

Las Casas' Articulation of the Indians'¹ Moral Agency: Looking Back at Las Casas Through Fichte

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Abstract

According to Levi-Strauss, in *Race and History*, "...the barbarian is first and foremost the man who believes in barbarism"². This is a good point to begin our discussion in this essay aimed at understanding how pre-Columbian societies in the New World related socially and culturally before Europeans arrived.

Much has been written on Bartolomé de Las Casas' contribution to the notion of universal human rights. Liberation theology thinkers like the assassinated Bishop Oscar Romero, Gustavo Gutiérrez, and philosopher Enrique Dussell, have thought of him as the central spokesperson and defender of the Amerindians: firstly in the great debate with Juan Ginés de Sepúlveda in 1651, and secondly, as a voice that continues to speak for the oppressed and marginalized indigenous peoples of Latin America (in the age of globalization). For someone like Dussell, for instance, Las Casas represents the embodiment of a proto-Marxian Christian ethics.

What seems understudied, however, is Las Casa's conception of Christianity and religion in general—a view of religion, which anticipates an eighteenth century German enlightenment concept of religion, or what Kant called "the religion of reason."³ Interestingly, for the Spanish philosopher, Christianity was conceived more as a rational system of ethics than as a doctrine of faith. The Indians, argued Las Casas, were members of the same *community of rational human beings* as Europeans. He believed, like Fichte after him that all humans belong to the same universal community of rational beings, which is why Fichte will help us shed some light on Las Casas's anticipatory notions of moral agency, formal freedom, rational religion, and the rights of a free people against the use of coercion—regardless of their race, religion, or culture. This, I believe, is what underpins Las Casas' notion of universal human rights (Paulist and Thomist in nature), and his of ethics of the Other, who "is just like me": a rational, feeling human being, deserving of equal justice and rights.

Las Casas' Argument Concerning the Rational Capacity of the Indians

It is interesting to note that of the two thinkers who debated the question of the conquest and subjugation of the Indians in Valladolid in 1551, it was Sepúlveda who was officially deemed the humanist academic. The Renaissance humanist notion of *humanitas*, that humans were the measure of all things in the world because they were rational, free beings, was, until Las Casas, applicable only to European man. Renaissance humanism derived primarily from Aristotle (or “the Philosopher” as he was called) and from the subsequent Aristotelian and scholastic emphasis on reason (e.g. Aquinas), anticipated in some ways certain traits of what would later become part of Enlightenment thought. Sepúlveda, who spent many years of his life living in Rome among Italian humanists, could not be anything else but the Aristotelian thinker he presented himself to be at the Valladolid debates, when he argued that the Amerindians were, according to Aristotle’s definition, “natural slaves”⁴ who needed to be conquered, subjugated, and forced into conversion in order to be turned into “civilized,” Christian subjects. It was Aristotle’s Book III of the *Politics* that contributed to Sepúlveda’s diagnosis of the Indians as “natural slaves”; or as Las Casa was to put it, where Sepúlveda got “his poisons” (1992b 339). This position, of course, was predicated on the notion that the Indians had to be coerced because they lacked the rational faculties to convert to Christianity on their own. The fact that their culture was different, that they were not Christians, that they practiced human sacrifice, etc. only proved their inferiority as human beings. In short, for Sepúlveda, following Aristotle, not all human beings had the capacity to reason; and the Indians—though he had never come across one--were more like beasts than they were like humans. And here Las Casas answered Sepúlveda’s Aristotelian particularism with his own reworking of Paulist universalism and Thomist logic.

To the point, Las Casas argued that, if God had privileged humans with the capacity to reason, then all humans without exception had to be conceived as belonging to the same design (1992b 35).⁵ To doubt this would amount to believing that “a huge part of mankind” was “barbaric” because God’s design had “been ineffective” (36). In other words, a world in which only Europeans counted as rational beings would constitute a badly “designed” world; and because that would go against the Christian idea of God, such a notion was refutable.⁶ Of course the Indians were rational beings; one had only to look at the many ways in which their civil society, governments, religion, and the arts, far surpassed “ours,” argued Las Casas. “Because all the nations of the world are human, and all humans and nations are one, and not more, it is understood that all human beings are rational beings; and that they all possess understanding and free will, since they are all created in the image and likeness of God,” writes Las Casas in *Apologética Historia Sumaria* II (1992aVol. 7: 536; my translation). Consequently, continues Las Casas, because all humans have five senses, bodies that are organized in the same way--

through intuition, understanding, and free will--they all share the same “virtue, ability or capacity” to be persuaded by reason to pursue the good.

It is noteworthy that the post-Kantian philosopher, Fichte, held a similar position at the end of the eighteenth century. According to Fichte humans were metaphysically and ontologically free (1), because they were rationally able to elect between a number of options; and (2), because they were the only animal capable of self-reflection⁷ (its most precious end-product being civil society). And if they were capable of “virtue” as Las Casas stated in keeping with an Aristotelian-Thomist notion of *potentia* it was precisely because all humans were free to rationally choose Good over Evil. This is what separated humans from the lower animals. In fact, the notion of morality for Las Casas (Ibid. 193) and for contemporary philosophers is necessarily predicated on freedom.

The “human mind is the root source of freedom in what humans do,” stated Las Casas (1992c 120). The metaphysical freedom and the rational capacity of the Indians made them, quite literally, potential Christian subjects. This notion of *potentia* (Las Casas) or formability (Fichte) was also what constituted the idea most of us have of equality among humans (Fichte 2000 74). And in Chapter Six of the *Defense*, Las Casas quotes the following passage from Aquinas’ *Summa Theologiae*:

Although those who are unbelievers do not actually belong to the Church, yet they belong to it potentially. This potency is based on two things: primarily and principally, the power of Christ, which is sufficient for the salvation of the entire human race; secondly, the freedom of the will. (1992b 60)

He then interpreted the above passage as follows: “From these words it is apparent that Saint Thomas thought that the Church does not have actual but only potential jurisdiction over un-believers, since he says that this potency is based on the power of Christ, who does not force anyone, as well as upon the *freedom of the will, which cannot be forced either*” (Ibid, my italics). Because the Indians were rational and therefore possessed free will, they were potential subjects of Christ and the Church; and while the Church had jurisdiction over Christians, the Church could not judge those who were outside of it, i.e., pagans or “infidels.” Only God could do so. For instance, against Sepúlveda’s arguments in favor of a *just war* against the Indian “heretics,” Las Casas argued that the Indians could not be accused of heresy because until the arrival of the Spanish they did not know anything of the Christian faith; and the charge of heresy could only be applied to believers who willingly and knowingly turned against their own faith, and not against those who were not of the same faith.

