: The New Press, 2006), 74.

Sepúlveda and the Logic of Exclusion

Sepúlveda was a renowned rhetorician, translator of Aristotle, and imperial chronicler to Charles V.¹⁶ Invited by Francisco de García Loyasa to attack the New Laws of 1542 which protected the rights of the Indians, Sepúlveda reassessed the relationship of the barbarians of the New World with the Christian Spanish in his *Democratus Secundus de justis belli causis*.¹⁷ His arguments in the *Democratus Secundus*, the template for the oral arguments he presented at Valladolid, juxtapose two views of the Other. In the beginning of the dialogue, the interlocutor Leopold, who is ignorant of the laws of nature and contaminated by “Lutheran errors,” holds the opinion that it is not in conformity with justice and Christian piety to wage war on the “innocent” Indians who had committed no “injury” against Spain (7).¹⁸ However, as the dialogue progresses, Leopold is led to the “proper” understanding of the Indians by being educated in the philosophy of natural law by the other interlocutor, the philosopher Democritus, Sepúlveda’s mouthpiece. By the middle of the dialogue, Leopold recognizes that the Indians are naturally unequal, persuaded by “the solid reasoning taken from philosophy,” and “no longer needs to dispute the justice of the war and the rule [of the Spanish]” (83). This transformation is the key to understanding the relationship between universalism and alterity because it illustrates how appeals to immutable concepts such as the “natural law” and “right reason” can justify treating the Other differently. Sepúlveda’s arguments are useful in thinking about ways in which the concept of rights can be restricted and how one might come to accept a view of politics which does not accommodate the Other as one who possesses a legitimate way of life.

The Scope of Moral Superiority

The debate about the identity of the Indians was not an isolated fragment of inquiry, the resolution to which Sepúlveda sought to discover out of thin air. Rather, he inherited intellectual resources in which the idea of human nature was defined. Among the most relevant in shaping his worldview was Aristotle. While the scope of Aristotle’s authority was a matter of contention

¹⁶On the other currents of thought that influenced Sepúlveda, see Luper, *Romans*, 104–11.

¹⁷Luper, *Romans*, 112. There is as yet no English translation of this work. I use the Latin-Spanish edition *Demócrates Segundo o de las justas causas de la guerra contra los indios*, ed. Angel Losada (Madrid: Consejo Superior de Investigaciones Científicas, 1984). All translations are my own.

¹⁸See also Leopold’s questions about whether war was the beast means to assimilate the Indians (25–27, 76), his belief that the Spanish ought to “give restitution for all the goods taken from the Indians” in these “unjust” and “cruel” wars (28), and his recognition that the Indians have *dominium* (43, 68–69).

for some of Sepúlveda's contemporaries, he was, according to Sepúlveda, an authority on a plethora of matters, scientific as well as political and moral, because he was thought to understand the natural law. Aristotelian philosophy, Sepúlveda claimed, was a natural science that regulates "all the activities of the human life, including politics, law, and the moral principles that God implanted in the mind of all men as a reflection of His eternal law."¹⁹ Speaking of Aristotle, he says: "when I support my arguments with his, [one] should not take them as suspicious ... but should realize that they invoke the natural law."²⁰

The moral authority of the natural law is the point of departure for Sepúlveda's arguments because it delineates the standards he used to understand and judge everything, including the Other. Giving deference to pagan philosophers "considered to be the best and wisest thinkers in natural and moral philosophy, and all genera of politics," he defines natural law as "right reason and the inclination to duty and to accept the obligations of virtue." Following the natural law is "discerning the good and just from evil and unjust; and not only the Christian, but all those who have not corrupted right reason with depraved conduct." The natural law leads men to conserve "human society" founded in "charity and goodwill" (11–12).

The natural law defines the accepted limits of political and moral norms, but while supposedly based on Nature, Sepúlveda deduced them according to his particular reading of a specific set of canonical texts which fixed his moral imagination within tightly circumscribed cultural and intellectual parameters. The natural laws are, as such, cultural artifacts masquerading as universal laws. These texts validate a specific view of human nature, the good, and politics. In the case of the Sepúlveda, the faith he places in Aristotle validates a teleological view of the universe structured according to principles discernible by reason, and a set of political and moral guidelines he claims echo the eternal law.

Justifying the Inequality of the Other

For Sepúlveda, the natural law provides the authority to judge the Other and determine its political position in the international realm. His guiding

¹⁹Juan Ginés de Sepúlveda, *Epistolario de Juan Gines de Sepúlveda*, trans. Angel Losada (Madrid: Ediciones Cultura Hispanica, 1966), 234; my translation. Aristotle was by no means accepted as the moral and political authority by all thinkers at the time, and among those who valued his ideas, there was significant disagreement about how to interpret them; see Cary Nederman, "The Meaning of 'Aristotelianism' in Medieval Moral and Political Thought," *Journal of the History of Ideas* 57, no. 4 (1996): 563–85.

²⁰Juan Ginés de Sepúlveda, *Tratados Politicos de Juan Ginés de Sepúlveda*, trans. Angel Losada (Madrid: Instituto de Estudios Politicos, 1966), 198–99; my translation.

principle, founded on “right reason” and based in “natural law,” is “the *dominium* of the perfect over the imperfect, the strong over the weak, superior virtue over vice” (20). The rule of the perfect over the imperfect sets God’s eternal laws as the laws that govern humanity. The eternal laws, unknowable to men, are echoed in the natural laws discernible by reason. The strong over the weak suggests that this kind of rule is natural, while the rule of superior virtue over vice reflects the driving moral element justifying war intended to force the Other within the bounds of civilization.

As Todorov explains, Sepúlveda dealt with alterity via hierarchy.²¹ Following Aristotle, he held that humanity is divided into different categories based on rational capacities: masters, women, children, and natural slaves. While Vitoria had, a decade earlier, equated the Indians with children, Sepúlveda disagreed.²² For Sepúlveda, the relationship between the Spanish and the Indians was best captured by the master/natural slave dichotomy.²³ The Spanish are masters because of the “strength, humanity, justice, and religion” of Spanish culture that follows the natural law (33–34). While aware of certain atrocities committed by some conquistadors in the New World, he brushed them aside. Referring to “what the Philosopher teaches in book III, chapter 1 of the *Politics*,” Sepúlveda argues that infractions of the natural laws “should not be considered by looking at a single individual, but at [a nation’s] public mores and institutions” (57).

