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Marco Luppi e Maria de Barros (orgs). Maceió: Kattleya, 2024.

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CHAPTER 1

THREE EXAMPLES OF FRATERNITY

ABSTRACT

This essay discusses three examples in which fraternity has played an important role. The first refers to Sophocles' Antigone, who justifies the burial of her brother Polynices in the name of a "primordial" brotherhood promulgated by Zeus (I was not born to share hatred, but love) and Creon's logic of power (The enemy, not even dead, will be considered just), which are incompatible. The second example is taken from the Gospel of Jesus Christ. In defining who his neighbour is, Jesus goes beyond the fraternity of blood and ethnicity, and points to a fraternity so broad that it includes all human beings and preaches love for the enemy. The third example is the homily given by Friar Anton de Montesino in 1511, who denounced the conquistadors who exploited the indigenous people of the New World: 'Are these not men? Do they not have rational souls? Aren't you obliged to love them as you love yourselves?' This opens up the controversy over the conquest that sees Friar Bartolomé de Las Casas as a defender of universal brotherhood. The essay concludes with a reflection on the epochal crossroads that humanity is living never before has the need for fraternity and social friendship (preached by Pope Francis) appeared so clearly as it does today, as the only possible solution to avoid imminent catastrophe.

KEYWORDS: Fraternity, Hate, Friend, Enemy, Power, Glory, Wealth.

The most important transformation that has ever taken place in human history is the gradual spread of the conviction that there are no obstacles to human brotherhood, except our own unwillingness to do what it takes to achieve it. This faith has progressed steadily over the last two centuries. It is its adoption that makes possible the utopian social hope - the hope that there will come a time when each of our descendants will be a proud and happy citizen of a global, co-operative community of nations, in which no child will be fated to feel helplessly envious of the food, clothing or education to which another child has access. It is the secularised version of the Christian hope that all men can live as brothers: that our moral community - the people for whom we are willing to make sacrifices - becomes coextensive with our biological species.

Richard Rorty

Folha de São Paulo, Sunday 04 April 1999.

1. INTRODUCTION

The first time I encountered the theme of fraternity in politics was at a round table with Prof Antonio Maria Baggio at UFPB, invited by Prof Evangelina Farias⁵. Stimulated by this first meeting, I published some reflections on fraternity as a (cosmo)political category⁶ and in the course of the debates the initial scepticism about the political value of fraternity was gradually replaced by the conviction that this is the master road to enable peaceful coexistence between peoples and avoid the final catastrophe towards which we are rapidly heading⁷.

⁴ Doctor of Philosophy from the University of Padua (Italy, 1999). Post-doctorate in Theory and History of Human Rights from the University of Florence (Italy, 2006) and Camerino (Italy, 2012). Retired Full Professor (since 2022) of the Philosophy Department at UFPB (João Pessoa - PB). Former Coordinator of the Citizenship and Human Rights Centre and the Postgraduate Programme in Human Rights and Philosophy at UFPB.

⁵ See: BAGGIO, Antonio Maria (org.), *The Forgotten Principle/1. Fraternity in current political science thinking*, Cidade Nova, São Paulo 2008; IDEM. (org.), *The Forgotten Principle/2. Demands, resources and definitions of fraternity in politics*. Cidade Nova, São Paulo 2009.

⁶ TOSI, Giuseppe. *Fraternity as a (cosmo)political principle*. In FARIAS, E. and ZENAIDE, M. de N. T. *Fraternity in focus. A political point of view*. João Pessoa: Editora Ideia, 2014, pp. 23-48.

The invitation I received from Prof Marco Luppi to take part in this collection encouraged me to revisit and deepen the theme of fraternity: I will do so through three paradigmatic examples, one fictitious and two practical.

2. ANTIGONE e CREONTE: “I WASN’T BORN TO SHARE HATE, BUT LOVE”.

The first example refers to Antigone, one of the most emblematic female characters in all of Greek literature, whose density and depth allows for a wide and divergent series of interpretations, all of which are extremely topical: it's as if the tragedy were written today, this is the characteristic of the true classics⁸.

In the clash between Antigone and Creon, Sophocles (496-406 BC) puts these famous and haughty words into Antigone's mouth:

ANTIGONE. It was certainly not Zeus who proclaimed them [Creon's laws], nor did Justice with a throne among the gods of the dead (τῶν κάτω θεῶν Δίκη) establish them for men. Nor did I suppose that your orders had the power to surpass the unwritten (ἀγραπτα νόμιμα), perennial laws of the gods, since you are mortal. For they are not of yesterday or today, but are always alive (ἀλλ'ἄει), nor is it known when they came into being. Therefore I do not intend, out of fear of some man's decisions, to expose myself to divine judgement (φρόνημα) (ANTÍGONA, 455)⁹.

⁷ Catastrophe "predicted" by Danilo Zolo in *Towards global chance*. Human rights, fear, war. Organisers Maria Luiza de Alencar Feitosa and Giuseppe Tosi. Curitiba: Conceito, 2011.

