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Latin American Ethics

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I. What is Latin American Ethics?

Latin American philosophers often express doubt about whether there is a characteristically Latin American philosophy at all. Yet the question itself has already led to philosophical work that now makes up a substantial corpus of original philosophical arguments that are topically related to Latin American history and culture. These criteria, then, together with that of being a view or argument on a substantial ethical question, demarcate Latin American ethics, a discipline closely connected to social and political philosophy. The focus in this article will be ethical issues about human rights and Hispanic identity raised within both academic and non-academic philosophy.

Academic philosophy, meaning the discipline as it is practiced today in the West, did not begin in Latin America until the first half of the twentieth century. When it did, it was mostly imitative of major Western traditions (see e.g., Pereda 2006). Non-academic philosophy comprises philosophical positions expressed in essay format, a hybrid genre cultivated by political leaders, scientists, and literary figures who, interested in the intersection of philosophy with literature and politics, have made contributions to the intellectual history of Latin America from the colonial period to the present.

II. Human Rights

Two Western expansions, the so-called Iberian Conquest in the fifteenth and

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sixteenth centuries and the current phenomenon of globalization (see GLOBALIZATION), have raised ethical questions about human rights in Latin America. The Conquest ignited a controversy about the nature of fundamental moral rights that could be claimed by indigenous peoples as well as by Spaniards. Scholastic thinkers on both sides of the Atlantic, encouraged by the Spanish Crown itself, addressed this question within the framework of Thomistic natural law theory (see AQUINAS, SAINT THOMAS; NATURAL LAW). At stake for Amerindians were their human or "natural" rights to life, liberty, and property (where 'liberty' included religious freedom), for Spaniards, their social rights to wage war, trade, travel, and preach their religion in what they perceived as a "New World." The controversy's principal contributions to the literature of philosophy were an absolutist theory of natural rights that had repercussions for modern natural rights theorists (see GROTIUS, HUGO); an original outline of a philosophy of international law; a pioneering polemic on the moral backwardness of Amerindian and African slavery; and an early doctrine of duties of reparation for past injustices (see COMPENSATORY JUSTICE).

All parties to the controversy agreed that

(1) Standards for evaluative judgments are built into the order of nature itself,

(2) To act rightly is to act in accordance with the true nature of things as we find them in the world,

(3) People are treated justly when they are treated as they deserve in accordance with their nature, and

(4) Humans are by nature rational beings with inalienable natural rights to life and freedom from gratuitous harm.

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On one side were those who added thesis (5): that the Amerindians fit the Aristotelian description of natural slaves and could therefore neither govern themselves nor have other human rights. As "evidence" in support of (5), they invoked the Amerindian practices of idolatry, cannibalism and human sacrifice, which they thought betokened insufficient rationality.

On the other side, however, we find more credible and influential arguments on the subject of who may plausibly claim human rights, especially in the works of two Spanish Dominican theologians, Bartolomé de las Casas (1474-1566), and Francisco de Vitoria (1486-1546).

Las Casas lived most of his life in Latin America and was passionately devoted to the reform of Spain's policies toward Amerindians. His first-hand experience of native peoples gave him abundant evidence to support his rejection of (5). With the full rationality of Amerindians vindicated, las Casas appealed to his evidence together with thesis (3) to argue that the Amerindians were treated unfairly. On the same basis, he appealed to (4) to argue that they had natural rights. So effective were las Casas's arguments that even Emperor Charles V was persuaded, and he granted many of the reforms las Casas requested.

Las Casas left abundant textual evidence of his own moral evolution marked by two major changes of mind. The first came after witnessing the suffering and indignities endured by Amerindians in the abuse of their human rights, the second after learning of the unspeakable toll in human suffering endured by Africans as result of the Atlantic slave trade. Reflecting on his own complicity in these abhorrent institutions, he realized that his own status as a slave-holder in Cuba was morally untenable, leading him to return

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his 'encomienda' -- his 'lease' on inherited slaves -- to local authorities (who technically owned them in the Spanish slavery system). Later, he withdrew his previous endorsement of a petition supporting the transportation of African slaves to America, publically renouncing that earlier position as a grave moral error (las Casas 1993: 85-87). This and other writings show the process by which las Casas's conscience evolved, manifesting a philosopher's commitment to finding a rational way through a moral minefield but always open to challenging received principles, where necessary, to accommodate the revised moral judgments he was inclined to make in light of new evidence.

