

# Legal philosophy of Modern Scholasticism: rights of nations as a means of intercultural dialogue

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## **Abstract**

*This article investigates legal philosophy of the Second, or Modern Scholasticism. Doxographical, analytical as well as hermeneutical methods are applied. The author of the article concentrates on the list of fundamental rights of nations presented by Francisco de Vitoria including rights to existence, mutual equality and political independence; rights of international migration and trade; as well as the right and even duty of humanitarian or even military help. The article comes to conclusion that the above-mentioned list does not lose its relevance in contemporary world and society, as the rights from this list are regularly infringed. It is also asserted that, having been transferred into cultural - civilizational field, the elements of Vitoria's list would become universal rights of every culture and civilization. As those rights share respectful, protective and fostering orientation towards various cultures and civilizations, they could be applied as measures of starting, fostering, maintaining and safeguarding intercultural/intercivilizational communication and dialogue.*

**Keywords:** legal philosophy, modern scholasticism, rights of nations, intercultural and intercivilizational dialogue, Francisco de Vitoria.

**JEL Classification:** K33, K37, K38

## **1. Introduction**

Successful intercultural and intercivilizational communication and dialogue are one of the most important tasks and challenges for contemporary global society. While searching forms, measures and strategies of this dialogue, it is important not to leave a historical perspective out of consideration - as the well-known Roman proverb maintains, „*Historia est magistra vitae*”. One of the most distinct historical examples of above-mentioned search is found in legal philosophy of Second, or Modern, Scholasticism. The most prominent representatives of this philosophy (Dominican thomist Francisco de Vitoria, Jesuit Thomist Francisco Suarez etc.) proclaimed the list of universal rights of nations as well as conditions of defending those rights in the just war. The above-mentioned list is also interpretable as a measure of fostering and safeguarding international and intercultural/intercivilizational dialogue, for life of nations is inseparable from a certain cultural/civilizational environment. This measure was intended to mitigate international, intercultural and intercivilizational conflicts of that time (for example, Christian European civilization vs. pagan

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civilization of the so called New World) as well as to transform discrimination of this New World by mighty European nations towards intercivilizational dialogue. This article is devoted to analysis of that measure within context of challenges of contemporary and modern society.

The legal theory of Modern scholasticism was recently investigated by Alves and Moreira<sup>2</sup>, Gomez Robledo<sup>3</sup>, Hanke<sup>4</sup>, Macedo<sup>5</sup>, Mangas Martin<sup>6</sup> etc. Various aspects of phenomenon of intercultural and intercivilizational communication were, in turn, analyzed, by Aleksandravičius<sup>7</sup>, Barevičiūtė<sup>8</sup>, Holub<sup>9</sup>, Juzefovič<sup>10</sup>, Mickūnas<sup>11</sup>, Kačerauskas<sup>12</sup>, Pruskus<sup>13</sup>, and the others. This article seeks to connect the both above-mentioned research objects concentrating on application of principles of scholastic international law to intercultural and intercivilizational dialogue. In order to achieve this objective doxographical, analytical as well as hermeneutical methods are applied.

<sup>2</sup> Andre A. Alves, Jose M. Moreira, *The Salamanca School*, London: Continuum, 2009.

<sup>3</sup> Antonio Gomez Robledo, *Fundadores del derecho internacional: Vitoria, Gentili, Suárez, Grocio*, Mexico City: Universidad Nacional Autónoma de México, 1989.

<sup>4</sup> Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America*, Dallas, Texas: Southern Methodist University Press, 2002.

<sup>5</sup> Paulo E.B. Macedo, *O Nascimento do direito internacional*. Sao Leopoldo, Brazil: Editora Unisinos, 2009.

<sup>6</sup> Araceli Mangas Martin (Ed.), *La Escuela de Salamanca y el derecho internacional en América: Del pasado al future*, Salamanca, Spain: Asociación Española de Profesores de Derecho Internacional y Relaciones Internacionales, 1993.

<sup>7</sup> Povilas Aleksandravičius, *The need for dialogic consciousness in postmodern politic society*, in "Filosofija. Sociologija", 2016, vol. 27, no. 1, pp. 14-22.

<sup>8</sup> Jovilė Kotryna Barevičiūtė, *Dialogue, communication and collaboration: aspects of philosophy and communication*, in "Santalka: filosofija, komunikacija", 2016, vol. 24, no. 1, p. 1-2.