What is remarkable about Las Casas’ position here and throughout is that it reflects a view of religion that is wholly rational. Religion for Las Casas, as it would later be for Kant, was primarily moral.⁸ In fact, it seems to be that for him religion (even “revelation”) derived from morality. This, doubtlessly, came from his Thomist and Paulist understanding of religion as a system of ethics, and not as a tribal ontology. The former informed his concept of natural and divine Law and the latter his Universalist ethics. In fact, Las Casas argued that, contrary to

Aquinas, natural law could not be equated with “eternal law”⁹ (Aquinas 86), in order to punish non-Christians. “The natural law, then, has its defenders and guardians everywhere, even among pagans, who, if they violate it by committing crimes, are left to divine judgment and pay their penalties to their rulers” (1992b 159). Importantly, for Las Casas, natural law’s meta-rule was one that categorically demanded tolerance of the Other’s natural law (because the natural law was both culturally relative and freely-determined). By extension, then, neither the Church nor the crown had the right to wage war against non-Christians. It was to Saint Paul, who made no distinctions between Jews, Christians, and pagans--and not to Aristotle---that the Church ought to have turned.¹⁰ “*Good-bye Aristotle!*” he wrote (1992b 40). And with such a philosophically momentous move, Las Casas was able to refute many of Sepúlveda’s Aristotelian arguments.¹¹

Natural law, natural right, and the organized societies of the Indians

For Sepúlveda the Indians were barbarians in every sense of the word. They were natural slaves to their appetites—semi-humans that indulged in such barbaric practices as human sacrifice. In *Democrates Alter* Sepúlveda wrote:

Compare...[the] gifts of prudence, talent, magnanimity, temperance, humanity, and religion [of the Spanish] with those possessed by these half-men (homunculi), in whom you will barely find the vestiges of humanity, who not only do not possess any learning at all, but are not even literate or in possession of any monument to their history except for some obscure and vague reminiscences of several things put down in various paintings; nor do they have written laws, but barbarian institutions and customs (no pagination).

Quite to the contrary, argued Las Casas, there was nothing barbaric and irrational about Indian society, and thus there was no justification to hunt them down like beasts, as Sepúlveda had suggested, following Aristotle (Ibid).¹² The Indians had rights because they followed natural law, or as Las Casas put it in the “*Tratado comprobatorio del imperio soberano*”:

The rights of people are nothing other than those rights that are easily known through the natural light of reason: which make possible all types of just exchanges, sales, and purchases, without which humans could not coexist. And as such, it is said that human rights pertain to natural man, and that they have the same force and vigor as natural rights, because they are derived from reason and natural law (Cited in García García 106, my translation).

Now, this is how the modern Fichte framed the question of natural rights:

I posit myself as rational, i.e. as free. In doing so, the representation [idea] of freedom is in me. In the same undivided action, I simultaneously posit other free beings. Thus, through my *imagination*¹³ I describe a sphere for freedom that several beings share. I do not ascribe to myself all the freedom I have posited, because I posit other beings as well, and must ascribe to them a part of this freedom. In appropriating freedom for myself, I

limit myself by leaving some freedom for others as well. Thus the concept of right is the concept of the necessary relation of free beings to one another (2000, 9. My Italics).

There can be no state, or civil society, without the I relinquishing some of its freedom to others. The I's absolute freedom would lead to a constant state of war; and thus it is "my" rational choice to limit my personal freedom that makes for a civilized society. In his pamphlet, "Reclamation of the Freedom of Thought from The Princes of Europe, Who Have Oppressed It Until Now." Fichte explains:

If I may surrender my *alienable* rights unconditionally, if I may give *them* to others, then I may also surrender them unconditionally, I may *exchange* them for those rights which others alienate. From such an exchange of alienable rights for alienable rights arises the [social] contract... *Civil society* is grounded on such a contract of all members with one, or of one with all, and can be grounded on nothing else, since it is absolutely illegitimate to allow it to be established through any other law. (1996 125)¹⁴

In short, nothing other creates human community than the combination of reason and free choice to limit individual freedoms. Whatever I relinquish, I do so freely, in the name of communal perpetual peace. Certainly, this was not the way that neither Las Casas nor Vitoria framed their arguments viz. Indian rights, but it does call attention to his implicit notion of the inalienable human rights of the Indians, as free and rational moral agents whose bodies could not be owned and whose lands could not be taken away without injustice.

In *The Only Way*, Las Casas wrote:

Their minds are very quick, alive, clear...Next, this condition of mind comes from the fine state of their bodies and sense organs, the inward, the outward, from sound and healthy nourishment, from the excellent sanitary conditions of the land, the habitations, the air of each place, from the people's temperance and moderation in food and drink... (1992c 64,65)

All of the material qualities mentioned above are possible because they have been realized through the intervention not only of rational minds but also through the intervention of human (rational) bodies that are so organized as to produce "healthy nourishment" and "excellent sanitary conditions." Indian republics, wrote Las Casas:

...are properly set up, they are seriously run according to a fine body of law, there is religion, there are institutions. And our Indians cultivate friendship and they live in lifegiving ways in large cities...They manage their affairs in them with goodness and equity, affairs of peace as well as war. They run their governments according to laws that are often superior to our own (1992c 64).