The outcome of this intellectual process was 'Lascasianism,' a doctrine quite radical at the time, that regards Amerindians as fully rational beings, bearers of natural rights to life, liberty, and property, which late Renaissance Thomism held to be absolute and inalienable rights. Correlative with the natives' rights were the Spaniards' duties of reparation for past injustices. And these las Casas construed as requiring the immediate manumission of enslaved Indians, restoration of their property, and Spanish withdrawal from tribal lands (las Casas 1993: 159-67; 169-73).

In arguing for this doctrine, las Casas often departed from traditional Scholastic strategies. Against those who took the practice of human sacrifice by some Amerindians to undermine their status as rational beings, he argued (conflating explanation with moral justification) that the practice was a natural result of their intense religiosity, which led them to offer to their gods the best they had (las Casas 1993: 162-167). Against the argument from idolatry, he devised the 'doctrine of probable error,' according to which the Indians, though *in error* because they held 'idolatrous' beliefs that were false, were nevertheless *justified* since they held those beliefs on the advice of their own wise men,

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who were *usually not wrong*. Clearly, this argument might confer some degree of epistemic justification on the Indians' beliefs, even if it does in the end fall short of doing the work las Casas needed it to do in order to give a sound rebuttal of the Spaniards' charge.

Like las Casas, Vitoria too held a realist conception of natural rights, but he developed his own version of it in a series of lectures at the University of Salamanca. In "On the American Indians" (1991: 231-92), based on notes from those lectures, he argued that although the Spaniards had 'legitimate jurisdiction' in America, they had no right to wage war against Amerindians, or to enslave them and take their lands and other property. The principal reasons available at the time that appeared to support the Spaniards' claim to such rights were carefully evaluated by Vitoria, who offered counterarguments to each, mostly by appeal to canon law and definition. Following standard Scholastic strategies, Vitoria developed significant philosophical views on the way in which knowledge and volition may bear on moral obligation and the conditions under which the use of coercive force against a people may be morally justified.

For Vitoria too the question of whether Amerindians had natural rights turned largely on the facts about their rationality. Reflecting the prevalent ethnocentrism of his time, he regarded the natives as somewhat 'dull' and in needed tutelage, but in this he saw no reason to judge them *irrational*. Moreover, he questioned the right of Spaniards to wage war against them, on the grounds that 'slaughter of the innocent' is contrary to natural law. In the absence of provocation – and lacking good moral reasons -- war against other nations is morally wrong. From these principles he concluded that there couldn't be a just war against the Amerindians, for no wrong had previously been done to

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Spain by these peoples. Spaniards therefore had the duty to abstain from harming them. In "On the Law of War" (1991: 293-27), he argued that there may be legitimate reasons for waging war against some local peoples when they violate some of the sociability rights of citizens of a foreign nation, which included rights to travel freely in the local people's land, acquire citizenship, and practice their religion. Other legitimate reasons for war included being attacked by another nation (in which case the war is always defensive and should end with the aggressor's withdrawal), and where there is a need to interfere with customs such as cannibalism and human sacrifice. But, for Vitoria, that Amerindians rejected of the Gospel, a common reason invoked at the time to justify war against them, was not a sufficient reason (see JUST WAR THEORY, HISTORY OF).

Vitoria's views on just wars and natural rights have had an influence on doctrines of human rights in contemporary international law. By contrast, Lascasianism has been an ongoing populist phenomenon that continues to be a moral force behind movements for political and economic reform in Latin America. Gustavo Guttiérrez (Peruvian, b. 1928), a Lascasian thinker, is the founder of 'liberation theology' (see LIBERATION THEOLOGY AND ETHICS), a vastly influential philosophical movement within Latin American Catholicism. The influence of Lascasianism can be seen in Guttiérrez's (2008) version of Roman Catholic ethics, a kind of perfectionism holding that some ways of life should be promoted since they lead to human flourishing, while other less worthy ways of life should be avoided (see PERFECTIONISM). In Guttiérrez's own words, some ways of life make people *more human*, while others make us *less human*. The sense of 'human' at work here is the same one invoked by las Casas in his vindication of the *humanity* of Amerindians (i.e., their personhood). Sensitive to the familiar Marxist

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criticism of religion as focused solely on the afterlife, Guttiérrez argues that a crucial value Christians must seek is sympathy to the needs of the poor, which in Latin America entails a struggle for actual liberation from political and economic oppression. For Guttiérrez, political oppression and poverty are ways of life that dehumanize those who suffer them; thus an actual *this-world* liberation presents itself as an imperative for Christians: they must, he thinks, devote themselves to the elimination of injustice and poverty in the world.