⁸ I presented these interpretations in: TOSI, Giuseppe. *Human Rights and Democracy*. History, theory and criticism. Cachoeirinha, FI Publishing, 2023. Vol 3. P. 38 - 64 (Ancient and medieval jusnaturalism). Available at: <https://www.editorafi.org/search?q=GIUSEPPE+TOSI>.

⁹ SOFOCLES. *Antigone*. L&PM Editores: Kindle. IDEM. *Antigone*. Traduzione e note a cura di Corrado Cuccorò, con un saggio introduttivo di Maria Pia Pattoni. Milano: Educatt, 2014. I've used the Portuguese translation, comparing it with the Italian.

These famous words have been interpreted in various ways, but our key reading will prioritise the confrontation between the *logic of fraternity* (Antigone) and the *logic of power* (Creon), which runs throughout the tragedy, two logics that clash in such a way that they are incompatible.

Antigone justifies her action of burying her brother Polynices in the name of a feeling of "primordial" brotherhood: burying one's brother is a law that originates in the night of time and was not promulgated by men, but by Zeus. These laws are part of the customs of the extended family and the clan that precedes the village and the *polis* in Aristotle, or the family as a distinct sphere that is dialectically related to civil society and the state in Hegel.

These laws literally express the brotherhood of blood and family ties, in the name of which Antigone defies Creon, who appears as a tyrant.

ANTIGONE. I'm in your hands. Kill me. What more do you want?

CREONTE. Me? Nothing. I have what I want. ANTIGONE. Then what do you expect? In your words, I don't like anything, nor will I ever be able to, nor is there anything that can give you pleasure. But where could I look for greater renown than in giving my brother a grave? They all approve of it and would declare it if fear didn't hold their tongues. *But tyranny, among many other advantages, has the privilege of doing and saying what it pleases.*

CREONTE. This, among all the sons of Cadmus, only you see.

ANTIGONE. They see it too, but, intimidated by you, they bite their tongues.

CREONTE. And you, aren't you ashamed of your opposite behaviour?

ANTIGONE. *There is nothing shameful in honouring those of the same blood (ANTIGONE, 500-510).*

During the confrontation, Antigone's positions take on a more universal dimension, not necessarily linked to the blood ties. Let's look at this dialogue, which contains one of the most beautiful sentences in all Greek literature:

CREONTE. And you're not ashamed of your behaviour,

ANTIGONE. There's nothing shameful in honouring those of the same blood.

CREONTE. And wasn't Aetocles your inbred who died fighting with him?

ANTIGONE. Consanguineous, from the same mother and father.

CREONTE. How can you give him honours that are insulting to him?

ANTIGONE. This is not the dead man's testimony. (515)

CREONTE. For if you honour one, you revile the other.

ANTIGONE. It wasn't a slave who died, it was his brother.

CREONTE. *The one attacked his homeland, the other defended it.*

ANTIGONE. The law of the Kingdom of the Dead is the same for everyone.

CREONTE. *But the wicked do not have equal rights with the righteous."* (520)

ANTIGONE. Who knows if this principle will be considered pious down there.

CREONTE. *O enemy, neither killed, will be considered righteous.*

ANTIGONE. *I was not begotten to share hatred, but love (συμφυλεῖν)¹⁰.*

CREONTE. Very well, if you must love the dead, incorporate yourself into them, love them. But in my lifetime, I will not allow a woman to rule (*ANTIGONE*, 510-535).

¹⁰ The love Antigone is talking about is not *eros* or *agape*, but *phylia*, the same term we find in the myth of Protagoras when God gives political virtue (*techné politiké*) to everyone without distinction so that there can be *phylia* (friendship, concord) between men, and which the Stoics used to define their *phylia universalis*. It's a moral concept, but one that takes on a political value.

In this reading, Antigone is the symbol of an ethics and politics of non-violence, of civil disobedience, of conscientious objection against the violent logic of political power¹¹, an illegitimate and tyrannical power that is sustained by force¹².

Creon, on the other hand, represents the logic of power, which cannot allow a traitor to be treated in the same way as a hero:

CREONTE. And now, in line with these principles, I have determinations to proclaim about the sons of Oedipus. *Ethocles*, who perished fighting for this city, shining in every battle, I order to be buried, worthy of all the rites that accompany the best to the world of the dead; But as for his brother, I mean *Polynices*, who attacked the country and its gods, returning from exile to reduce it to ashes with torches and take the citizens captive, let him, I have already ordered the city, receive neither tomb nor tears, let his body remain unburied, pasture for birds and dogs, a horrible spectacle for the eyes. This is my decision; *the wicked will never obtain from me the honour due to the righteous*¹³.