Regarding the Indians, while he had never been to the New World, he was aware of the accounts of Oviedo and Cortez, and even wrote his own history of the Americas—*De orbo novo*—which glorifies Cortez while painting a dark picture of the barbarous Indians. The accounts of the Indians’ customs left no doubt in his mind they did not follow the natural laws: “the incredible sacrifices of human victims and the extreme injury caused to innocent peoples, the horrible banquet of human bodies, and the impious cult of idols” reveal a clear lack of recognition of good and evil (62). Such crimes are “considered by the philosophers to be the most ferocious and abominable perversities” (38). This description of the Indians’ mores, when placed within his intellectual framework, led him to deduce their identity: they were natural slaves, which consists in “the natural retardation of the mind that leads one to practice inhumane and barbaric customs (20).”²⁴ Being a natural slave is not a

²¹Todorov, *Conquest of America*, 152–53.

²²Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 290–91; for a discussion, see Pagden, *Fall of Natural Man*, 97–106.

²³Sepúlveda is not the first to apply the natural slave theory. On his predecessors, such as John Mair, Gil Gregorio, Bernardo de Mesa, and Palacios Rubios, see Pagden, *Fall of Natural Man*, 37–56.

²⁴There is a debate about what Sepúlveda actually meant by the term “*natura serva*.” See Lewis Hanke, *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (London: Hollis and Carter, 1959); J. A. Fernández-Santamaria,

function of being an unbeliever. Sepúlveda admits that if a “civilized and humane, not idolatrous” people had been discovered in the Americas, then they would have merited different treatment (44). But the Indians are different because of their observed inability to grasp the natural law.

Sepúlveda was aware of arguments circulating about the *dominium* of the Indians, such as those articulated by Vitoria. As Leopold asks: “how could it be that other theologians of great renown deny . . . the theory of subduing under their authority those pagans living in regions where neither the Roman Empire nor the name of Christ ever penetrated . . . [because] being an infidel is not a sufficient cause to wage war at the limits of injustice and to deprive the infidels of their goods?” (43). Sepúlveda does not necessarily disagree with this argument, but he insists that those who violate the natural law differ from ordinary pagans. In the margin of the Codice A of the *Democratus Secundus* attributed to Sepúlveda’s hand, Sepúlveda makes a note referring to the “mistaken” arguments of Vitoria regarding the *dominium* of the “irrational” barbarians (57n).

While the natural slave rhetoric was offensive to many of Sepúlveda’s contemporaries, the crux of his arguments, beyond the offensive and chauvinistic rhetoric, lies in the justification he gives for arguing the Indians were not equal. As Pagden argues, the natural slave argument was a linguistic tool to make Sepúlveda’s argument more persuasive to his readers by referencing a supposed source of authority; it was not essential to his overarching claims.²⁵ Thus, in response to criticism he received from some contemporaries, Sepúlveda modifies his rhetoric in the *Apologia*—his defense of the *Democratus Secundus* following Valladolid. He drops the offensive label “natura serva” but nevertheless holds to the same hierarchical claims to characterize the nature of the Indians in a less offensive way: “some by virtue of their customs and practices, others by nature, with neither humanity nor prudence, and soiled by vice,” have no *dominium* and are subject to Spanish rule.²⁶

At this point of the argument, Leopold accepts the hierarchal logic delimited by the natural law and is convinced that the irrationality of the Indians (demonstrated by their customs) is a valid justification for subordinating them. In other words, he is persuaded to accept that the international world is not defined by the equal rights of the Other. Once he accepts this logic, the question becomes: what are the political consequences?

“Juan Ginés de Sepúlveda on the Nature of the American Indians,” *The Americas* 31, no. 4 (1975): 450; and R. E. Quirk, “Some Notes on a Controversial Controversy,” *Hispanic American Historical Review* 34, no. 3 (1954): 357–64, for alternative interpretations.

²⁵Pagden, *Fall of Natural Man*, 112.

²⁶Juan Ginés de Sepúlveda, *Apologia: Juan Gines de Sepúlveda, Bartolomé de las Casas*, trans. Angel Losada (Madrid: Editora Nacional, 1975), 332–37; my translation.

The answer demonstrates how claims to moral superiority become the basis for legitimizing political inequality.

The Permanent Political Inequality of the Other

Sepúlveda's guiding principle imbues the morally superior with the power to efface radical difference and spread the good by force. He thus holds that it is just to go to war to eradicate those customs which "distance the [barbarians] from humane and civilized morality, life, and culture and contaminate them with such [nefarious] crimes" (39). Citing the common bond of humanity linking the Spanish to their neighbors, he claims that saving the innocent is morally compelling because the regime under which the Indians live condemns them to "the most unjust of sufferings" (61). The just war is not meant to "punish their sins, but to correct and save them, and promote their public well-being" (43). But once liberated from tyranny, what is their political fate? For Sepúlveda, the answer was the natural slave, which implied permanent inequality.

While Las Casas understood the natural slave argument as a justification of the brutal enslavement and murder of the Indians,²⁷ this interpretation is not consistent with Sepúlveda's Aristotelian argument.²⁸ The intention of the argument is designed to demonstrate the benefits to be accrued by the Indians under Spanish rule: "what greater benefit and advantage could befall those barbarians than their submission to rule of those who with their prudence, virtue, and religion have converted them from barbarians and barely men into humans and civilized men *to the extent that they can be?*" (63, my italics). The question is rhetorical because Sepúlveda viewed the good life as being possible only in a political community in which laws are structured according to the natural law, but it also points to what seems like a contradiction in his thought. One would think those Indians forced under the laws of civilization who choose to embrace Spanish customs and assimilate would become equals. Fernández-Santamaria suggests Sepúlveda distinguished between those who were willing to accept the Faith and those who refused, with the former entering society as equals and the latter as unequal slaves.²⁹ However, this interpretation runs counter to Sepúlveda's overarching argument regarding the Indians' imperfect nature and the political conclusions he draws from this: "these barbarians being *ministros*, but free, retain a moderate mixture of despotic and paternal rule, and are treated according to their condition and the circumstances" (120). The mixed regime Sepúlveda proposes is a moderate regime that will

²⁷Bartolomé de Las Casas, *In Defense of the Indians*, trans. Stafford Poole (DeKalb: Northern Illinois University Press, 1999), 47.

²⁸A. F. G. Bell, *Juan Ginés de Sepúlveda* (Oxford: Oxford University Press, 1925).

²⁹Fernández-Santamaria, "Juan Ginés de Sepúlveda," 450.

neither give them more liberty than their natural condition warrants, nor reduce them to such slavery that they seek to revolt. As Pagden explains, Sepúlveda knew that even animals can learn by imitation, but that does not give them any more rights or make them equal to fully rational beings. The Indians, who are capable of some minimal level of understanding—enough to receive instruction in menial skills—will become more human, that is, less bestial, in the company of good men. They will participate in virtue insofar as following good laws keeps them from failing in their function through lack of self-control, but they will not participate in ruling.³⁰

Forcing the Indians to change is simultaneously a statement about their lack of *dominium*, that is, the right to live how they choose, and about their incapacity to recognize and embrace the natural law. Sepúlveda recognizes the temptation of wishful thinking to the effect that the Indians will simply assimilate once their nefarious ways have been abolished. Thus Leopold asks whether “those mortals who have admitted the [truth of the] Christian religion and do not refuse the rule of the Spanish prince enjoy the same rights as other Christians and Spaniards under the rule of the same king?” Sepúlveda answers with an emphatic no: “nothing is more against distributive justice than to give equal rights to unequal people, and to equalize those who are superior in dignity, virtue, and merit with those who are inferior” (119). As he unequivocally states in the concluding sentence of the *Democratus Secundus*, the imperial regime he proposes for the Indians is “a just rule according to their nature” that will accommodate “the well-being of the ruled according to the limits of their nature and condition” (124, my italics). Despite all of the benefits the conquest will bring to the Indians, they cannot be assimilated into the political community as equals.