<sup>9</sup> Grzegorz Holub, *The person in dialogue, the person through dialogue*, in "Filosofija. Sociologija", 2016, vol. 27, no. 1, p.p. 3-13.

<sup>10</sup> Agnieška Juzefovič, *Vizualiosios medijos ir tarpkultūrinė komunikacija* [Visual medias and intercultural communication], in "Logos-Vilnius 2016, vol. 86, pp. 143-152.

<sup>11</sup> Algis Mickūnas, *The Different Other and Dialogue*, in „Santalka: Filosofija, Komunikacija“, 2015, vol. 24, no. 1, p.p. 3-13.

<sup>12</sup> Tomas Kačerauskas, *Akademinės teritorijos ir jų ribos* [Academic territories and their limits], in "Filosofija. Sociologija", 2013, vol. 24, no. 1, pp. 2-10; Tomas Kačerauskas, *Kūrybos ir kultūros industrijos: filosofiniai, sociologiniai ir komunikaciniai aspektai* [Creative and cultural industries: Philosophical, sociological and communication aspects], in "Filosofija. Sociologija", 2013, vol. 24, no. 3, p.p. 112-120; Tomas Kačerauskas, *Pilietinis nepaklusnumas: individų laisvė ir visuomeninė tvarka* [Civil disobedience: Freedom of individuals and social order], Problemos, 2009, vol. 76, p.p. 28-38; Tomas Kačerauskas, *Prieš ką kovoja demokratija?* [Against whom does democracy fight?], Problemos, 2006, vol. Supplement, p.p. 46-54.

<sup>13</sup> Valdas Pruskus, *Vertybės ir kultūrinis indentitetas komunikacijos kontekste* [Values and cultural identity in the context of communication], in "Logos-Vilnius, 2013, vol. 76, pp. 182-188, Valdas Pruskus, *Tarpkultūriniai konfliktai: kilimo priežastys ir kompetencijų vaidmuo* [Intercultural conflicts: causes and the role of competences], in "Santalka: filosofija, komunikacija", 2013, vol. 21, no. 2, pp. 79-89.

## 2. International law system in Second Scholasticism: Suarez and de Vitoria

Two massive periods may be distinguished in scholastic philosophy: Medieval, or Classical Scholasticism, and Scholastics of Renaissance and Middle Ages also known as Second Scholasticism (*scholastica secunda*), or Modern Scholasticism. The latter, having been developed from XVI to XVIII c., sustained traditional scholastic issues. Nevertheless, it involved a few modern disciplines fully corresponding to the spirit of that time, namely, political and legal theory. These disciplines significantly affected philosophical thought of Renaissance and New Ages. As Copleston noticed, „in much of their political and legal theory the Renaissance scholastics showed a grasp of concrete problems and a readiness to handle them in ‚modern‘ way”.<sup>14</sup>

One of the main research subjects of Second Scholasticism's philosophy theory was international law (*jus gentium, jus inter gentes*). The relevance of this law was determined by a geopolitical situation of contemporary world. In the XVI – XVII c. relations among many European countries were hostile or at least tense. According to Sabine and Thorson, power and violence had become arbiters in the international affairs in those times: “the rise of the absolute monarchies and the more or less frank acceptance of a Macchiavelian conception of relations between them made force the arbiter in the dealings of states with state”<sup>15</sup>. Furthermore, the most powerful European states carried out colonization of the New World. These circumstances required creation of system of international law that could help to solve or at least mitigate international conflicts; to establish the inviolable rights of both “primitive” and “civilized” nations as well as to determine the conditions under which any nation or state could defend aforementioned rights in a just war. Spanish Dominican and Thomist Francisco de Vitoria (1480 -1546) as well as Spanish Jesuit and Thomist Francisco Suarez (1548-1617) were among the founders of such a system. Their works, published even before *De jure belli et pacis* by Hugo Grotius<sup>16</sup> saw the light, analyzed the very origin and nature of international law, fundamental rights of every nation as well as their defense's conditions in the just war. It was on basis of Roman law as well the works of St. Thomas Aquinas, St. Isidore of Sevilla (VII c.), St. Raymond of Penafort (XIII c.) and St. John of Legnano (XIV c.) that de Vitoria and Suarez created theory of international law, many principles of which are still relevant.