The debate thus appears to be a radical confrontation between individual morality and the logic of power; to quote Max Weber, between an ethic of the principles and interiority, which follows a categorical moral imperative (*fiat justitia pereat mundus*), and a public ethic of responsibility, which has to account for reality and the consequences of its actions: punishing enemies and exalting friends

¹¹ PONTARA, Giuliano. *Antigone and Creon*. Etica e Politica nell'era atomica. Rome: Editori Riuniti, 1990. FREITAG, Bárbara. *Antigone's Itinerary: the Question of Morality*. São Paulo: Papirus, 1992. <http://www.oocities.org/patriciahetti/antigonamoralidade.htm>.

¹² See: WEIL, Simone. *The book of power*. Milano: Chiarelettere, 2022. The first chapter is entitled: *L'Iliade o il poema della forza*, and the second. *Non ricominciamo la guerra di Troia*. Simone Weil writes: "The real hero, the real argument, the centre of the Iliad is force. The force used by men, the force that subdues men, the force before which the flesh of men recoils [...] Anyone who deludes themselves that force, thanks to progress, belongs to the past finds in this poem a document. [...] Force is what transforms anyone who is subjected to it into something. When it is exercised to the end, it transforms man into a thing in the literal sense of the term, because it turns him into a corpse."

¹³ ANTIGONE, 195-210.

But the clash between the two characters goes beyond this Weberian distinction of an incompatibility between ethics and politics. While Antigone acts in the name of universal brotherhood, Creon acts in accordance with the dualism between friend/enemy as famously defined by Carl Schmitt, which is, according to him, the specific character of politics understood as something autonomous and distinct from ethics, aesthetics, religion and morality¹⁴.

Schmitt says:

The enemy is not the competitor or opponent in general. Nor is the enemy the private opponent who is hated with feelings of antipathy [...] the enemy is only the *public* enemy because everything that has to do with such a totality of men, with an entire people, therefore becomes *public*. The enemy is *hostis*, not *inimicus* in the broader sense (SCHMITT, 2016, p. 56).

He adds: "Political opposition is the most intensive and extreme opposition, and any concrete character of opposition is all the more political the closer it gets to the most extreme point, the friend-enemy grouping" (SCHMITT, 2016, p. 57).

From this perspective, politics is seen as essentially "agonistic" and "polemical" in the literal sense of the word "*polemic*", war. Schmitt states:

All political concepts, representations and terms have a *polemical* meaning, they have in mind a concrete character of opposition, they are linked to a concrete situation whose the ultimate consequence is a friend-enemy grouping (which expresses itself in war or revolution) and they become empty, phantasmagorical abstractions if this situation is absent" (SCHMITT, 2016, p. 59).

¹⁴ SCHMITT, Carl. *The Concept of the Political*. Lisbon: Edições 70, 2016. ALMEIDA FILHO, Agassiz de. *10 lições sobre Carl Schmitt*. Petrópolis: Vozes, 2014, p. 57: "The *friend/enemy antagonism*, elevated by Carl Schmitt to the status of a criterion for identifying the politician, is one of the main categories of his work, the key that opens the door to understanding a hostile world in which the only way out of peace is the imposition of domination by the strongest political group."

Antigone, on the other hand, represents a concept of politics that is not agonistic and antagonistic, but one that promotes human sociality and sociability¹⁵ with a view to peaceful coexistence, collaboration and not confrontation, a sociability founded on fraternity and social friendship, which presupposes a totally different concept of politics. In the words of Pope Francis in his magnificent encyclical *Fratelli Tutti*:

Recognising every human being as a brother or sister and seeking a *social friendship* that integrates everyone are not mere utopias. They require a decision and the ability to find effective ways to ensure that they are possible. Any endeavour along these lines becomes a highly charitable exercise. Indeed, an individual can help a person in need, but when he joins with others to generate social processes of *fraternity* and justice for all, he enters the "field of broader charity, political charity." [§165] It is a question of moving towards a social and political order whose soul is social charity. [§166] I invite you once again to revalue politics, which "is a sublime vocation, one of the most precious forms of charity, because it seeks the common good." [§167]

It may seem like a mere utopian dream, but it is on this dream that the Christian religion is founded.

3. JESUS CHRIST AND LOVE OF THE ENEMY.

Centuries later, another character, this time historical, faced the same clash between the logic of fraternity and the logic of power and was unjustly condemned to death: *Jesus Christ*.

¹⁵ KANT, I. *Idea of a universal history from a cosmopolitan point of view* (1784). Ricardo Ribeiro Terra, (org.), São Paulo: Brasiliense, 1986, p. 13: "I understand here by antagonism the *unsociable sociability* of men, that is, their tendency to enter into society which is linked to a general opposition that constantly threatens to dissolve this society".

In the brief and intense life of Christ, as told in the Gospels, various moments are dramatically interwoven, all permeated by the contrast between the logic of love and fraternity *versus* the logic of power and domination of man over another man.

To illustrate the meaning of *fraternity*, we'll start with an interpretation of the parable of the Good Samaritan (*Lk* 10:25-37), which is a response to the man of the law who asked Jesus: "Who is my neighbour?" A relevant topic in those times and for today.