For all their influence on the progressive ideology of the Latin American left, however, Lascasian theses about the morality of the Conquest are often qualified by thinkers from the same end of the political spectrum. For example, the Cuban Marxist Roberto Fernández Retamar (b. 1930) warns against the folly of complicity with the 'Black Legend,' a spurious sixteenth-century account of abuses in the Conquest actually made up by Spain's rivals to smear Spain while disguising their own imperialist motives. On his view, Latin Americans should embrace their Spanish roots, since Spain brought to Latin America something often overlooked by critics: a valuable mix of races, cultures, and religions. Berbers, Moors, Muslims and Jews all contributed to the enrichment of traditional Spanish culture in the Middle Ages – and, together with Catholic Christians, left their imprint in the Hispanic New World. Furthermore, no other power in the sixteenth century showed Spain's openness and moral honesty in permitting public debate over the morality of the European expansion. Arguably, however, neither the blessing of that mixed heritage nor the alleged sinister motives of proponents of a 'Black Legend' have the power to settle the larger question of the moral backwardness of the Conquest itself.

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Issues of human rights have also attracted the attention of contemporary analytic philosophers such as the Argentine Eduardo Rabossi (1930-2005). On his account, it makes no sense now to ask "foundationalist" questions concerning the existence, analysis, and classification of human rights. What matters is that "after the creation of the United Nations and the sanctioning of the Universal Declaration of Human Rights…" (2004: 146) there came to be international and regional consensus about the existence of human rights. The failure of the United States and Britain to persuade the United Nations to declare war on Iraq suggests precisely that "the phenomenon of human rights…is taking its place in the culture of humanity" (2004: 148). From this premise, Rabossi concludes that the only fruitful theorizing in political philosophy will be that concerned with the legal and political issues raised in the adjudication and enforcement of human rights.

But if Rabossi's ban on philosophical theorizing about human rights is to avoid dogmatism, something more than an appeal to the international legality of those rights is needed. In fact, Rabossi indulges in some theorizing himself in accounting for the relation of human rights to globalization and violence (see VIOLENCE). One of the virtuous consequences of the type of globalization that arose after World War II is that it has enabled a *global* civil society to be created -- one rooted in political values acknowledged by organizations such as the United Nations and the Organization of American States. Moreover, the fundamental rights underwritten by these basic political values are now generally accepted (at least as worthy goals) even when they limit state sovereignty (Rabossi 2004: 147).

But globalization also has vices such as violence. Although the supranational

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legality of our current "global civil society" provides a means to exert some control over violence as standardly construed, it has, Rabossi maintains, so far failed to control another, more subtle form of violence: the prevalence of poverty and malnutrition, which Rabossi considers "indirect violence." Expressing a view not uncommon among Latin American theorists, he holds that the global society has the moral duty to control indirect violence. "What good is liberty," asks Rabossi (2004: 150), "if I'm dying from starvation?" Consistent with his rejection of foundationalism, however, he doesn't elaborate on whether there is a human right to health or nutrition. Of course, neither of these rights is yet fully acknowledged by the international community, but on Rabossi's view, that is to be lamented.

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III. Hispanic identity

From the Wars of Independence (roughly, 1810 - 1829) to the present day, a distinctive set of ethical issues have been raised by Latin Americans in connection with concerns about their own collective identity, which for them means establishing *who they are as a people* – and to some extent also *what they should* culturally and ethnically or racially. Similar questions have been asked more recently regarding a broader category, that of Latin Americans and their descendants abroad.