It is worth mentioning that works of de Vitoria and their contribution to international law's theory are still not widely known, except Spain, Italy, Portugal and some Latin American countries. It was only in 1991 that the main treatises of

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<sup>14</sup> Frederick Charles Copleston, *A History of Philosophy. Vol. III: Late Medieval and Renaissance Philosophy*, New York: Image Books, 1993, p. 352.

<sup>15</sup> George Holland Sabine, *A History of Political Theory*, New York: Henry Holt and Company, 1947, p. 421.

<sup>16</sup> Hugo Grotius, *De jure belli ac pacis libri tres*, Lugduni Batavorum (Leido): E. J. Brill, 1939.

de Vitoria<sup>17</sup> were translated and published in English. Therefore this article is also a certain tribute as well as popularization of one of the fathers of international law.

### 3. The right of nations and cultures to exist

One of the most significant conceptions of international law's theory of second scholasticism was the set of fundamental and inalienable rights of every nation and state. It was the above-mentioned Dominican friar Francisco de Vitoria who played the main role in formulating and establishing those principles. The list of rights of every nation and state presented by this theoretician is still relevant, as the contents of that list would easily get into the modern documents of international law. So, what concrete rights did Vitoria attribute to a nation and state?

According to de Vitoria, first of all, every nation and state has the right to existence. All the subsequent rights are based on this fundamental one and are certain derivatives of it. It was on the basis of this principal right that de Vitoria condemned genocide of the so called New World being accomplished by most powerful states of that time.

The above-mentioned right is a legal and political category. Having been transferred into cultural-civilizational field, it becomes the right of every culture and civilization to existence. In contemporary word, at least countries representing Western Christian civilization, this right sounds as an absolute triviality. Yet, in the course of history this right used to be denied for plenty of times. Even within frames of Western civilization. For example, Spanish and Portuguese conquistadors affirmed that new-found pagan cultures of Latin America have no right to exist unless they convert to Christianity. As for de Vitoria, he castigated such a position. According to him, "faith is a matter of free will"<sup>18</sup>; therefore no culture or civilization should be devastated or even annihilated just because it does not confess proper Christian faith. The other example is the Armenian genocide in the Ottoman Empire in 1915. In this year Turkish Ottoman authorities considering themselves the flagmen of Islamic culture massacred 1.5 million Armenians, which were regarded not as mere Armenians but also as representatives of hostile Orthodox Christian civilization. The closer example is Soviet Union and Maoist China as the flagmen of the atheistic - communistic culture. The authorities of those countries tried to annihilate Christian, Buddhist, Islamic and other religious cultures in their territories. Those cultures were not even regarded as cultures in itself, only just as some backward, primitive, immature state of existence not recognizing the latest achievements of science and technologies, rejecting societal progress and so on. Even in the contemporary world we face various cases of denial of the right of cultural and civilizational existence. One of the most representative examples is radical Islamism being represented by ISIS, Taliban and

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<sup>17</sup> Francisco de Vitoria, *De potestate civili*, in "Obraz de Francisco de Vitoria", Madrid: La editorial catolica, 1960, p. 147-195; Francisco de Vitoria, *De Indis recenter inventis et de jure belli Hispanorum in Barbaros relectiones*, Tübingen: Verlag J. C. B. Mohr (Paul Siebeck), 1952.

<sup>18</sup> "Credere est voluntatis" – *Ibidem*, p. 80.

other similar movements and organizations. Mullahs and combatants of these factions destroy the historical communities and temples of Christians, Buddhists and Yezidis in territories of their control unless the infidels mentioned above convert to Islam. The opposite case is Srebrenica massacre in 1995. In this year Bosnian Serb Army proclaiming itself as defenders and bearers of proper Christian, i.e. orthodox culture, murdered over 8000 Bosnians regarded not as mere Bosnians but also as representatives of hostile Muslim culture. Therefore, the right of culture and civilization to exist even nowadays sustains its actuality. Moreover, it calls for peaceful communication and dialogue among various cultures and civilizations based on mutual respect, tolerance and empathy.

#### 4. The right to political independence and peaceful coexistence

But let us return from the cultural and civilizational field to the legal and political one. More concretely, let us return to the list of nations' rights presented by de Vitoria. And let us stop at the second right. So, according to de Vitoria, nations and states possess a right to mutual equality and political independence, or sovereignty (*ius majestatis*). True, speaking about this right de Vitoria made a certain reverence to the puissants of contemporary world. After him, to particular nations this right can or even must be suspended for a certain time. This exception should be applied to the so called savage, or barbarian, nations or tribes, which are not sufficiently culturally, legally and politically developed in order to govern themselves. So what should be done with regard to these „immature“ nations? It has to be admitted that de Vitoria's answer does not sound modernly. According to him, some state of high cultural, legal, economical and political level has a right to place such an “immature” nation under protection and to govern it until it reaches required level of development as well as indisputable right to self-government<sup>19</sup>.