Moreover, their practical skills were exemplary of the excellent minds they possessed:

The practical things these people make are striking for their art and elegance, utensils that are charmingly done, feather work, lace work. *Mind does this*. The practical arts result from a basic power of the mind—a power we define as knowledge of how to do things the right way, a planning power that guides the various decisions the artisan make so he

acts in an ordered and economical fashion and does not err as he thinks his way along...(Ibid. 65, my italics)

The Indians, he said, were able to institute civil society because they were endowed “first by force of nature, next by force of personal achievement and experience” with three requisite kinds of self-rule: “(1) personal, by which one knows how to rule oneself [“Good-bye Aristotle1”], (2) domestic, by which one knows how to rule a household [economics], and (3) political, knowledge of how to set up and rule a city” (65). The last of the three could be seen in the efficient political administration of their city states. What possible justification could there be to evangelize rational people through torture and violence, asked Las Casas. The only way to evangelize the Indians was through reasoned arguments—that is, by winning the minds and the will of the Indians (1992c 68) Violence, force, torture, war, could only cloud the mind. “The human mind is shattered by terror, by bedlam, by fear, by violent language. Torture shatters it even more, depresses it, crucifies it,” argued Las Casas in a section in *The Only Way* entitled “Wars for Conversion Contradict the Human Way.” “Result: Reasoning is in the dark, the mind cannot see in the imagination something that it can understand and love and want. It can only see something painful and odious,” (121). Thereby a mind overtaken by pain and torture, said Las Casas, is made subservient to the passions, since physical and emotional pain tends to impede one’s ability to think clearly (1992 120).¹⁵

According to the Dominican friar, then, the “human way” was the rational way. Among creatures, Las Casas believed, the human faculty of reason was the highest. And yet immanent proof of my own rational powers did not prove the Other’s equal capacity to reason. The question remained, then: *How do I know that the Other is rational in the same way that I am rational*--a question, which brings us to the ontological and existential problem of recognition: theo-anthropologically implicit in Las Casas and logo-philosophically explicit in Fichte.

Recognition of the Other (Not-I by the I)

“How does a man come to assume that there are rational beings like himself apart from him? And how does a man come to recognize them, since they are certainly not present to his pure self-consciousness?” inquired Fichte in “Some Lectures Concerning the Scholar’s Vocation” (1988 153). The question of the possibility of inter-subjectivity and mutual recognition was, according to Fichte, the most important question for humans, for the concept of “society,” he concluded, “presupposes that there actually are rational beings apart from oneself” (154-155). He explains:

We ourselves first introduce such beings into experience. It is *we* who explain certain experiences by appealing to the existence of rational beings outside of ourselves...Man also possesses the concept of reason and rational action and thought. He necessarily wills, not merely to realize these concepts within him-self, but to see them realized outside of him as well. One of the things that man requires is that rational beings like himself should

exist outside of him. Man cannot bring any such beings into existence, yet the concept of such beings underlies his observation of the not-I [the Other], and he expects to encounter something corresponding to this concept (1998 154, 155).

And in *Foundations of Natural Right*, Fichte articulated the relation between self-consciousness (the I), the recognition of the Other (Not-I), and freedom as such:

...[T]he relation of free beings to one another is necessarily determined in the following way, and is posited as thus determined: one individual's knowledge of the other is conditioned by the fact that the other treats the first as a free being (i.e. limits its freedom through the concept of the freedom of the first). But this manner of treatment is conditioned by the first's treatment of the other; and the first's treatment of the other is conditioned by the other's treatment and knowledge of the first, and so on ad infinitum. Thus the relation of free beings to one another is a relation of reciprocal interaction through intelligence and freedom. One cannot recognize the other if both do not mutually recognize each other; and one cannot treat the other as a free being, if both do not mutually treat each other as free (2000, 42).

The entire notion of natural right depends on “the relation of free beings to one another..[in] a reciprocal interaction through intelligence and freedom”, asserts Fichte (Ibid. 42); and there can be no political or ethical life without mutual recognition. Fichte writes: “*I can expect a particular rational being to recognize me as a rational being, only if I myself treat him as one...But in every possible case, I must expect that all rational beings outside of me recognize me as a rational being*” (42, 43). Hence, no other question has been as important as the question of *recognition* since the beginning of trans-modernity's encounter with the non-European Other. Even Fichte, who belonged to a philosophical tradition known for its total disregard for the non-European Other, addresses it briefly in *Foundations of Natural Right* when he writes:

A vexing question for philosophy, which, as far as I know, it has not yet anywhere resolved, is this: how do we come to transfer the concept of rationality on to some objects in the sensible world but not to others; what is the characteristic difference between two classes of objects...For then how do I know which particular object is a rational being? How do I know whether the protection afforded by universal legislation befits only the white European, or perhaps also the black Negro...? (2000 75)¹⁶.

The answer, he said, was decided by nature long ago, for “[s]urely there is no human being, who upon first *seeing* another human being, would immediately take flight (as one would in the presence of a rapacious animal) or prepare to kill and eat him (as one might do a beast), rather than immediately expecting reciprocal communication” (Ibid., my italics). Interestingly, *seeing* the other's body, which resembles mine, assures me of the Other's rationality. Here is also the basis, among other things (some which were personal),¹⁷ for Fichte's stance against slavery;

...when a rational being perceives a body that is articulated so as to represent reason in the sensible world (when a human being perceives a human body), he must posit it as the body of a rational being, and he must posit the being that is presented to him by means of

it as a rational being. In positing this body, he determines it as a certain quantity of matter in space, a quantity that fill this space and is impenetrable in it. Now as a consequence of original right, the body of a rational being is necessarily free and inviolable...He [who has knowledge of such a body] cannot posit this body as a thing that he can arbitrarily influence and subject to his ends and thereby take into his possession... (Fichte, 2000, 112).