Establishing who Latin Americans actually were as a people was particularly pressing during the Wars of Independence. The Venezuelan Simón Bolívar (1783-1830), called *el Libertador* for his military leadership in defeating Spanish royalist forces in the northern and western regions of South America, seems to have realized that Latin Americans, as they struggled to free themselves from their colonial masters, needed a

new identity. His 'Jamaica Letter' (1815) is one of many writings where he maintains that Latin Americans are not exclusively European, or Amerindian, or Black. Rather, they are a people somewhere between these three identities, many of whom have a "mestizo" (mixed) cultural, ethnic and racial heritage. Bolívar thus offered the first version of a view that was to become popular a century later: the *mestizaje* view according to which Hispanics are a new ethnic group with some aspects of Europeans, Amerindians, and Africans.

Given this new identity, Bolívar thought, Latin Americans should devise political institutions suited to their own cultural and national characters, not necessarily following the North American model. Liberal democracy, he believed, was justly praised for its success in the English-speaking world, but not self-evidently best for Latin American societies. This idea is part of what we might call "Bolívarism," a larger doctrine that is perhaps Bolívar's most distinctive contribution to political theory. It holds that there is no single universally valid polity for all peoples; rather, each nation must take into account the distinctive characteristics of its own people, as well as their unique historical circumstances and the physical geography of their country, to find the form of political arrangement that works best for it. Clearly, Bolívarism is a form of social and geographical determinism, since it holds that a people's history, culture, and environmental conditions affect their national character.

Bolívarism, then, leaves open the possibility that autocratic governments might sometimes be morally justified. That would be so whenever such a government provides stability for a nation and enables its people to flourish. Thus Bolívarism denies the widely held the thesis that liberal democracy is the best form of government for all nations.

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Bolívar himself appears to have favored representative democracies with elected heads of state who would have clearly limited terms of office. But he was unwilling to rule out authoritarian government categorically and himself served for a time as dictator of Venezuela.

The generation that followed Bolívar's also struggled with the problem of identity, but did so in the process of laying down the philosophical foundation for national unity (roughly, 1840-1880). Prominent among them are two Argentine thinkers, the liberal statesman and educator Domingo Sarmiento (1811-1888), and the political philosopher and diplomat Juan Bautista Alberdi (1810-1884). Rivals in public life, Sarmiento (1998) and Alberdi (2004) would nevertheless agree in rejecting Bolívarism. Liberal democracy, they maintained, is a paramount value; thus dictatorships are to be resisted as a form of government in Latin America. Second, they held that the collective identity of Latin Americans has nothing to do with racially mixed heritage, but rather with being a European transplanted in the New World. Their proper ethnic category was 'criollo,' meaning *Latin-American-born white descendants of Spaniards*.

Sarmiento and Alberdi both went beyond the question about the actual identity of Latin Americans to ask what they should be. On this, according to Sarmiento, the emerging nations faced a choice between civilization and barbarism, and national development must be steered toward either the one or the other. 'Civilization' he thought, was represented by only the criollos, barbarism mainly by Amerindians and mestizos, such as the 'gauchos' of Argentina, the 'rotos' of Chile, and the 'llaneros' of Venezuela (it is unclear where Latin American Blacks fit in this simple-minded picture). In fact, it was a common view of liberals at the time that the civilized way of life should be

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promoted and barbarism eradicated -- a view of collective identity that was shortly to serve as the ideological foundation for late-nineteenth-century genocide campaigns against Amerindians. That these people were too unruly for civil society, and therefore candidates for elimination, both Sarmiento and Alberdi clearly agreed.

About the prospects of mestizos in civil society, however, Sarmiento was ambiguous. Given his social and geographical determinism, he seems committed to holding that this group could be integrated through relocation and the fostering of "enlightened urban habits" by education. Later political thinkers, in any case, took mestizos to qualify for integration, but only if they could provide the needed labor force. Harsh, discriminatory laws were adopted for the purpose. On the question of the means of nation-building, Alberdi and Sarmiento disagreed, with Sarmiento holding that education of the masses was crucial to this goal, and Alberdi maintaining that the promotion of European and North American immigration was more important.