Whereas Vitoria was willing to admit the Indians could come of age and become the equals of the Spanish via assimilation, Sepúlveda remains skeptical of the Indians’ capacity. If they were recognized as equals, which would imply having the right to rule and participate in the formation of laws, then they would risk infecting society with their “nefarious” ways. The definitive inequality of the Indians is emphasized in the only direct reference in the *Democratus Secundus* to Sepúlveda’s own translation of Aristotle’s *Politics*: “free men,” meaning the civilized, are given the positions of rule, while those who “do not excel in any virtue” are not permitted to rule because their natural “injustice” and “intemperance” will lead them “easily into injury and error” (121).

Sepúlveda’s view of the human denies the equality of all, delimiting who is capable of the responsibility of equality, and who is not. While one would be hard-pressed to put Sepúlveda into the Modern camp because of his inegalitarianism, if one can get past the natural slave rhetoric, offensive to liberal ears, his views of radical alterity offer a candid and no-nonsense philosophical

³⁰Pagden, *Fall of Natural Man*, 116.

perspective which contemporary discourse has preserved, albeit more implicitly than explicitly. His arguments are germane insofar as we are all susceptible to a Leopold-like transformation in the face of the Other who violates our view of civilization, and looms menacingly on the horizon. As long as the assumption of spreading the universal good remains a moral constant in a world of diversity, then it will inevitably be necessary to deal with the Other. Beyond the offensive rhetoric, Sepúlveda's view demonstrates how holding on to claims of moral superiority can persuade one to justify the exclusion of the Other. This is an uncomfortable conclusion because it cuts against the liberal threads of Modernity, but it retains a place in the Modern landscape for two reasons. First, because the Other still exists, and in the face of alterity exclusion is a permanent human possibility. Second, because the argument for the equality of the Other assumes the moral universalism of a specific constellation of values, and is conditioned on assimilation to this set of values. As the following section on Las Casas's repudiation of Sepúlveda demonstrates, such a formula preserves, in a world of radical diversity, a philosophical space, albeit more limited, for the inequality of the Other.

Las Casas's View of the Other: Equality, Assimilation, and Limited Toleration

Bartolomé de las Casas was perhaps the most adamant defender of the Indians during the first century of conquest. The way he defended the Indians therefore deserves our deepest attention. I focus on his arguments in his *Argumentum apologiae adversus Genesium Sepúlvedam theologum cordubensem*, or *In Defense of the Indians* (henceforth *Defense*), which he composed for the Valladolid debates. Las Casas, like Sepúlveda, believed in the universality of the Christian view of the good, but rejected the inegalitarian conclusions Sepúlveda deduced from this position of moral superiority. In the face of alterity, he posits a view of humanity which has been heralded by some scholars as the foundation of the modern conception of human rights.³¹

But Las Casas's arguments, I will argue, are more complex and less tolerant than his admirers suggest.³² In the same vein as Daniel Castro's recent book

³¹Las Casas's admirers are numerous, and I list only some: Gustavo Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ*, trans. Robert R. Barr (Maryknoll: Orbis Books, 1993); Lewis Hanke, *Aristotle and the American Indians*; Hayward Alker Jr., "The Humanistic Moment in International Studies: Reflections on Machiavelli and Las Casas," *International Studies Quarterly* 36, no. 4 (1992): 347–71; Silvio Zavala, *La filosofía política en la conquista de América* (México: Fondo de Cultura Económica, 1947); Mauricio Beuchot, *Los fundamentos de los derechos humanos en Bartolomé de las Casas* (Barcelona: Editorial Anthropos, 1994).

³²In claiming Las Casas is less tolerant than commonly portrayed, I draw attention to the fact that his arguments contain elements of inegalitarianism as opposed to

Another Face of Empire, in which the author takes issue with the trend in the literature to view Las Casas as the “apostle” and “father of the Indians” and argues that “any analysis of Las Casas and his work must diverge from the distortions of mythmaking, mystification, and hagiography if it is to be illuminating,” I seek to add a more nuanced view of Las Casas’s defense of the Other. While Castro focuses on Las Casas as a contributor to the acceptance of Spain’s ascendancy over the Americas and argues that his arduous defense did little to actually improve the plight of the Indians in reality, I turn my attention to Las Casas’s conception of the human to argue that Las Casas’s claims about the humanity of the Indians delimit a tension-laden view of the human that sheds light on the friction between universalism and alterity and thus the place of inequality in the liberal thread of Modernity.³³

Humanizing the Barbarians: The Unity and Equality of Human Nature

Las Casas grappled with difference by searching for a more nuanced view of identity than the one proffered by Sepúlveda: “We should recognize that there are four kinds of barbarians, according to the Philosopher in books I and III of the *Politics* and book VII of the *Ethics*,” he writes in the beginning of the *Defense* (28). These views of barbarism project an alternative view of the human, centered on human unity despite difference, as opposed to moral and ontological hierarchies grounded in claims of superiority or inferiority. This supposition owes a great deal to the influence of Cicero, Aquinas, and Augustine, but I want to focus on how this view challenges Sepúlveda’s claims and the tensions it subsequently engenders.³⁴

Las Casas asserts that humanity is based on unity (as opposed to hierarchy) insofar as all men are capable of embracing the universal, eternal laws. He attacks Sepúlveda’s claim that the natural law lays the basis for a hierarchy

unlimited respect for the Other, and that these elements contributed to solidifying the legitimacy of this assimilationist tolerance of the Other in Modernity. On the medieval sources that may have inspired and limited Las Casas’s understanding of tolerance, see R. I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950–1250* (Oxford: Blackwell Press, 1987).

³³Castro, *Another Face of Empire*, 13.