However, such a temporal patronage is not allowed to be a pretext of exploitation of the nation under protection. The very fact of cultural, political and military power and superiority delivers no right to plunder property of the other tribe, nation and state. Likewise, a missionary eager to convert pagans, heterodoxes and heretics to the proper faith has nothing in common with their enslavement. According to de Vitoria, “faith is a matter of free will”. That's why „nations that have never accepted proper faith, such as Jewish and pagan nations, should not be forced to adopt it by violence“.<sup>20</sup> The inspired and emotional preaching of the Word of God, persuasion by argumentation, virtuous life of missionaries etc. – those are the relevant means of evangelization. Their list includes neither violence nor slavery.

The alleged argument of spreading light of Christian faith was very popular among apologists of the slave trade. This pseudo-argument was widely described, analyzed and unmasked by the other grandee of second scholasticism, Spanish Jesuit Luis Molina (1535-1600). He made a research that can be regarded as a

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<sup>19</sup> *Ibidem*, p. 114.

<sup>20</sup> *Ibidem*, p. 80.

certain sociological survey of those times. Namely, Molina frequented Port of Lisbon, where he used to ask slave merchants whether one of real goals of the slave trade was a conversion of so called savages into Christian faith. The overwhelming majority of answers were negative. So, it has got clear that slave trade was motivated not by dignified and sublime principles but by elementary practical profit alone. As Molina maintained, „those who bring slaves seek not spiritual good for the souls of the latter, yet a terrestrial benefit for themselves“<sup>21</sup>. Results of survey led Molina to conclusion that trading pagans turned into Christians was illegal and unrighteous. Another conclusion declared slave merchants the persons committing mortal sin and living in state of eternal damnation<sup>22</sup>. On the other hand, representatives of second scholasticism recognized slavery as a punitive measure. After them, slavery is licit as penalty for felonies and its permissible forms are servitude, hard labors in galleys and so on.

So, nations and states possess right to existence and, with certain reservations, rights to mutual equality and political independence. These rights, with special reservations as well, can be regarded as a certain equivalent of following principles of contemporary international law: sovereign equality, refraining from the threat or use of force, inviolability of frontiers, territorial integrity of States, non-intervention in internal affairs and, finally, principle of equal rights and self-determination of nations.

Hence, according to de Vitoria, nations possess the right to mutual equality and political independence. Having been transferred into cultural-civilizational field, it becomes a right of cultures and civilizations to equitable and independent existence. The latter does not mean existence in isolation. Modern science, technologies and telecommunications enable various civilizations and cultures to communicate, make a mutual impact and share achievements of one another. So, independent existence means a state of peaceful and respectful coexistence and communication, in the frames of which cultures and civilizations do not impose their values, principles and ideas to one another. And neither political, economical or military superiority, nor higher level of science and technologies deliver a right to above mentioned imposing, or, speaking in words of de Vitoria, temporal patronage. It is a very important point, for this imposition, or patronage, used to be and still is a great temptation difficult to resist. Let us take an example from the 19<sup>th</sup> century. Such an example is Russian Empire representing Eastern Christian, or Orthodox, civilization. Throughout the 19<sup>th</sup> century the authorities of this empire insistently used to impose orthodox faith and Russian alphabet (kirilica) to the annexed nations that represented catholic culture and used Latin alphabet, both as the parts of classic Western Christian civilization. If we return to nowadays situation, when the modern Western civilization and its liberal rights and values could serve as a good example. Namely, the representatives of this civilization (mostly, leading democracies of EU and USA) require or at least expect that the other cultures and civilizations share the same rights and values, although a part of

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<sup>21</sup> Luis de Molina, *De justitia tomus primus*, Venetiis: apud societatem minimam, 1602, p. 174.