The parable is very well known and is commented on in the Encyclical *Fratelli Tutti*.¹⁶ A man was lying on the road from Jerusalem to Jericho, "almost dead" (*semivivus*) and abandoned by thieves who had robbed, stripped and beaten him. A priest and a Levite who were passing by on the same road saw him, but "passed by on the other side" (*Lk* 10:31-32).

Then a Samaritan passed by, belonging to a social group that was politically and religiously opposed to the Jews, who "passed by him, saw him and had compassion" (*Lk* 10:33). The Samaritan "drew near", not "passed by on the other side". This is the first attitude of welcoming the other as a person, the first act in the process of recognition: transcending oneself to walk towards the other, and thus "see" the other. As he approaches, the Samaritan doesn't see the Jew or the foreigner, but a "person".

"And he had compassion": the Samaritan sees the suffering of the other, identifies with the other, feels the other's vulnerability as his own. The same could happen to him, he too is on a dangerous path. But it's not just a "small" logic of neighbourly solidarity, of the maxim "I give so that you can give to me" (*do ut des*), it's something more universal. Their solidarity comes from recognising common human frailty, from the emotion of reproducing in themselves what the other feels. And it's significant that this vulnerability refers to the human body, to physical suffering, to pain, to proximity to death (*semivivus*, he says).

¹⁶ Encyclical Letter *Fratelli Tutti* of the Holy Father Francis on fraternity and social friendship. Rome: Libreria Editrice Vaticana, 2020.

Gospel). This is the deep and original meaning of fraternity that can be experienced by every human being.

Finally, Jesus asks the man of the law a rhetorical question: "Who of these, in your opinion, was the neighbour?" And he answered: "Whoever had compassion on him (*qui fecit misericordia*)".

Pope Francis writes in *Fratelli Tutti*:

Jesus proposed this parable to answer a question: "Who is my neighbour?" (Lk 10:29). The word "neighbour" in the society of Jesus' time used to indicate the person closest to you. It was thought that help should go first to those who belonged to one's own group, one's own race. For some Jews of the time, a Samaritan was considered a despicable, impure being, and therefore not included among the neighbours who should be helped. The Jew Jesus completely transforms this attitude: he doesn't invite us to ask ourselves who is neighbouring us, but to become neighbours ourselves (§79).

In doing so, Jesus goes beyond the fraternity of blood and ethnicity, and points to a fraternity so broad that it includes all human beings: "Without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", as article 2 of the Universal Declaration of Human Rights proclaimed by the UN in 1948 states. A fraternity that we can define as political or cosmo-political, which radicalises Greco-Roman Stoic cosmopolitanism into a universalism of love.

But he goes further and even proposes something "scandalous" for his time and ours: *love for the enemy* (Mt 5:43-48).

Matthew writes:

You have heard that it was said, '*You shall love your neighbour and hate your enemy*'. But I say to you, love your enemies and pray for those who persecute you; in this way you will become children of your Father in heaven, for he causes the sun to rise on the evil and the good alike, and the rain to fall on the just and the unjust alike. If you love those who persecute you

love, what a reward you have. Don't the publicans do the same thing? And if you only greet your brothers, what else are you doing? Don't the Gentiles also do the same thing?¹⁷

And Luke (V, 34-35) adds:

I say to you who listen: "*Love your enemies*", do good to those who hate you, bless those who curse you, pray for those who slander you. To anyone who strikes you on one cheek, turn to him the other; to anyone who tears off your cloak, do not refuse your tunic. Give to anyone who asks, and don't complain about anyone who takes what is yours. As you want others to do to you, do also to them. If you love those who love you, what grace do you have? For even sinners love those who love them. And if you do good to those who do good to you, what grace will you obtain? Even sinners do that! And if you lend to those from whom you hope to receive, what graces do you obtain? Even sinners lend to sinners to receive the equivalent. On the contrary, love your enemies, do good and lend without expecting anything in return. Your reward will be great, and you will be children of the Highest, for he is kind to the ungrateful and the wicked. Be merciful as your father is merciful.

Jesus Christ lived these words radically by resisting the temptations of the devil in the desert, one of the most intense and extraordinary pages in the New Testament against the powers of this world. Matthew writes (IV, 1 - 11):

Then Jesus was led by the Spirit into the desert to be tempted by the devil. For forty days and forty nights he fasted. Then he was hungry. Then the tempter came and said to him, "If you are the son of God, command that these stones become loaves of bread. But Jesus answered, "*It is written Man does not live by bread alone, but by every word that proceeds from the mouth of God*" (Deut 8:3). Then the devil took him to the Holy City and placed him on the pinnacle of the Temple and said to him, "If you are a child of God, throw yourself down, for it is written, '*He will command the angels concerning you, and they will command the angels concerning you.*'"

¹⁷ We used the Portuguese translation of the Jerusalem Bible. São Paulo: Paulinas, 1987.