In the late-nineteenth century, as the new nations of Latin America became more stable politically, many thinkers began to reflect once again on the question of the region's ethnic and racial identity. They began to wonder if there was a causal connection between underdevelopment in Latin America and the legacy of Iberian culture. Given the apparent cultural and economic stagnation, they argued that a systematic change of values, conducted through education, was critical to the flourishing of Latin American nations. No longer content to ask simply 'Who are we?' they began to pose the larger question, 'Who should we be?' The philosophical framework favored by thinkers who raised that question was an autochthonous positivism influenced by both British and French positivism. On the whole, it amounted to a communitarian form of perfectionism

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(see COMMUNITARIANISM). Autochthonous positivism was communitarian in that it rejected the liberal principle of self-determination, holding that in Latin America that principle conflicted with progress, and that progress was, after all, the highest value for nation building. And it was also a form of perfectionism, because it held that ways of life conducive to prosperity and social progress should be promoted, while those conducive to stagnation should ultimately be eradicated.

For the autochthonous positivists, promoting the right values required a drastic change in the collective identity of Latin Americans, who should be induced to adopt the ways of life of the French and the 'Anglo-Saxons' – which were believed to be responsible, at least in part, for the achievements of those peoples in commerce, politics, and technology. On the other hand, ways of life to be discouraged and eventually eradicated were mainly those grounded in the traditionalist Iberian conception of social order and in its related religious worldview, Catholicism.

Under the positivist influence, political leaders sought to transform Latin American societies by making large-scale reforms aimed at remolding peoples' values as well as political and social institutions. Prominent among those reforms were the secularization of public education in nearly all countries and the separation of Church and state, both mostly in place by 1900 (Ardao 1963). Together with their anticlericalism, positivists offered a very unorthodox take on liberal democracy. In fact, they were by no means in favor of democracy in the usual sense, favoring instead governments led by the most learned in the positive sciences, where a strong leader might serve as executive with the counsel of experts.

Widely accepted in Latin America, this model of government came to disastrous

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fruition when it was implemented in Mexico. Although first influenced by Auguste Comte, Mexican positivists later followed J. S. Mill (see MILL, JOHN STUART), whose libertarian individualism seemed congenial to capitalism, and Herbert Spencer, whose attempt to graft a pseudo-Darwinian theory onto social philosophy served as a framework for their attempts to redirect the "evolution" of the Mexican people. From the highest positions in the Mexican government as well as popular publications such as the magazine *La Libertad*, Mexican positivists extolled the benefits of free-market capitalism as the true expression of 'positive liberty' while supporting General Porfirio Díaz's iron-fisted rule to keep order in society. They saw in Díaz a possibility to foster progress in the long term by first establishing civil order, and these two values were held more important than individual liberty (Zea 1974). On the positivists' view, the masses would have to be educated before they could be trusted with democracy -- thus introducing what would later become a persistent stereotype, the thesis that Latin Americans are "not ready for democracy."

By the early 1900s, positivism had become untenable. Many objected to its rejection of the Iberian background of Hispanics and its single-minded vindication of progress as the preeminent social value. The *mestizaje* view was revisited and developed in directions that raised new ethical questions. The Cuban-American philosopher Jorge Gracia has recently put forward a version of it emphasizing the instrumental value for Hispanics of establishing their collective identity and giving it a name: viz., that it can empower them and be a source of pride and liberation from relations of dependence. On Gracia's conception, Hispanics include not only Latin Americans and their descendants abroad but also Iberians. Like Fernández Retamar, Gracia too notes that in 1492 Iberians

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were of mixed heritage (as were the Amerindians, and the mestizo people that resulted from their encounter). Such mestizaje, he thinks, is to be valued, for having a mestizo identity may provide protection against some forms of cultural, ethnic, and racial discrimination. But whether Latin Americans actually share a single collective identity with Iberians, as Gracia contends, and whether their mestizo identity can in fact afford them a defense against discrimination, remains an open question in the developing field of Latin American ethics.

Cross-references

SEE ALSO: AUGUSTINE, SAINT; AQUINAS, SAINT THOMAS; COMPENSATORY JUSTICE; COMMUNITARIANISM; GLOBALIZATION; GROTIUS, HUGO; JUST WAR THEORY, HISTORY OF; IDENTITY, POLITICS OF; MILL, JOHN STUART; NATURAL LAW; PERFECTIONISM; VIOLENCE

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