³⁴On Las Casas’s sources, see Cary Nederman, *Worlds of Difference: European Discourses of Toleration, 1100–1550* (State College, PA: Penn State University Press, 2000), chap. 7, in which the author explains Las Casas’s debt to Cicero; Kenneth Pennington Jr., “Bartolomé de Las Casas and the Tradition of Medieval Law,” *Church History* 39, no. 2 (1970): 149–61; and Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150–1625* (Atlanta: Scholars Press, 1997), 272–87. On the importance of experience in Las Casas’s defense of the Indians, see Anthony Pagden, “*Ius et Factum*: Text and Experience in the Writings of Bartolomé de las Casas,” *Representations*, no. 33 (1991): 147–62.

of humanity by proving that barbarism is not necessarily a sign of inferiority. Thus he defines the first kind of barbarian as “any cruel, inhuman, wild, and merciless man acting against human reason out of anger or native disposition . . . [who] plunges blindly into crimes that only the wildest beasts of the forest would commit.” Following Sepúlveda’s argument, one would be inclined to think of the Indians as the epitome of such barbarians. Las Casas, however, cites the Spanish who “in the absolutely inhuman things they have done to those nations [of the New World] have surpassed all other barbarians” (29). For Las Casas, barbarism is not relegated to the Other, but is the bane of human nature in general.

Dismissing Sepúlveda’s argument that the Indians’ customs were barbaric because they were strange, Las Casas recognizes that one tends to call barbaric what does not correspond to what one considers natural. As Pagden explains, in the case of the Indians, one shocking fact (among many) that seemed contrary to conventional notions of rational man was that they had no written language, which was taken as a sign that they were closer to beasts than to men.³⁵ Thus the second kind of barbarian consists of those “who do not have a written language that corresponds to the spoken one . . . [and] are considered to be uncultured and ignorant of letters and learning” (30). Las Casas argues that such barbarity is a matter of “circumstance” stemming from “the difference of his language” in the same way that “the Greeks called the Romans barbarians, and, in turn, the Romans called the Greeks and other nations of the world barbarians” (31). Following this line of reasoning, the Indians are barbarians to the Spanish because they do not speak Spanish. However, the Spanish are also barbarians to the Indians because they do not speak Nahuatl. The implication of Las Casas’s arguments is that barbarism in this sense is not based on universal ideas linked to the natural law, but is determined by the eye of the beholder, according to one’s own worldview.

The term *barbarian*, without a central reference point, ceases to have any useful meaning in judging other cultures. Thus, with reference to the natural slave, Las Casas states: “Barbarians of this kind (or better wild men) are rarely found in any part of the world, and are few in number when compared with the rest of mankind” (34). If they do exist at all, they are “freaks of nature” (35) and “it would be impossible to find one whole race, nation, region, or country” that fits this category of barbarian (38). With regard to the Indians, he turns to Aristotle to show that because they have “properly organized states, wisely ordered by laws, religion, and custom,” they were rational beings, and hence not natural slaves (42). Furthermore, he writes that “even if we were to grant that this race has no keenness of mind . . . certainly they are not, in consequence, obliged to submit themselves to those who are more intelligent and adopt their way, so that if they refuse, they may be subdued by having war waged against

³⁵Pagden, *Fall of Natural Man*, 129–31.

them and be enslaved" (46). Las Casas's denial that the Indians were natural slaves is philosophically important because it refutes the natural hierarchy among peoples forming the foundation of Sepúlveda's political paradigm, shattering its inegalitarian basis by assuming the equality of all men, even the Indians. Las Casas was willing to admit that rare individuals could fall into the natural slave category, but not whole peoples, a move which severely limits this definition of barbarism.

To complete his picture of human unity, Las Casas shows that barbarism does not imply that one is devoid of the same rights as Christians. Thus, the fourth kind of barbarian he examines is "all those who do not acknowledge Christ" (49). Las Casas concludes, following the ideas expressed by Vitoria, that "no matter whether they be Jews, Mohammedans, or idolaters, they are in no way subject to the Church or to her members, that is, Christian rulers. And therefore when they celebrate and observe their rites, they cannot be punished by Christian rulers" (55). The superior nations have no natural mandate to free the barbarians from their barbarity by conquering them and imposing their version of the truth. Citing the Roman conquest of formerly barbaric Spain, Las Casas affirms that depriving the Spaniards of their "liberty" and "stripping [their] rulers of their authority" was unjustified, even though it eventually civilized them. By way of analogy, the Indians have "the right to defend [their] freedom, indeed [their] very way of life, by war" (43).³⁶ In other words, the Other has the right to refuse the Faith and defend its own ways with a just war: "every nation, no matter how barbaric, has the right to defend itself against a more civilized one that wants to conquer it and take away its freedom" (47).

The justification of the rights of the Indians is linked to the scholastic concept of *dominium* and antecedent notions of property rights embedded within the canon. Brian Tierney's nuanced discussion of Las Casas's view of rights shows how Las Casas grafted a view of rights on to the already existing Thomistic understanding of natural law. Focusing on Las Casas as engaged in a constant battle and therefore repeating his arguments in numerous guises, Tierney reduces Las Casas's purpose to "a very extreme defense of the individual right to liberty."³⁷ This extreme defense of liberty, however, is circumscribed by Las Casas's understanding of the unity of humanity which is ultimately conditioned on the assimilation of the Other to a specific view of the good. As Cary Nederman explains, Las Casas's defense of the Indians is not simply a function of their having *dominium*; rather, it also rests on the way he defined human nature.³⁸ His defense rests in large part on showing

³⁶Nederman, *Worlds of Difference*, 113–14.

³⁷Brian Tierney, *The Idea of Natural Rights*, 285; Paul J. Cornish, "Spanish Thomism and the American Indians," in *Difference and Dissent: Theories of Tolerance in Medieval and Early Modern Europe*, ed. Cary J. Nederman and John Christian Laursen (Lanham: Rowman and Littlefield, 1996), 109–12.

³⁸Nederman, *Worlds of Difference*, 112.

that the Indians were capable of receiving the Faith, that their difference was actually a sign of their sameness. As Todorov demonstrates, Las Casas viewed the Indians not as different at the core, but as the same despite remarkable cultural differences or apparently aberrant behavior.³⁹ Las Casas searches in their customs for signs of sameness, or the potential for sameness, which leads him to redefine the natural law in such a way that incorporates their customs into the realm of human rationality. This attempt to show sameness at the core defuses the shock of alterity and assuages the tendency to exclude, at first, those who are different.