In just a few words, recognition pertains to both minds and bodies. If I do not want to be enslaved myself, then I cannot enslave the Other, for he/she has as much right to his body as I to mine.¹⁸ I accept the Other's freedom in its totality. As such, it is not surprising that Todorov's *The Conquest of America* should bear the subtitle "The Question of the Other." According to Todorov, the question of the Indians' status as human beings was inextricably connected to the ways in which Europeans presented the Indians as unequal and uncivilized others. Las Casas, says Todorov, went further than other thinkers of his time, when not only did he endorse an "abstract equality" (of the formula: *all humans are equal because they were created in God's image, and to offend man is to offend God*), but further postulated "an equality between ourselves and the others" (1984 162).¹⁹

Todorov quotes Las Casas' letter to Prince Philip II, to illustrate Las Casas' notion of intersubjective equality: "All the Indians to be found here are to be held as free, for in truth, so they are, by the same right as I myself am free" (162).²⁰ Las Casas' recognition of the Indian's humanity was, admittedly, as Todorov rightly points out, that of a Christian who viewed the Other through the prism of the Christian faith. However, his recognition of the Indians' rationality (hence humanity) is never in any way disconnected from their cultural and practical achievements (governments and morality) and from their speculative thought (religion). "Since it is impossible that the rational faculty should be anything but eager and starved for knowledge of truth until it reaches the first cause..." it is impossible for such a mind not to "subject itself to the service of him whom it deems to be God," wrote Las Casas (1992b 75). He continued: "Therefore, since men are naturally led to the worship of God, or of what they believe to be God...they cannot help offering sacrifices and divine honors to the true God [the Christian God] or to an imaginary god [pagan]" (Ibid).

To the modern reader there is nothing very controversial in such a position, but if one stops to consider it in light of its time, it is nothing short of astounding. More than the position of a theologian it is the position of an anthropologist who reminds us, not dissimilarly than did Kant, that the notion of God is a postulate of speculative reason—human reason's attempt to transcend its own limits, and to posit a *noumenal* object (not-I) outside of human consciousness. It will be on this basis that Las Casas will defend the religion of the Indians.

One arrives at faith through speculative reason. "And therefore the proposition *God exists* is not self-evident to us but needs to be proved by means of what is better known to us, that is, effects." Moreover, the notion that "*there is only one God* is undoubtedly a matter of faith." That Gods exists and that there is only one God, can neither be proven nor denied, for experience

cannot provide us with knowledge of the *noumenal* world. And in a move that borders on religious and cultural relativism, Las Casas states that “since the unity of the true God is not implanted in external reality, even if they finally understand that there is a God, they could still believe that the true God is the one whom their elders have worshiped and thus each province could claim that its god is the true god” (132). Given such a conclusion, *latria* (worship of the true God) and *idolatria* (worship of false gods), are implicitly arbitrary categories (75), whose contents are determined by the particular cultures which employ them;

But if someone objects that worshiping stones as god is contrary to *natural reason* and thus forbidden by the nature of things, and therefore cannot be invincibly ignorant or excused, we answer that the ordinary and ultimate intention of those who worship idols is not to worship stones but to worship, through certain manifestations of divine power, the planner of the world, whoever he may be. (Las Casas 1992b)

Such arguments, despite Las Casas’ countless references to the Bible and to renowned theologians, are not the typical arguments of a Christian theologian of his period. In support of recognizing the Other as an equal, Las Casas often turns to Paul, Aquinas, Chrysostom, and at times even makes use of Aristotle²¹ and Augustine. It is a well-mounted philosophical apparatus, which he gives us, by way of anthropology. For Las Casas the Indians were equal to the Europeans in every way because 1) they possessed the same rational bodies as Europeans, 2) their societies (governments and communities) were rationally constituted, and 3) their arts and their religions reflected the kind of abstract thinking that is constitutive of rationality.²² A society is the product of reason and of mutual recognition, and this the Indians had long before the arrival of the Spaniards in the “new world.”

Conclusion: Recognition vs. Redistribution: The New Debates

The debate at Valladolid in 1551 was 1) over the ontological status of the Indians, and 2) over the political and economic implications of such a status in light of what would soon become the coloniality of power. Today a different yet related debate centers on which of two philosophical concepts, *recognition* (as viewed through the prism of the liberal tradition) or *redistribution* (viz. the Marxist tradition) should take precedence with respect to questions regarding distributive justice and equality. In either case, the answers continue to affect, in large part, the non-European Other of economically marginalized countries. The two most prominent philosophers who have framed this debate are Nancy Fraser and Axel Honneth. For the latter, as representative of a post-Marxian, Hegelian tradition, the question of recognition ought to precede economic considerations when addressing the problem of inequality; but not, in the Fichtean sense. In *The Struggle for Recognition* Honneth accuses Fichte’s notion of recognition of being the *cul-de-sac* of a struggle of all against all. According to Honneth, it was Hegel who articulated a notion of the Hobbesian-Fichtian social contract that culminated in the possibility of an ethical relation between subjects (1995 17).²³ The Hegelian concept of recognition, argues Honneth,

ought to be the bedrock of any normative theory of justice. “[W]hat is needed,” he has written, “is a basic conceptual shift to the normative premises of a theory of recognition that locates the core of all *experiences* of injustice in the withdrawal of social recognition, in the phenomena of humiliation and disrespect” (2003 134). In other words, in so far as, “recognition” is an *experience* and not a political consideration, “recognition” is purely phenomenological. Honneth writes:

If we take into account reports of moral discontent and social protest in earlier times, it quickly emerges that a language is constantly used in which feelings of damaged recognition, respect, or honor play a central semantic role. The moral vocabulary in which nineteenth-century workers, groups of emancipated women at the beginning of the twentieth century, and African-Americans in big US cities in the 1920s articulated their protests was tailored to registering social humiliation and disrespect (2003 135).