They shall take you by the hand, lest you dash your foot against a stone" (Ps 91:11-12). Jesus answered, "It is also written, 'You shall not tempt the Lord your God'" (Deut 6-16). The devil took him again, now to a very high mountain. And he showed him all the kingdoms of the world with their splendour and said to him, "All these things I will give you if you bow down and worship me. Then Jesus said to him, "Go away, Satan, for it is written, 'You shall worship the Lord your God, and him only shall you worship. (Deut 6:23). With that, the devil left him. And the angels of God drew near and began to serve him.

Jesus in the desert (a symbolic place of essentiality, of spoil) resists the temptations of *wealth, of glory, of the power* of the devil, who is seen not only as the tempter, but also as the all-powerful one, who dominates the powers of this world: it's something of a paradox, it's not God who is all-powerful, but the devil. It is he who can dispose of all the kingdoms of this world, while Jesus, the son of God, holds back, refuses to be one of the powerful of this world.

The Hebrew-Christian tradition expresses faith in Divine Providence, of a God who intervenes in history, immerses himself in time and space, rather than possessing a perfect essence destined to remain identical to himself for eternity¹⁸. But unlike the Old Testament tradition in which God is the lord of armies (*Dominus Deus Sabaoth*), in the Christian tradition it is a God who cares but does not intervene directly in the world to eliminate evil¹⁹.

God created man free, and man bears responsibility for the wrong exercise of this freedom. But God is not indifferent to the world; the Christian God is incarnate and becomes man, and dies on the cross, crucified. We are so used to seeing crosses displayed in public places that we forget their tragic and ignominious nature: a cruel treatment reserved by the Romans for rebellious slaves and criminals.

¹⁸ Like Aristotle's God who is thought of thought (νόησις νοήσεως).

¹⁹ See the Hebrew version of this question in: JONAS, Hans. *The concept of God after Auschwitz*. Genova: Il Melangolo, 1983. Jonas says that if we want a God who is good (and we can't imagine an evil God) and omniscient, we must deny God the attribute of omnipotence, because he doesn't intervene to prevent evil. Jonas denounces a certain "trivialisation" of the concept of providence, as if God were a "magician" who interferes in our daily lives.

As is it possible that a religion whose founder was an unjustly condemned man, promoted the torture and bonfires of the inquisition in his name and only recently abolished the death penalty?

Bobbio comments on the acceptance of the death penalty by the Christian churches:

The imposition of the death penalty is so little of a problem that even a religion of non-violence, of *noli resistere malo*, a religion which, especially in the early centuries, raised the issue of conscientious objection to military service and the obligation to bear arms, a *religion whose divine inspirer is a man condemned to death*, has never substantively opposed the practice of capital punishment" (BOBBIO, 1992, p. 162 - my emphasis).

Christianity was born as a religion of *kenosis*, of emptying, annihilation or withdrawal, as Paul says in a famous passage (*Philippians 2:5-8*).

You have in you the same feelings as Christ Jesus: he had the divine condition, and he didn't consider being equal to God as something to be jealously attached to. But he emptied himself²⁰ and took the form of a servant, taking human likeness. And being found in the likeness of a man, he humbled himself and became obedient to the point of death, even death on a cross!

However, Paul seems to disavow what he has said so far about emptying or annihilation, because it is precisely this *kenosis*, as absolute obedience to the Father, that makes Jesus the Almighty, the Lord before whom everyone kneels:

For this reason, God has highly exalted him and bestowed on him the name that is above all names, so that at the name of Jesus *every knee should bow*, of heavenly beings, of earthly beings and of those who live under the earth, and to the glory of God the Father *every tongue should confess*, Jesus is Lord!

²⁰ Another translation is: "he annihilated himself".

And that's what historically happened: from the Edict of Constantine of 313 onwards, Christianity, which was a persecuted religion, became one of the dominant powers of this world, betraying the message and example of its founder and falling prey to the temptation of power, glory and wealth that Jesus had refused.

The history of Christianity and its "miraculous" spread²¹ is one of the most typical examples of what sociologists define as the dialectic between movement and institution²², which runs throughout the history of the Church and can be summarised as follows: the movement in "*statu nascenti*", in its original moment, has two alternatives: either it becomes institutionalised, or it dies. This is what happened with early Christianity, which, after the Edict of Constantine (313), which legalised Christianity, in a crescendo that went up to the Edict of Thessalonica (380) by Emperor Theodosius, which made Christianity the official religion of the Roman Empire, became institutionalised, and thus at the same time betrayed and transmitted the message of Christ. Alberoni writes:

"The movement and the institution are dialectically opposed, but they have a profound substance in common. The institution arises from the movement to realise the promise of the movement in that historical space and time. [...] The institution is therefore the destiny of the movement, but it is so as a product of the movement's defeat, its surrender to the status quo. *In this way, it is the heir to the movement and at the same time its betrayal.* The movement is a tension between perfection - illusion and institution-lies (ALBERONI, 1981, p. 9).