The first principles supposedly dictated by natural law—for example, that it is wrong to worship idols or eat human flesh—are not self-evident. Rather, these are particular to Christian culture which has been illuminated by grace. For Las Casas, reason alone essentially leads man to one fundamental principle: God exists. This does not mean the Indians recognize God in His correct (Christian) form. Rather, it means they recognize the existence of a superior being: “No nation is so barbarous that it does not have at least some confused knowledge about God” (226). And they are led by natural law to worship God “by the best means available”; “within the limits of the natural light of reason (in other words, at the point at which divine or human positive law ceases and, one may add, where grace and doctrine are lacking), men should sacrifice human victims to the true God or the reputed God” (228–33). The manner in which God is worshipped is entirely a matter of custom, and should not be judged as a sign that they are lacking reason. Rather, “offering sacrifice to the true God or to the one who is thought to be God *comes from the natural law*, whereas the things to be offered to God are a manner of human law and positive legislation” (229–30, my italics). As Nederman argues, this core understanding of humanity—that all rational beings have some knowledge of the divine, which Las Casas draws from Cicero—defines the Indians as members of the human race and accords them basic individual and cultural rights.⁴⁰

In showing that the acts that Sepúlveda used to prove that Indians were natural slaves come from natural law, the relationship between rationality and moral superiority which formed the basis of Sepúlveda’s arguments is sacrificed. Thus, for Las Casas, the natural law is no longer linked to Christian customs, but to what he sees as the universal criterion of humanity—recognizing the existence of God. The important point for Las Casas is that Indians are “created in God’s image” and “are not so forsaken that they are incapable of attaining Christ’s kingdom” (39). They are thus capable, in time, of being persuaded to abandon those customs they thought were true before the arrival of the Christians, and recognize and embrace those that are—if presented the truth in the right manner. In contrast

³⁹Todorov, *The Conquest of America*, 163–65.

⁴⁰Nederman, *Worlds of Difference*, 101–2.

to Sepúlveda, Las Casas disarms the political force of Christian moral superiority: “to advance the gospel by the power of arms is not Christian but a pretext for stealing the property of others and subjugating their provinces” (179). Linking moral superiority to the use of force would give license to the Turks and Moors to do the same, which would throw “everything high and low, divine and human . . . into confusion” (47). Rather, assimilating the Indians is best accomplished by showing the merits of the Truth: “gently, mildly, humanely” (40).

One sees in Las Casas’s defense of the Other’s customs an evident duality. On the one hand, Las Casas seems to be arguing that the Indians have the right to choose their own way of life. Thus, one could, as many have done, read Las Casas as having argued for the ultimate liberty of the Indians and toleration of their customs. As Nederman argues, according to Las Casas, “native forms of worship must be extended indefinitely until the Indians *themselves* are convinced of the truth of Christianity and embrace it.”⁴¹ On the other hand, Las Casas clearly views Christianity as morally superior and believes it is necessary to convert the Indians, assumptions which serve to circumscribe not only his view of tolerance, but also the rights of the Indians. The limits of Las Casas’s claim for tolerance are exposed if it is read alongside both his belief in the universal scope of Christian laws and his faith that the Indians will be easily and quickly persuaded to assimilate. With regard to the former, Las Casas asserts that “where the Catholic law has been preached in a Christian manner and as it ought to be, all men are bound by the natural law to accept it” (46). And with regard to the latter, he asks: “In what other nations could idols be more easily destroyed in hearts, and idolatry thereby totally abolished and the worst scandals avoided, as well as the loss of innumerable souls if they were taught little by little, and tolerated, than in our peoples of the Indies?” (70).

Las Casas’s view of tolerance is what Wendy Brown calls “tolerance conferred,” and is “a means for transforming others rather than an end in itself . . . an exercise of hegemony that requires extensive political transformation of the cultures and subjects it would govern” (431).⁴² The goal of his tolerance—the assimilation of the Indians (and not the respect of their right to choose whichever view of the truth they see as most appropriate)—underscores the link between his view of the human and the Christian conception of the good. Las Casas begins from the notion of what *he* thinks a human is, and thus what the Indians should become, and then deduces the concept of human unity and rights from this view. The formulation of this notion owes much to his desire to defend the Indians from the ravaging conquistadors, a quest which led him to draw upon alternative views of the human from within the canon to counter the claims made by Sepúlveda. But

⁴¹Nederman, *Worlds of Difference*, 111.

⁴²Brown, “Tolerance As/In Civilizational Discourse,” 431.

because his tolerance is conditioned on the assumption that the Other will cease to be Other, that is, because he believes that everyone who is exposed to the truth is bound to accept it, there are implied limits.

While Las Casas conveys tolerance of the Indians in his initial defense, his demand for *indefinite* tolerance is not as far reaching as it first seems, for he maintains an unyielding faith they will assimilate *quickly* if presented the Truth in the correct manner. By insisting assimilation will come quickly, Las Casas avoids the sticky tensions that would inevitably emerge in the long term if the Indians' customs were tolerated and they were given all the time they needed to come of age in an increasingly Christian New World. It is hard to imagine Las Casas being content for very long with a society in which half the populace went to communion and the other half committed ritual human sacrifice. Indeed, when Las Casas contemplates such cultural coexistence, he shows himself willing to withhold tolerance. This is where the notion of inequality fits into his worldview, where the rights of the Other can be circumscribed.

The Other Other: Las Casas and the Tension of Modernity

Las Casas's defense of the Other, built on the logic of assimilation, carries with it implied political consequences. The first consequence is the repression of those aspects of the Indians' culture which violate the Christian spectrum of acceptability, and the imposition of a new identity via assimilation. Las Casas speaks of assimilation as agreement on the key aspect of Christianity and a relatively simple, rational, and inevitable affair. However, this view ultimately fails to recognize how, from the perspective of the Indians, this act can be interpreted, despite being done mildly and humanely, as an act of violence to the Indians' traditional values and identity that may inspire their resistance. While Las Casas's works are filled with examples of Indians converting, the indigenous sources tell a different story. The Aztec accounts, for example, disclose an alternative view of the spreading of civilization, describing a fierce defense of their way of life against the European invaders and heart-wrenching sadness at the subsequent destruction of their culture following their defeat.⁴³ In the words of Daniel Castro: "by replacing their traditional belief system with the alien system of the occupying forces, [Las Casas] contributed to the destruction of the world as they knew it, instead of the creation of a better world, as many claim he did."⁴⁴

⁴³*The Broken Spears: The Aztec Account of the Conquest of Mexico*, ed. Miguel Leon Portilla (Boston: Beacon Books, 1992), 145–49; J. M. G. Le Clezio, *The Mexican Dream: Or, The Interrupted Thought of Amerindian Civilizations* (Chicago: University of Chicago Press, 2009).

⁴⁴Castro, *Another Face of Empire*, 179.

Despite marking a significant change from Sepúlveda, assimilation still implies the effacement of those preexisting customs that do not fit the limits set by the morally superior. Thus the Indians, while justified in their practice of human sacrifice before the arrival of the Christians, must (inevitably?) be convinced that this is no longer an acceptable way to live. Moreover, the Indians ultimately have no say in the moral and political parameters of what constitutes acceptable identity, and although some instances of syncretism would emerge, the baseline morality remained an imposed identity based on the Christian view of right and wrong and the eradication of certain Indian customs.