In this way, questions pertaining to social and economic inequality and injustice are reduced to issues of culture and morality, and it is the reason why Nancy Fraser has charged him with endorsing what she calls a “culturalist” and monistic social theory. “By culturalism, I mean a monistic social theory that holds that political economy is reducible to culture and that class is reducible to status. As I read him, Axel Honneth [in *The Struggle for Recognition*] subscribes to such a theory,” says Fraser in her exchange with Honneth in *Redistribution or Recognition?* (2003 102, note 51). And she adds: “By economism, I mean a monistic social theory that holds that culture is reducible to political economy and that status is reducible to class. Karl Marx is often (mis)read as subscribing to such a theory” (Ibid. note 52). Clearly, Fraser’s position takes both *recognition* (the cultural dimension of political economy) and *redistribution* (the material, base-superstructure economic principle) as necessary for any social theory that seeks to address the global problems of injustice and inequality. I quote Fraser:

Targeting transnational trade and investment regimes that serve the interests of large corporate shareholders and currency speculators, such struggles aim to end systemic maldistribution that is rooted not in ideologies about achievement, but in the system imperatives and governance structures of globalizing capitalism. *Contra* Honneth, this sort of maldistribution is no less paradigmatic of contemporary capitalism than the sort fueled by nonrecognition of women’s carework--witness the fate of much of sub-Saharan Africa, eastern Germany, and the south Bronx. The vast deprivation in question here stems not from undervaluation of labor contributions, but from economic-system mechanisms that exclude many from labor markets altogether. This exclusion is facilitated by *racism*, to be sure, as profit-maximizing imperatives interact with status distinctions and with the legacies of past depredations. But it cannot be remedied simply by changing Eurocentric standards of achievement. What is required, rather, is wholesale restructuring of global systems of finance, trade, and production. Such matters escape the conceptual grid of recognition monism, however. They can only be captured by a two

dimensional framework that encompasses both the system dynamics and status dynamics of globalizing capitalism (215-216, the latter italics are mine).

What Fraser rightly calls for in answer to Honneth's monistic, neo-liberal social theory of justice is what she terms a *perspectival dualism*. Recognition and redistribution are "distinct ordering dimensions which can cut across institutional divisions," she says (217). However, "distribution and recognition do not occupy separate spheres. Rather, they interpenetrate, to produce complex patterns of subordination" (Ibid).

For those of us concerned with the post-encounter world that gave rise the Trans-Atlantic economy of the modern world system, Las Casas' defense and recognition of the Indians, was a significant step in addressing problems that are far from being resolved, especially in today's capitalist global economy.²⁴ That someone like Honneth should insist--for it cannot be viewed as anything else than a stubborn insistence at this moment in history--that mere recognition and respect be considered the central focus when addressing inequality, exclusion, and racism, seems like little more than a typical Eurocentric, neo-liberal notion of individualism. Accordingly, a good example of Honneth's individualist, psychological concept of recognition can be found in the following passage:

What the term "disrespect" [*Mißachtung*] refers to is the specific vulnerability of humans resulting from the internal interdependence of individualization and recognition, which both Hegel and Mead helped to illuminate. Because the normative self-image of each and every individual human being--his or her "me," as Mead put it--is dependent on the possibility of being continually backed up by others, the experience of being disrespected carries with it the danger of an injury that can bring the identity of the person as a whole to the point of collapse. Admittedly, all of what is referred to colloquially as "disrespect or "insult" obviously can involve varying degrees of depth in the psychological injury to a subject (Honneth, 1995, 131-132).

Such a passage smacks of a bourgeois plea for positive self-esteem and recognition. Such pleas often answered by the neo-liberal Welfare State with national commemorative celebrations like Women's History Month, Black History Month, Hispanic History Month, Martin Luther King Day, Gay Pride parades, or welfare programs like Medicaid, the Affordable Care Act, Indian reservations, etc. But one thing is to disrespect someone while quite another is to totally disregard, exclude, or deny someone equal rights in that way that it impacts her or his material existence.²⁵ There is a substantial difference between "you hurt my feelings" and "you have enslaved me because you do not recognize me as a fellow human." The latter has to do, as Marx once put it, with a "corporeal" being whose feet are "firmly on the solid ground" (1978 115), and not with abstract "self-consciousness."

At the end of the day, Honneth's Hegelian idea of recognition seems far too individualistic and vague as a social theory of justice to be of any use in a universally normative sense, outside of a Western European context. In the long cited passage above, Fraser mentions "racism" as a way of excluding the Other, not only morally, as Honneth would have it, but more

importantly economically; and that is highly significant; for race, as Aníbal Quijano has pointed out, was an invention of the “coloniality of power.”²⁶ White and non-white (e.g. mulatto, cholo, mestizo, etc.) were invented in order to exploit and enslave the indigenous populations of the Americas. Las Casas who was well aware of this, tirelessly pushed for the enforcement of legislation that would put an end to the violent exploitation of the Indians²⁷. Just as Nancy Fraser today questions the neoliberal notion of “recognition,” the Peruvian philosopher, José Carlos Mariátegui, also doubted that well-intentioned, philanthropic political projects could solve “el problema del indio.”²⁸ Mariátegui, who in many ways anticipated Gramsci’s notion of hegemony and Althusser’s “ideological state apparatus,” was not blind to the fact that cultural issues (e.g. education and health care) are inseparable from political economy. Hence, if he turned to Marxism it was because in Marx he saw the double articulation of a moral and economic problem. And for the Argentine-Mexican philosopher, Enrique Dussel (2013 xii, 2), Las Casas and Marxism (as a moral economic theory) come together in today’s struggles for liberation and emancipation in the “peripheral” countries of the world.