²¹ In fact, after Christ's death on the cross, no one would bet on the possibility of the religion of Christ's followers becoming the official religion of the Roman Empire and the Holy Roman Empire for two millennia.

²² See: WEBER, Max. *Economy and Society*. Brasília: Editora da Universidade de Brasília, 2003. Weber's reflections on our subject can be found in his definition of the type of charismatic domination. He defines charisma as "a personal quality considered to be extracotidian [...] by virtue of which a person is attributed specific supernatural, superhuman or at least extracotidian powers or qualities or is taken to be sent by God as an exemplar and therefore as a 'leader'" (p. 159). He goes on to say that "Charismatic domination, which, so to speak, only existed in *statu nascenti* in typical-ideal purity, has to change its character substantially: it becomes traditionalised or rationalised or both in various respects". He calls this phenomenon "the routinisation of charisma". (p. 161). Weber develops this theme further in Volume II, under the title "Charismatic domination and its transformations", pp. 323-356. See also: ALBERONI, Francesco. *Movement and Institutions*. Bologna: Il Mulino 1977.

Was this "betrayal" inevitable? In a way, yes. The verb *trādere* in Latin has two meanings: to betray and to transmit.²³ What the Church has done in its secular history is to both betray and transmit Christ's message: the encrustations that have followed one another over the centuries have not definitively dimmed the brilliance of the precious stone brought by Christ, which has never ceased to shine and illuminate the lives of entire civilisations for more than two thousand years.²⁴ The Church's mission is to be a "saint and sinner" at the same time.²⁵ It is no coincidence that the Fathers of the Church defined it as "holy and sinful" at the same time. It's no coincidence that the Church Fathers defined it as "holy and sinful" at the same time²⁵.

4. MONTESINOS' HOMILY: AREN'T THEY MEN? DON'T THEY HAVE RATIONAL SOULS? AREN'T YOU OBLIGED TO LOVE THEM AS YOU LOVE YOURSELVES?

This is what we will now see in the *third example* of the confrontation between the logic of fraternity and the logic of power, based on an episode that took place in the New World on the island of *La Hispaniola* (now Santo Domingo) on the last Sunday of Advent in 1511 and which had great repercussions: the homily given by Friar Anton de Montesinos in front of the main dignitaries of the Indies, including Diego Colón, son of Christopher Columbus and Viceroy of the Indies.

Montesinos spoke on behalf of the community of Dominican friars led by Friar Pedro de Córdoba and took a firm and clear stance against the atrocities and abuses committed by the Dominicans.

²³ "*Trādere*" can also mean to hand over, which maintains this double meaning, of handing over/offering something, but also of handing over/bringing a person to the enemy.

²⁴ As Carl Schmitt states in *Cattolicesimo Romano e Forma Politica* (Bologna: Il Mulino, 2010), the Catholic Church is "*a complexio oppositorum*" (paraphrasing Nicholas of Cusa's definition of God as *coincidentia oppositorum*), and "it seems that there can be no oppositions that it cannot embrace". And the German Catholic jurist offers many examples of the Catholic Church's ability to reconcile opposites. However, it is true that reconciling the "*Dominus Deus sabaoth*" (God, Lord of hosts) of the Old Testament with the God of love for enemies who died on the cross is much more difficult to achieve.

²⁵ Another example of Schmitt's *complexio oppositorum*.

conquerors, which immediately aroused scandal and clamour not only in the small community of *La Hispaniola*, but in all the new territories, reaching the metropolis.

The homily has come down to us thanks to the account of Friar Bartolomé de Las Casas, who was probably present at the event (or had access to the text of the homily) and who transcribes it in his *Historia de las Indias*. Las Casas writes: "When Sunday arrived and it was time for the homily, Friar Anton de Montesinos took the pulpit. The Gospel passage of the day was the words of John the Baptist: "*Ego sum vox clamantis in deserto*" (Jn 1:23).

I have come up here to make it known to you, I who am the voice of Christ in the desert of this island, and so it behoves you to listen very carefully to my voice: it will be for you the newest voice you have never heard, the harshest and hardest and most frightening and dangerous you have ever thought of hearing. This voice is shouting at you that you are all in mortal sin and you are living and dying in it, because of the cruelty and tyranny you practise against these innocent people. Tell me: by what right and justice do you keep these Indians in such cruel and horrible servitude? By what authority have you waged such detestable wars against these people, who were quiet and peaceful in their lands, and whom an infinite multitude of them, with unheard of deaths and damage, you have exterminated? How do you keep them so oppressed and tired, without feeding them or curing the illnesses they contract from the excessive labour you impose on them? And they die or, to put it better, you kill them to draw and acquire gold every day. What care do you have that someone teaches them doctrine and that they know their God and Creator, that they are baptised, that they hear Mass, that they keep the feasts and Sundays? Aren't they men? Don't they have rational souls? Aren't you obliged to love them as yourselves? Don't you understand this? Don't you feel it? How can you be plunged into such a lethargic sleep? Be sure: in the state you are in, you can no more save yourselves than the Moors or the Turks who refuse faith in Jesus ^{Christ}²⁶.