Because Las Casas's view of tolerance is transformative, and despite Las Casas's hope for the Indians' quick and easy assimilation, one must necessarily ask: What happens to those who are not transformed? What happens to those who resist even the peaceful attempts at assimilation? What happens if Las Casas's faith in the assimilability of the Other is misplaced and the universal principles are not as convincing as he thinks? These are not just historical questions to ask with regard to the sixteenth century, but salient questions to ask in today's world in which democratization and the spread of Western human rights are such a fundamental part of Modernity but can be seen as a form of cultural imperialism which the Other is not always willing to accept. It is true, in some cases, that the Other may not always be against assimilation. Indeed, some of the indigenous enemies of the Aztecs willingly converted to gain the alliance of the Spanish in order to overthrow the yoke of the Aztecs. Nevertheless, others did resist, putting Las Casas, and anyone who holds on to a similar faith in the Other's assimilability, into an uncomfortable position. This leads to the second political consequence implied in Las Casas's arguments: the drawing of limits on toleration and the rights of those who refuse to assimilate.

While heralded as the great defender of the Other in the context of the Indians, Las Casas was himself not immune to treating the Other with violence in ways that point to the philosophical space for inequality within his worldview. While not as benighted as Sepúlveda when it comes to respecting the Otherness of the Indians, his way of reconciling alterity with moral superiority was nevertheless problematic. His view of alterity masks a tension between universalism and alterity under a glowing rhetoric of the benevolent universality of Christian values and faith in the inevitable assimilation of the Other. The thorn of moral superiority that differentiates the Other is still present, thus posing difficult questions if and when faith in the assimilability of the Other is abandoned, that is, if the Other persists without justification in traditional ways. Las Casas tolerated the Indians because he believed they would assimilate. Moreover, while he was willing to tolerate the harmless Other living within Christian borders, such as the Jews and subdued Saracens, because they did not threaten Christianity, his view of the Turks and Moors, who are "the truly barbaric scum of the nations," presents a remarkably different picture of the Other (47). The sharp tone he uses to

describe the Turks marks a distinct contrast to the common view of Las Casas as the great defender of the Other and benevolent humanitarian, adding a layer of nuance to his arguments by pointing to the place exclusionary arguments hold within his overarching philosophy.

According to Las Casas, the Turks, who have stubbornly refused the Truth, are subject to perpetual enmity. Recall that the Indians were justified in resisting the conquistadors and defending their liberty because they were invincibly ignorant and provoked; the Turks, however, “bear an age-old hatred of the name of Christ” and “break into our provinces or harass our shores with the accouterments of war” (184). While Las Casas’s passing comment about the Turks in the context of Valladolid is likely a foil to distance the Indians, whom he viewed as posing little threat because of their easy assimilability, from Sepúlveda’s perception of them as evil barbarians, Las Casas’s repudiation of the Turks as “scum” is a powerful statement about the status of the Other that refuses to assimilate. The Turks, who were guilty of *injuria*, represent a relatively straightforward case in which Las Casas justifiably places limits on toleration. The threat posed by their advancing armies, coupled with the fact that Muslim slavers were seizing and selling a significant number of Christians, was certainly cause for his contempt.

However, the difficulty his response to the Turks poses with regard to his defense of the Indians is whether the Indians, too, could become part of the same category of Other. What, then, does Las Casas think about the Indians who refuse to assimilate and/or violently resist? The question is more complicated because they do not bear an age-old grudge against Christianity and are not, in Las Casas’s mind, unjustly waging war against the Spanish. At least not yet. But at what point do they cease to be in the category of the invincibly ignorant and become guilty of *injuria*? Given that the transformative scope of Las Casas’s tolerance insists on their assimilation at some point, the question becomes: When does the tolerance he confers become tolerance withheld?

Presumably, those who unjustly resist would fall into the same category as the Turks at some point, though Las Casas seems hesitant to imagine this as a possibility given his faith in their quick assimilability. To do so openly would undermine the heart of his very defense! However, his conjectures suggest that the Indians could fall into the same category if certain conditions were met: “where there is some great and probable danger to the faith if a pagan rules, for example, if he treats his subject tyrannically and violently because they have accepted the faith, if he is blasphemous towards Christ, or if he does or says anything that would lessen Christ’s glory” (334; cf. 83). While it is clear that Las Casas showed a certain respect for the liberty of the Indians when the New World was a region ignorant of grace, once Christianity gets a foothold, the situation changes: “So if, in a kingdom that was in the first stages of conversion, the ruler allowed temples to remain open and the worship of idols to be practiced publicly, not only the ruler but the people would have been in imminent danger of apostatizing the

faith. For this reason it was most proper—rather, very necessary—that the Church and its prelates exhort Christian rulers to destroy idolatry and to strive with all their power to destroy temples” (320; cf. 334). This position confirms the link between equality and assimilation that conditions his defense of the Other and points to where he ultimately draws the line on toleration. In such circumstances of coexistence, the customs of the Indians he previously defended as rational and tolerable (ritual human sacrifice and cannibalism) become intolerable because they threaten the moral fabric of a Christian society in which notions of the good are conferred by laws promulgated by a legitimate ruler. In other words, once some (a few? a majority?) of the pagans are converted, tolerance and respect for the rights of the Indians are abandoned and the politics of forced assimilation becomes the driving political vector.

The Christian constellation of the values—because it is deemed superior—dictates when tolerance is withheld, when the rights of the Other can be overridden for the collective good. In a world in which the Christian view has been imposed, the Indians no longer have the right to choose to follow their old ways if they conflict with Las Casas’s constellation of values. And if they do persist in their old ways, fight off assimilation, and resist? Pushing the logic of Las Casas’s conclusions further, would they not become like the Turks? At the same time, could one really blame the Indians for resisting and protecting their traditions? If the answer is yes, what does this tell us about the link between moral superiority and inequality in terms of limiting the right of the Other to choose its own version of the good?

What Las Casas shows us is that insistence on a shared notion of the good, even if set within a constellation of so-called universal values, limits the right of each individual to pursue his or her own view of the good insofar as some conceptions of the good are deemed intolerable within this view. Moreover, placing the burden of assimilation upon the Other means that inequality, in the sense of limiting the right of the Other to pursue its own version of the good, is inevitable unless assimilation is complete, which it never is.

While Las Casas is clearly hesitant to turn to the moral superiority of Christianity to justify actions that would violate the rights of the Other because he has faith that the Other will simply choose the “universal” truth, he does recognize that the moral high ground is imbued with political force to mold the identity of the Other to fit his view of the human. The Other does not have a say in setting the conditions of the good or the limits of respected identity, but must eventually conform to a specific image that fits the Las Casasian image. Being Other in his world thus provokes sentiments of compassion coupled with the desire to help those who are invincibly ignorant or in probable error by leading them to the good (the vast majority of cases), benign tolerance for the harmless Other, but disdain and hostility for those rare groups who violently refuse the Truth and defend their right to remain Other. In looking at the other Other, one can thus see how,

despite Las Casas's emblematic defense of the "innocent" Indians, the perception of cultural superiority continues to play a divisive role in channeling alterity, how failed assimilation can result in conflict and exclusion, and how the Other perceived to be menacing becomes "barbaric scum."