Now, whether Marxism can always provide the answers regarding conditions of injustice and inequality, the world has already seen plenty of examples not only where it cannot, but also where it can even exacerbate such conditions. In its best incarnation, it can serve as a pragmatic tool for framing social and economic problems in a society of free, rational beings, as the Mexican philosopher, Luis Villoro believed. Certainly Las Casas has been superseded by less theologically oriented discourses of the Other; yet his concept of the *Other* (as a rational being, “just like me”) remains as relevant today as when it was first articulated. As Emilio García García, says at the end of his insightful article “Bartolomé de Las Casas y los Derechos Humanos,” (2011 109) the challenge for the Twenty-first century will be to achieve true universal human rights, in a technological, dehumanized world of consumerism where human rights and dignity are constantly trampled upon by the power of capital; and just as importantly to answer the Other’s summons for aid, as did Las Casas, and as Fichte suggested we do.²⁹

Endnotes

¹I use the term “Indian(s)” throughout this paper, only in keeping with Las Casas’ sixteenth century use of it. Obviously, the word was an invention of the European, colonial imaginary, starting with Columbus.

² Claude Lévi-Strauss, *Race and History*. New York: The Public Library, 1952, 12.

³A notable exception is Manuel Maceiras Fafián’s brilliant essay, “Del Humanismo Cristiano a los ideales ilustrados” in *Los derechos humanos en su origen: La República Dominicana y Fray Antón Montesinos* (2011). Here Maceiras Fafián argues that Montesino’s, and by extension, Las Casas’, notion of the rationality and freedom of all humans anticipated Kant’s notion moral autonomy. “An identical conviction is Kant’s point of departure and arrival...Even as a faithful Pietist, Kant does not base his argumentation on divine creation, but rather on the exigencies of reason itself...” (218, my translation).

⁴ Aristotle's definition of slavery and "natural slaves" can be found in Book I. 3-13 (1253b-1260b) of the *Politics* (1941 1130-1146). For an exhaustive study of the use of Aristotle in the sixteenth century to justify the subjugation of the "barbarian" Indians see Lewis Hanke's *Aristotle and the American Indians* (1975)

⁵"To be able to think *freely* is the most notable distinction between human understanding and animal understanding... The expression of freedom in thought is just as much an internal constituent of his personality as the expression of freedom in volition. It is the necessary condition under which alone he can say: *I am*... The expression of freedom in both thought and volition assures him of his connection with the spiritual world and brings him into agreement with it; for not only unanimity in volition, but also unanimity in thought, shall rule in this invisible kingdom of God," declared Fichte in "Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now" in Schmidt's *What is Enlightenment?: Eighteenth-Century Answers and Twentieth-Century Questions* (1996 126).

⁶This is an early theological position that recalls Leibnitz: its conclusion being that since this world is God's creation, it is the best of all possible worlds.

⁷"The rational being *is*, only insofar as it *posits* itself as *being*, i.e. insofar as it is conscious of itself. All *being*, that of the I as well as of the not-I, is a determinate modification of consciousness; and without some consciousness, there is no being. Whoever claims the opposite assumes a substratum of the I (something that is supposed to be an I without being one), and therefore contradicts himself," writes Fichte in *The Foundations of Natural Right* (2000 4).

⁸ "A pure rational faith is... the signpost or compass by means of which the speculative thinker orients himself in his rational excursions into the field of supersensible objects; but a human being who has common but (morally) healthy reason can mark out his path, in both a theoretical and a practical respect, in a way which is fully in accord with the whole end of his vocation; and it is this rational faith which must also be taken as the ground of every other faith, and even of every revelation. The *concept* of God and even the conviction of his *existence* can be met only in reason, and it cannot first come to us either through inspiration or through tidings communicated to us, however great the authority behind them," writes Kant in "What Does It Mean to Orient Oneself in Thinking" (1998 10), as he argues for a "*rational faith*." Practical reason precedes "faith" because there is nothing higher than morality. Moreover, in the Preface to the first edition of *Religion within the Boundaries of Mere Reason*, he writes: "Morality thus inevitably leads to religion, and through religion it extends itself to the idea of a mighty moral lawgiver outside the human being, in whose will the ultimate end (of the creation of the world) is what can and at the same ought to be the ultimate end" (Ibid. 35-36).

⁹The human being as a rational creature, wrote Aquinas "participates in the eternal reason, by virtue of which it has a natural inclination to the activity and end proper to it; and such participation of the rational creature in the eternal law is called the natural law... It is therefore clear that the natural law is nothing but the rational creature's participation in the eternal law" (86)

¹⁰"To declare the nondifference between Jew and Greek establishes Christianity's potential universality; to found the subject as division, rather than as a perpetuation of a tradition, renders the subjective element adequate to his universality by terminating the predicative particularity of cultural subjects" (Badiou 2003 57).

¹¹"Sepúlveda during his twenty years in Italy had become one of the principal scholars in the recovery of the 'true' Aristotle. His contributions to learning were recognized in Spain, and on the eve of the battle with Las Casas he had just completed his Latin translation of the Aristotle's *Politics*, which he considered his principle contribution to knowledge... Therefore when Sepúlveda began to write on America he was completely saturated with the theory of 'The Philosopher,' including his much-discussed concept that certain men are slaves by nature" (Hanke 32-33).

¹²In "On the American Indians" (*De indis*), the Spanish humanist philosopher, Francisco de Vitoria had considered something like Sepúlveda's position that the Spanish had a right to dominion over the Indian territories because the Indians were natural slaves (irrational beings and infidels), and only true masters could be said to have a legitimate "right of ownership (*dominium rerum*)" (Vitoria 239). Vitoria then went on to tackle six questions, which depending on how they were answered, could disqualify the Indians from being considered masters/owners of their lands; the four most significant being 1) whether the Indians "before the arrival of the Spaniards, had true dominion, public and private" (239); 2) whether unbelievers could be "true masters" (243); 3) whether "irrational men" could be true masters (247);

and 4) whether “madmen” could be true masters (249). To these questions, Vitoria obviously answered in the negative, but the Indians were neither irrational, nor mad, nor unbelievers. They had their own religion, and had had mastery of their land prior to the Spaniards’ arrival. “The conclusion of all that has been said,” declared Vitoria at the end of his treatise, “is that the barbarians, undoubtedly possessed as true dominion, both public and private, as any Christian. That is to say, they could not be robbed of their property, neither as private citizens nor as princes, on grounds that they were not true masters (*veri domini*). It would be harsh to deny to them, who have never done us any wrong, the rights we concede to Saracens and Jews, who have been continual enemies of the Christian religion. Yet we do not deny the right of ownership of the latter (*dominium rerum*), unless it be in the case of Christian lands which they have conquered” (250-251). Moreover, said Vitoria, Aristotle could not be used as a justification for taking away territories that rightfully belonged to other peoples. “Aristotle certainly did not mean to say that such men thereby belong by nature to others and have no rights of ownership over their own bodies and possession (*dominium sui et rerum*). Such slavery is a civil and legal condition, to which no man can belong by nature. Nor did Aristotle mean that it is lawful to seize the goods and lands, and enslave and sell the persons, of those who are by nature less intelligent,” wrote Vitoria (251) in opposition to Sepúlveda’s position which called for the usurpation of the Indians’ territory on grounds of the superior intelligence of the Spaniards.