²⁶ LAS CASAS, Bartolomé de. *Historia de las Indias*. Vol. II. Mexico: Fondo de Cultura Económica, 1981, p. 441. I have adopted the translation by Friar Carlos Josaphat. Las Casas. All rights to all. São Paulo: Loyola, 2000, p. 53, with minor modifications.

Montesinos' homily, in a succinct and effective way, brings together the main themes that will be developed in the debate over the following decades.

1. He questions the legality and legitimacy of the conquest and denounces the condition of slavery (albeit disguised by the *encomienda*) in which the Indians were forced to live and die: "*By what right and justice do you keep these Indians in such cruel and horrible servitude?*" he asks.
2. He bluntly delegitimises the "just" war: "*By what authority did they wage such detestable wars against these people, who were quiet and peaceful in their lands?*".
3. He affirms what Las Casas always denounced: the existence of a true generalised massacre (what we would call genocide today): "*That an infinite multitude of them, with unheard of deaths and damage, you have exterminated?*"
4. He defends a universalist anthropology that recognises the common humanity of all human beings, like the Samaritan who didn't see in the fallen man a friend or an enemy, but a man like him: "*Aren't these men?*"
5. He denied the racist theories that justified domination in the name of a superior civilisation that exercised its dominion over inferior beings: slaves by nature or *homunculi* as Sepúlveda put it, thus dispelling the doctrine that the indigenous people had no soul: "*Don't they have rational souls?*".
6. Finally, he preaches the doctrine of love (*Phylia*) and universal brotherhood: "*Aren't you obliged to love them as yourselves?*"²⁷.

Friar Carlos Josaphat comments: "After transcribing this summary of the sermon, Las Casas remarks that there was consternation and even some compunction among those present. But conversion, really change of life, there was none" (p. 53).

²⁷ See: HANKE, Lewis. La humanidad es una: estudio acerca de la querella que sobre la capacidad intelectual y religiosa de los indígenas americanos sostuvieron en 1550 Bartolomé de Las Casas y Juan Ginés de Sepúlveda. Mexico: Economic Culture Fund, 1985.

Montesinos' homily not only failed to bring about a change of heart, but on the contrary aroused indignation in all those present who decided to denounce the Dominican before the King: and so the controversy would develop on the continent and find its climax in the dispute in Valladolid in 1550/51 between Las Casas and Sepúlveda.²⁸

Las Casas' conversion didn't happen in 1511 while listening to the homily, although Montesinos' denunciations must have been deep in his soul, but in 1514. Sparking great scandal among his fellow countrymen, Las Casas renounced his property and freed the Indians entrusted to him in order to dedicate himself to the defence of the indigenous cause. He thus began a long and frenetic activity as a traveller that would take him ten times across the Atlantic Ocean and thousands of kilometres overland. Las Casas, after his conversion, would take Montesinos' denunciation to the extreme consequences, taking the view that the Indians were the objects of a real genocide.

According to Enrique Dussel, the point of view that Las Casas expresses and defends represents the interests of the poor and oppressed of the colonial system.

Bartolomé de Las Casas resolutely takes the perspective of the dominated indigenous person as the starting point for his critical discourse, organised logically and philosophically from the horizon of the modern scholasticism of the Escuela de Salamanca - the most important European university centre in the 16th century, around the Dominican convent of San Esteban. [...]. In 1514 - three years before the start of the Lutheran Reformation, and at the same time as Machiavelli was writing *Il Principe* - continuing the first ethical protest against the expansion of Modernity, against conquest, launched by Anton de Montesinos and Pedro de Córdoba in 1511 in Santo Domingo, Bartolomé changed his existential project and, until his death, he became a "Defender of the Indians". He immediately discovers, in the material negativity of the Other - as Horkheimer would say -

²⁸ See: GUTIERREZ, Jorge Luis. *Aristotle in Valladolid*. São Paulo: Mackenzie Publishing House, 2007.

the misery into which the conquest had reduced the Indian, the "original negativity".²⁹

Las Casas becomes a spokesperson for the horror and indignation of the indigenous peoples at the destruction of their lives, the sudden and violent collapse of their entire world and value system. What is paradoxical about this process is that both interlocutors, the missionaries on the one hand and the conquistadors and *encomenderos* on the other, belonged to the same religion, shared the same values, but represented two radically different ways of understanding and practising religion.

Sepúlveda defends the just and "holy" war against the Indians, who are considered barbarians and savages, slaves by nature and incapable of governing themselves, who commit crimes against natural law, such as cannibalism and human sacrifices, and live in the sin of infidelity and idolatry, and states that violence and terror are necessary as a prior measure to enable the evangelising mission.