Conclusion

While, in theory, Las Casas envisioned unlimited eons for the Indians to evolve and come of age, this evolution could not occur in a vacuum. The clash of the Old World and the New had occurred, meaning that not only was there interaction between the indigenous cultures and Christianity, but the Indians were no longer invincibly ignorant because they had the help of Christian friars to enlighten them. Las Casas did not live long enough to determine whether his faith in the assimilability of the Indians was, in the long run, well placed. He was thus not really forced to contemplate in earnest the question: what if they refuse to assimilate? And in cases in which they did refuse, he tended to chalk it up to the bellicose manners of the conquistadors, and justified their resistance. His conjectures about the Indians who refuse thus remain conjectures. However, roughly two hundred years later, deep in the French Enlightenment, the question of the capacity of the Indians to assimilate did arise in earnest. While the legacy of Las Casas was preserved in writers such as Voltaire and Marmontel—the former using Las Casas as a model for his play about the civilizing mission *Alzire ou les Américains*,⁴⁵ the latter turning to Las Casas as the "model whom I revere; it is in him that I wanted to paint the Faith, pity, and the pure and tender zeal, that is to say, the spirit of Christianity in all its simplicity" in his book about tolerance, *Les Incas ou la destruction de l'empire du Pérou*⁴⁶—such optimism was not shared by all. As Cornelious de Pauw observed in his controversial work *Recherches philosophiques sur les Américains*: "Over three centuries ago the Americas were discovered; we have not stopped since that time to bring Americans to Europe; we have tried on them every kind of culture, and not one has succeeded in making a name in the sciences, the arts, or industry."⁴⁷

The "failure" of the Indians to assimilate can be attributed to many factors. Condorcet, for example, linked it to oppression from colonial rule. Montesquieu explained it by climate. But others, such as Tocqueville, implicated the Other in its own fate, suggesting that the Other could have

⁴⁵Phillipe de Gain, "L'influence de Las Casas dans l'Essai sur les Moeurs de Voltaire," *Studies on Voltaire and the Eighteenth Century*, no. 341 (1996): 149.

⁴⁶Marmontel, *Les Incas, ou la destruction de l'empire de Pérou* (Paris: Chez Lacombe, 1777), xxi; my translation.

⁴⁷De Pauw, *Recherches philosophiques sur les Américains* (Cleves, 1772), 1:168. All translations of de Pauw are my own.

chosen to assimilate, but refused to do so.⁴⁸ Perhaps the most radical conclusion was that they were incapable. De Pauw goes on to assert that “the weakness of their natural reasoning must be natural; they are condemned.”⁴⁹ I think de Pauw is important because he calls Las Casas’s bluff, as it were, contemplating the fate of the Indians after history had apparently revealed them to be inassimilable. Despite distancing himself from the “atrocious Sepúlveda,” despite being, in the words of Gerbi, a “typical encyclopedist” who had a “firm and unquestioning faith in progress,” De Pauw also has “a complete lack of faith in the goodness of man.”⁵⁰ In his own words, history had demonstrated to him that “the Americans prefer the savage life, which shows they hate the laws of society and the ways of education which, in taming the most intemperate of passions, can alone lift man above the animals.”⁵¹ And while he lamented the conquest of the New World as one of history’s worst calamities, De Pauw argues that the progress of humanity and civilization should not stop to accommodate the frivolity of the Other: “the Americans had only weakness; they therefore had to be exterminated, and exterminated in an instant.”⁵²

I do not want to suggest that de Pauw was correct in arguing that some humans are degenerate (a trait he initially attributes to climate). Nor do I want to suggest his views represent those of the mainstream French Enlightenment, for they do not. But I want to point to his conclusions as a glimpse of the extremes which Modernity is capable of when the assumption of the unity of humanity is put to the test. Modernity is not, as Taylor’s phrase I cited in the introduction would suggest, defined by universal equality and rights of the Other; rather, as I have shown, there is an element of inequality built into the system that emerges when alterity clashes with the universalist principles that define politics, the good, and the human. Modernity is safe from such exclusionary arguments as long as politicians and philosophers maintain Las Casas’s steadfast faith in the capacity of the Other to assimilate, but this faith has its limits which will, with time, be tested. For Las Casas, time and a history of violence showed the barbarism of the Turks as their “true” nature. For de Pauw, time exposed the apparent incapacities of the Indians despite Las Casas’s unyielding faith in their assimilability. What will time reveal about the contemporary Other?

As I have argued, the unity of humanity is not universally inclusive, but represents a view of human nature with conditions set by moral (as opposed to physical) standards linked, for better or worse, to a specific

⁴⁸Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2005), 197–98.

⁴⁹De Pauw, *Recherches*, 2:172.

⁵⁰Antonello Gerbi, *The Dispute of the New World: The History of a Polemic, 1750–1900* (Pittsburg: University of Pittsburg Press, 1973), 52.

⁵¹De Pauw, *Recherches*, 2:232.

⁵²De Pauw, *Recherches*, 1:iv.

constellation of understanding. But when faith in the assimilability of the Other to this constellation runs out, then understanding the logic behind excluding the Other becomes all the more salient. This is where Sepúlveda's dialogue takes on renewed relevance. While it has been suggested that Las Casas's universalism is an important thread of the modern understanding of the person, one could ask: what place does Sepúlveda's inegalitarian understanding have? Sepúlveda's logic lays bare the incompatibility between moral superiority and universalist claims of equal rights. Where Modernity in some ways has attempted to reconcile the two through a faith in the inevitability of the Other's assimilation to a universalist conception of the human and tolerance conferred, Sepúlveda recognizes that in a world of radical diversity, indefinitely rejecting the rights of the Other is a logical political outcome and a permanent human possibility. While we may ultimately wish (and need) to challenge and reject the logic of exclusion articulated by Sepúlveda, if history is any guide, then in the face of resistance by the Other, questions inevitably linger in the minds of some who watch as the Other seemingly inexplicably rejects the truths we so readily recognize as "universal": why don't *they* want to adopt *our* universal values? Or more devastatingly: Are they even *capable* of adopting these values? And does their resistance indicate a cultural or natural flaw that renders them incapable of embracing universal values?

When a moral hierarchy is posited, and faith in the Other wears thin because the Other's refusal to assimilate is perceived as threatening, then dealing with radical alterity becomes a matter of negotiating the acceptable limits of exclusion. The step from Las Casas (hesitantly accepting the possibility and subjecting those who fit the case to permanent enmity or forcing the good upon them) to Sepúlveda (proactive just war and permanent inequality) seems far, but in the face of the Other who ostensibly violates the universal standards of humanity in a threatening way, the question becomes: when will the modern Leopolds become convinced by the logic of Sepúlveda's paradigm and openly embrace the permanent inequality of the Other? The answer, I think, depends on three lessons to be drawn from revisiting the Valladolid debates.