¹³Imagination and reason are often presented as binary oppositions, but obviously, they are not. The rational leap from the contents of my own consciousness to that of the Other’s cannot be achieved without the accompaniment of the imagination (the ability to form of an image of the Other that corresponds analogically to an image that I have of myself). Thus, insofar as analogy is synthetic, it is simultaneously as much a product of pure reason as it is of the imagination.

¹⁴In all fairness, this Hobbesean-Fichtean notion of civil society arising out of the social contract has not gone unchallenged. According to American philosopher, George Herbert Mead, Hobbesean, Lockean, and Rousseauian “precontract men” had already forged communities in order to escape “the blood feuds so costly in life and tribe strength” (160); and in so doing had formed communities of rights based on mutual recognition. For Mead, then, contrary to the prevailing view of the contract theorists, the State arose out of communities, and not the other way round (Ibid). What is missing from Mead’s position is any elaboration of how one arrives first at “recognition,” and then at the institution of rights. Certainly one can detect traces of Mead’s concept of “recognition” in Axel Honneth.

¹⁵Once again, it seems nothing less than astonishing how even here Las Casas seems to antedate something like Spinoza’s concept of pain as “as the transition of a man from a greater or a lesser perfection” (Spinoza Def. III 174), and Spinoza’s idea that the things of the minds cannot be separated from those of the body. For Spinoza passions such as sadness decrease our power of acting (prop. xv/proof 141); and the pain caused by an external force (e.g. torture) inspires hatred in the abused person, who then “endeavours to remove and destroy the object of his hatred” (prop. xiii/note 140). Not exactly an exemplary way to influence a rational being.

¹⁶Three years later (1800), Fichte would directly address this question in much more concrete terms, when referring to the so-called “savages” of the “New World” in *The Vocation of Man*. “Savage tribes can be cultivated,” he wrote, “for they already have been, and the most cultivated people of the New World are themselves descended from savages. Whether cultures develop directly and naturally in human society, or whether it must always come by instruction and example from outside, and the first source of human culture is sought in superhuman instruction—in the same way in which those who were savages in the past have now attained to culture, present day savages will gradually receive too” (1987 85). That is to say, that some of the “savages” of the “New World” just like yesterday’s European “savages” will someday too be cultivated,” as they, *qua* human, are equally rational and equally capable of learning. “Our species,” concludes Fichte “is destined to unify itself into one single body, thoroughly acquainted with itself and all its parts...” (Ibid). Clearly, implicit in such a statement is a Eurocentric notion of progress, which we no longer accept today.

¹⁷Fichte was born in 1762 in a small village in rural Saxony. His father, the first of his family to be liberated from serfdom, worked as a linen weaver and earned an income that was barely sufficient to support himself, his wife, and their eight children... The indigence of Fichte’s family was a common condition in Eighteenth-century rural Saxony. It stood in mark contrast to the comfortable circumstance of the still tiny middle class and, even more noticeably, to the vast

holdings of the landed nobility. The young Fichte responded to his conspicuous disparity in wealth with an intense moral disgust that never left him, even when academic success enabled him to escape his own poverty and enter the middle class,” writes Neuhouser in the Introduction to *Foundations of Natural Right* (ix). This goes a long way in explaining why “the center piece” of the *Foundations*,” is as Neuhouser, says “its defense of equal rights for all person,” as it is “clearly continuous with Fichte’s youthful opposition to the inherited class privileges of feudalism and, more specifically, to the idea that some individuals can possess a right to the body and labor of others” (xi) For an account of Fichte’s own ideas against the nobility’s “privilege by birth,” his social theory of freedom, and his endorsement of the French Revolution, see his “Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now” 1996 119-141).

¹⁸“Man can neither be inherited, nor sold, nor given; he can be no one’s property, since he is and must remain his own property. He bears deep in his breast a godly spark—his conscience—which raises him above the animals and makes him a fellow citizen of a world whose first member is God” (Fichte 1996 124).

¹⁹Todorov entitles this section of the book “Love,” and rightly so, for it was Paul’s notion of love (as a unifying force) that informed much of Las Casas’ theological position vis-à-vis the Indians. “Universalism,” writes Badiou in *Saint Paul*, “is Paul’s passion, and it is not by chance that he was named the ‘apostle of the nations.’ His clearest conviction is that the eternal figure of the Resurrection exceeds its real, contingent site, which is the community of the believers such as it exists at the moment. The work of love [unity] is still before us, the empire is vast” (2003 95).

²⁰The full text of this letter can be found in *Obras completas 13: Cartas y Memoriales* (1995 171-176). It is a letter of exhortation; one of many he wrote to Philip II, asking that the prince and later the king enforce the laws protecting the Indians from abuse, exploitation, and slavery by the *encomenderos*.

²¹One such example occurs in the *Apologética Historia Sumaria*, when he argues that the Indians possessed the three kinds of prudence of proposed by Aristotle. The Indians, he says, “are endowed with the three kinds of prudence named by the Philosopher [Aristotle]: monastic, economic, and political. Political prudence includes the six parts which, according to Aristotle, make any republic self-sufficient and prosperous: craftsmen; warriors; men of wealth; priests (who understand religion, sacrifices, and everything pertaining to divine worship); and sixth, judges or ministers of justice or men who govern well...” (1971 115).