Las Casas did not recognise sins against nature and infidelity as a cause of just war but sought to understand them as cultural manifestations and expressions of a form of religiosity that could only be modified with time and persuasion, and never with force. He advocates an end to the *encomienda*, which was a disguised form of slavery, demands the restitution of stolen goods, the restoration of legitimate indigenous political authorities, rejects the alliance between the sword and the cross, between "material" and "spiritual" conquests, does not accept any kind of violence or war and proposes *only one* way of evangelisation, which is peaceful preaching.

But we know that the option that prevailed was not that of Bartolomé de Las Casas, but that of the conquistadors and *encomenderos*.

²⁹ DUSSEL, Enrique. *Modernity and Alterity. Las Casas, Vitoria y Suárez: 1514-1617*. Salamanca: Universidad Pontificia de Salamanca, 2002 (CD-ROM). Quoted in TOSI, Giuseppe. *Aristotle and the New World. The Controversy over the Conquest of America (1510-1573)*. Rio de Janeiro, 2021, p. 112 (ch. 2 Interpretations of the controversy, p. 63-121).

5. NON PRAEVALEBUNT.

On the front page of the *Osservatore Romano*, the Vatican newspaper, is written this phrase: *non praevalerunt*, the subject is implied and it is the gates of hell that will not prevail: "I also say to you that you are Peter, and on this rock I will build my church, and the gates of hell will not prevail against it" (*Mt 16:18-19*). This means that the forces of evil, of the devil, will not dominate the Church and the world. However, what we see in history is that the logic of fraternity is opposed to the logic of power, and unfortunately, as in the three examples cited here, it is the latter that prevails in history.

This phrase represents the faith of the Church, founded on the life, death and resurrection of Christ, that ultimately God will shed all tears and bring justice to the people, but in a transcendent and apocalyptic dimension, in the *eschaton*, at the end of time. But in this world, in the *saeculum*, it is up to us not to let evil prevail, and God does not intervene except through his teaching and his example to be followed.

But why didn't God create a perfect world where there would be no place for evil or absolute evil? Tradition's answer, starting with the Church Fathers, is that God created man free and responsible for his actions, and through Jesus Christ he indicated the path to be followed, but left it up to us to follow him.

The path has been mapped out, and it is that of love of God and of our neighbour as ourselves, of fraternity and social friendship. It is opposed by the path of conflict, antagonism, violence and domination, but it is not an inevitable destiny that cannot be changed: the logic of fraternity has not always prevailed, but it has never been eliminated either, and the experience of wars³⁰ has awakened in humanity the need to overcome the logic of opposition and seek understanding for human coexistence, as Rorty says:

³⁰ War, as Erasmus of Rotterdam wrote in 1521: "is sweet for those who do not experience it": *dulce bellum inexperti*.

Preserving self-confidence in the ability of human beings to co-operate in determining their own future means preserving the most important transformation that has ever taken place in human history: the gradual spread of the conviction that there are no obstacles to human brotherhood, except our own unwillingness to do what it takes to achieve it. It is the secularised version of the Christian hope that all men can live as brothers.

We are currently at an epochal crossroads: either we find a way for peoples to live together peacefully, or we are doomed to a catastrophe that threatens the very survival of the human species.

Luigi Ferrajoli, the greatest living Italian philosopher of law, worthy heir to Norberto Bobbio, takes a clearly neo-Kantian and cosmopolitan stance by proposing a "constitution for the earth" and a "constitutionalism beyond the state", which overcomes the Hegelian "dialectic of the spirits of peoples", i.e. war as an instrument for resolving conflicts.

Ferrajoli starts from a realistic view of the complex contemporary phenomena that challenge not only the international order, but the very survival of humanity

Why a world constitution? because there are global emergencies and catastrophes, such as the current pandemic, which are not on the agenda of national governments, even though their solution depends on the survival of humanity: climate warming and global pollution of the seas and air, from which the populations of poor countries suffer above all, even though they are the product of the unsustainable development of rich countries; wars and the dangers of nuclear catastrophes and conflicts determined by the thousands of atomic weapons still present on the planet; the growth of inequality and poverty and the death each year of millions of people due to a lack of basic food or life-saving medicines; the production and spread of weapons that each year cause wars and hundreds of thousands of murders; and finally the plight of the growing masses of immigrants who flee these tragedies only to find, when they don't lose their lives in their terrible lives, that they have to face the fate of the world. odysseys, racist oppression due to their different personal identities (FERRAJOLI, 2022, p. 21-22)³¹.

Instead of tackling these problems, which threaten the existence of the human species, we are promoting wars that kill thousands of people, destroy and raze entire cities, invest in a generalised arms race: we have learnt nothing from history, in the words of Simone Weil we are "restarting the Trojan War", which in fact has never ceased to exist! Never more clearly than today has the need for fraternity and social friendship emerged as the only possible solution to avoid the imminent catastrophe.

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