First, Sepúlveda's claims are salient to the extent that the categories of *civilized* and *barbaric* remain valid and mutually exclusive. Leopold was led to embrace the exclusion and marginalization of the Indians because he accepted the logic that moral hierarchy translates into permanent political inequality. From the observation that the Other's mores violated the immutable natural laws all rational beings should know, he deduced they were incapable of knowing the good, and hence permanently unequal. But when we start to question the boundaries of the category of barbarian, as did Las Casas, and even recognize our own barbarity, then the propensity to exclude the radically different is diminished, though not extinguished.

Second, barbarians are barbarians because they violate what are seen as incontestable truths according to the constellation of values deemed

universal. As long as these so-called truths do not come into doubt, then exclusion is justified in extreme cases. According to Sepúlveda's logic, there is no room to accommodate or tolerate the customs of the Other, and a just war can be waged to make way for spreading what one sees as the natural laws. However, to the extent that the natural laws can be adapted to accommodate the Other, exclusion will be limited. Adapting the natural laws to accommodate the Other does not mean falling prey to cultural relativism and the abandonment of universalist claims (such as human rights) in the name of diversity, but hinges on expanding the limits of what is deemed rational according to one's culturally contingent view of the good (perhaps by incorporating the view of the Other into our constellation of values). For Las Casas, the belief in the unity of humanity led him to propose an elastic view of the natural law that temporarily accommodated extreme difference and the rejection of war as a means to spread what he saw as the morally superior set of values. However, this view was anchored in his faith in the capacity of the Other to see this set of values as superior and to willingly abandon inferior beliefs inhibiting them from fulfilling the promise of the human condition. This faith in the Other masks an underlying tension that leads him to contemplate the limits of toleration.

Thus, thirdly, exclusion will be mitigated as long as faith in the capacity of the Other remains constant. But as my examination of Las Casas's arguments reveals, claims to moral superiority place the burden of assimilation on the Other, meaning that the breakdown of egalitarianism (i.e., the commitment to equal rights) is inherent in the logic behind claims to human unity embedded in a specific constellation of understanding insofar as the Other might choose to resist assimilation. For Las Casas, conditions of violence which threatened Christianity spurred his open repudiation of the Turks as irreconcilably Other, while the resistance of some Indians led him to make conjectures on forcefully obliterating some of their customs; for Sepúlveda, the recognition that the Indians violate the natural laws led him to accept proactive just war and permanent inequality; for de Pauw, a sufficient amount of time had passed to reveal that the Indians had failed to prove their capacities, and this failure justified, in his mind, writing them off as collateral damage in the wake of progress.

Looking back, we can see there is an inherent paradox to Modernity: the modern conception of the human I have described promotes the equal rights of the Other, but can also accommodate various levels of exclusionary rhetoric because the concept of rights is linked to a specific (Western) view of the good. Exclusionary arguments are thus not necessarily a contradiction of the egalitarian principles of Modernity, but are built into some of the philosophical underpinnings of Modernity itself: the universal scope of the Western constellation of values, the belief in the benevolence of assimilationist politics as the means to ensure the dignity and rights of the Other, and faith in the capacity of the Other to recognize these universals. Thus, managing diversity is not just about finding a place for difference within Modernity through some

form of multicultural toleration, but also necessitates understanding and coping with the impulse to turn to exclusionary rhetoric in the face of the resisting Other. This requires resisting the impulse to follow in the footsteps of Leopold by refusing to accept the notion that some peoples are permanently unequal and not acquiescing to de Pauw's dark conclusions about the unassimilated Other.

Holding the moral high ground, because it allows the moral hegemon to set the limits of inclusion and exclusion, is a balancing act that can be, and arguably has been, abused. The greatest threat to Modernity if we do acquiesce to Sepúlveda or de Pauw is the acceptance that some entire cultures are incapable of participating in our view of the good, and thus the espousal of a political philosophy that subsequently banishes the Other to the margins of society, or justifies hunting them down.

As a final question, then, one might ask: what can we learn from a return to the Sepúlveda-Las Casas debates about the exclusion of the Other? Those looking for an easy answer will necessarily be disappointed because the debates do not give specific guidelines for when exclusion is justified, but rather alternatives, sometimes overlapping, sometimes conflicting. The overlapping conclusion seems to be that holding on to the moral high ground means that the exclusion of the Other is justified when the Other does not assimilate to the universal constellation of values, its alterity poses a threat and is deemed irreconcilable. However, the conflicting conclusions center on the question of when the alterity of the Other is in fact irreconcilable. Here, I think neither gives a satisfactory response. As Las Casas tells us, Sepúlveda's judgment of the Indians is too narrow and ignores both the barbarity of the Spanish and the Indians' potential for change. Also unsatisfactory is Las Casas's unyielding faith in the Indians to eventually assimilate. Where does this leave us?

Leaving aside whether assimilation to the Spanish constellation of values is even a good thing, a point neither Sepúlveda nor Las Casas contested, if I am correct in identifying a Las Casasian faith in the assimilability of the Other as key to the modern concept of the human and delimiting the threshold for arguments about withholding the rights of the Other, then our challenge becomes theorizing about how to understand this faith in a time when the Other, so we have been told by some, looms menacingly on the horizon or even within our own societies. The goal of such an enterprise is not to extend faith in the Other indefinitely and tolerate everything and everyone. It is rather to push those who believe in the unlimited capacity of the Other and in human rights to recognize, as Las Casas recognized, that limits exist even if one wants to defend the Other. Rather than dismissing the illiberal elements of Modernity as somehow exterior and negative, one must recognize they are part of its essence. The goal is also, on the other hand, to avoid a civilizational discourse that paints a black-and-white picture of the world which would feed, as Sepúlveda recognized, the sentiment that some cultures are naturally and permanently inferior. Here is where Las Casas's quest for a

more nuanced view of barbarism attends to a more responsible interpretation of the moral high ground. And finally, returning to the Sepúlveda-Las Casas debate reminds us that the emergence of equal rights occurred simultaneously with certain violence—physical and cultural—toward the Other aimed at assimilating the Other to the Christian constellation of values. And while neither paid heed to the costs of this change to the identity of the Other, we, the inheritors of the liberal thread of Modernity, need to think about what this heritage means in our attempts to grapple with alterity today. Recognizing the burden that assimilation to the values we deem universal imposes on the Other is key to negotiating the place of inequality in Modernity by posing responsible limits to assimilation and judiciously negotiating the boundary between toleration conferred and toleration withheld so as to avoid digging an unbridgeable chasm between “us” and “them.”