²²Traditionally the anthropologist has positioned him/herself as an interpreter of the “native’s” world, and as such, his or her job has been that of articulating what the native, lacking the same degree of self-reflection, could not articulate about his/her own world. Only recently, and very recently, has anthropology questioned its own prejudices concerning the “un-reflective” native. The Deleuzean-Straussian, Eduardo Viveiros de Castro, is one rare exception. Traditional anthropology takes “the native’s illusions...as necessary in the double sense of inevitable and useful; they are, to hijack a phrase, evolutionarily adaptive. It is this necessity which defines the ‘native’ and distinguishes him from the ‘anthropologist’: the latter may be wrong about the former, but the former must be deluded about himself,” declares Viveiros de Castro in *The Relative Native* (2015 45). All the more remarkably, this is the conceptual prejudice to which Las Casas never succumbed. As rational, self-reflexive species beings, with their own organized societies, religions, and cosmologies, the Indians could not be imputed to be conditioned by the *necessary laws* of (non-human) nature, like rivers, trees, bears, etc. (cf. Fichte 1998 135). In this manner, and also in his refusal to reduce the discourse of the Indians to *belief* (“theological dogmatism” or unreason), Las Casas avoided, what Viveiros de Castro has identified in *Cannibal Metaphysics*, as “the damage anthropology does by conceiving indigenous people’s relation to their discourse [and social practices] in terms of belief...” (2014 195).

²³The problem with the Hegelian model of recognition, if we accept Honneth’s critique of the Fichtean notion of recognition is that while the latter’s is based on the establishment of civil society as a way of exiting the violent state of the nature, the former’s takes the struggle against domination—a force exerted from without—as its structure (even if it ends in reconciliation). “Hegel appropriates Fichte’s concept of recognition (*Anerkennung*) and transforms it by integration with the themes of domination, alienation and reconciliation” says Robert R. Williams in his ground-breaking study of Fichte’s and Hegel’s concept of recognition, *Recognition: Fichte and Hegel on the Other* (1992 14).

²⁴ As we have seen from the preceding, Fichte was opposed to slavery on moral and ethical grounds. However, we need to emphasize that Fichte's opposition to slavery was not merely theoretical; it touched upon real questions of political economy. In *Addresses to the German Nation*, a thoroughly misunderstood text, he wrote that if the German people were to have a truly moral society, then the German nation had to abandon the exploitative, European global economy that sought "to profit from the sweat and blood of a poor slave beyond the seas..." (2013 163). But already, seven years earlier, in 1800, Fichte had addressed the moral problem of Europe's exploitation "of the rest of the world,"—the slave trade in its colonies—, in *The Closed Commercial State*, his book on political economy (2012 85).

²⁵ Significantly in the U.S., questions concerning "human rights" violations have to do exclusively with actions undertaken by other nations. In the United States the problems of racism or sexism are viewed merely as examples of disrespect for others' "civil rights," and these problems are thought to be easily solved with paternalistic, neoliberal legislation. On the other hand, the American government with its finger ever pointed outwards "never" considers itself as a violator of human rights. A recent example is the separation of migrant children from their parents at the U.S.-Mexico border, and the deportation and incarceration of undocumented migrants without due process.

²⁶ "The racial classification of the population and the early association of the new racial identities of the colonized with the forms of control of unpaid, unwaged labor developed among the Europeans the singular perception that paid labor was the whites' privilege. The racial inferiority of the colonized implied that they were not worthy of wages. They were naturally obliged to work for the profit of their owners. It is not difficult to find, to this very day, this attitude spread out among the white property owners of any place in the world. Furthermore, the lower wages 'inferior races' receive in the present capitalist centers for the same work as done by whites cannot be explained as detached from the racist social classification of the world's population—in other words, as detached from the global capitalist coloniality of power" (Quijano 2000 539).

²⁷ For actual texts that deal with Las Casas' constant struggle to defend the Indians in Peru, from the *encomenderos'* exploitation, enslavement, and expropriation, see "Part IV: Defending Pro-Indian Laws" in Sullivan's *Indian Freedom: The Cause of Bartolomé de las Casas (1846-1566) A Reader*, which begins with Las Casas' "Memorial to Philip II (1656)" (313-352).

²⁸ "Those of us who approach and define the Indian problem from a Socialist point of view must start out by declaring the complete obsolescence of the humanitarian and philanthropic points of view, which, like a prolongation of the apostolic battle of Las Casas, continued to motivate the old pro-Indian campaign. We shall try to establish the basically economic character of the problem. First, we protest against the instinctive attempt of the criollo or mestizo to reduce it to an exclusively administrative, pedagogical, ethnic, or moral problem in order to avoid at all cost recognizing its economic aspect. Therefore, it would be absurd to accuse us of being romantic or literary. By identifying it as primarily a socio-economic problem, we are taking the least romantic and literary position possible. We are not satisfied to assert the Indian's right to education, culture, progress, love, and heaven. We begin by categorically asserting his right to land," wrote Mariátegui in "Essay 3: The Problem of the Land" in *Seven Interpretive Essays of Peruvian Reality* (1971 31). In short, even Lascasian recognition was not deemed either politically sufficient or expedient by Mariátegui; and by itself it only contributed to a useless, poetic humanism that made the well-meaning bourgeoisie feel good, but failed to effect any real material changes in the life of the Indians, or the excluded Other in general.

²⁹ For Fichte's notion of the moral *command* of the *gift* see "Reclamation of the Freedom of Thought from the Princes of Europe, Who Have Oppressed It Until Now" (1996 127-128), and for his concept of the Other's "summons," as the ethical principle upon which humanity is based see *Foundations of Natural Right* (2006 33-38). Levinas' formulation of the Other's categorical "summons" and my ethical obligation to respond to it has its origin in Fichte.

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