<sup>22</sup> *Ibidem*, p. 171.

the latter is incompatible with some traditions of the other civilizations. For example, some years ago authorities of France and Belgium as well as municipalities of Barcelona and Novara (Italy) forbade Muslim women to wear burkas in public places declaring that such a conduct humiliates the dignity of women and contradicts the principle of sexual equality. Also some years ago municipality of Brussels replaced traditional Christmas tree with abstract light installation in the city center, as, in their opinion, Christmas tree could offend Muslims and evidently contradicted the principle of religious equality. Similarly, the authorities of EU require that the member states of long-term Christian traditions legalize homosexual marriages, LGBT adoptions, artificial insemination and so on. More to say, even in frames of the same culture the competing fractions try to impose their principles and values on one another. Rival camps of traditionalists and modernists in the catholic culture could serve here as an example. The traditionalists exhort modernists to refuse secularist and liberal principles (for example, the principles of religious freedom and equality) as contradicting the very spirit of Christianity, as well as to return to traditional Catholic values and rites. The modernists, in turn, incite traditionalists to abandon their rites and traditions as absolutely obsolete constructs and to open the door to the reality of *aggiornamento*. So, the second principle of de Vitoria, concerning the right to mutual equality and independent existence, sustains its relevance. It could as well contribute to mitigating conflicts, to fighting against various kinds of intolerance and discrimination and, consequently, to starting as well as developing peaceful and empathetic communications and dialogues among different cultures and civilizations.

### **5. The rights of migration, international trade and harmless cross-cultural communication**

Let us pass now to the third principle of de Vitoria. It also sounds in relevant notes, as above mentioned Thomist delivers a right of international migration (*jus communicationis*) to every citizen of any nation and state. According to de Vitoria, no nation or state has a right to close its borders to foreigners. For example, speaking about recently discovered New World of the so called Indians, or barbarians, he maintained that „Spaniards have a right to travel to those lands and even inhabit them, if and only if they do not do any harm to barbarians; and the latter are not allowed to ban them from doing that“<sup>23</sup>. Likewise, „the French are not permitted to forbid Spaniards to arrive and even settle in France and vice versa, if these aliens do not do any damage to the hosts and do not infringe rights of the latter“<sup>24</sup>. So, right of migration inevitably establishes certain concrete duties. Namely, every foreigner is obliged to observe laws and customs of the host country, to respect its citizens' rights and privileges, not to injure them etc. This right of migration connected with afore mentioned duties is extremely actual

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<sup>23</sup> Francisco de Vitoria, *op.cit.*, p. 92.

<sup>24</sup> *Ibidem*, p. 92.

nowadays, when the countries of EU face the fact as well as related consequences and problems of massive migration from Syria, Libya, Iraq and the other Muslim countries terrorized by ISIS, Taliban and similar bands.

Right to migrate is followed by a right of international trade. After de Vitoria, no ruler can forbid his subjects to trade with a certain nation or state, if this trade violates nobody's rights, is properly performed and brings mutual use. Therefore, "if king of Spain banned the French from trading with Spaniards and he did that not seeking good for Spain but in order to prevent the French from getting some particular use, such a law of Spanish king would be inequitable"<sup>25</sup>. Likewise, "Spaniards are allowed to trade with barbarians, if this commerce does not do any harm to native land of the latter, for example, when Spaniards export to barbarians' land goods that are missing and import gold, silver or other things that barbarians possess in abundance. And neither rulers of barbarians could impede their subjects to trade with Spaniards, nor, vice versa, could Spanish monarchs forbid trade with barbarians"<sup>26</sup>. If some ruler infringes this right of international trade, then both his subjects have a right to revolt against him, and the state or nation, with which commerce is forbidden, may rightly start to fight a just war against him. On the other hand, right of international trade could be deprived from a nation or state if it wages an aggressive war against the other nation, plunders occupied lands or oppresses its own citizens. So, the above mentioned right together with afore mentioned qualifications sustains its relevance at present, as many facts of aggression happen in various parts of the world and international community lacks from time to time a political will to implement embargo to the aggressor countries.

So, according to de Vitoria, nations possess rights of international migration and trade. Having been transferred to the cultural field, these rights become a right of cultures and civilizations to mutual communication and sharing harmless and non-destructive products and achievements of one another. We can find plenty of examples of such a communication and sharing. The Western civilization picked up tea, pyrotechnics and some kinds of massage from Chinese civilization, numbers and paper from Islamic civilization, tomatoes and potatoes from ancient American civilizations, haiku poetry and some styles of painting from Japan civilization and so on. Western civilization, in turn, was rich in scientific and technological discoveries and achievements, which were taken over and sometimes even upgraded by the other civilizations. In the contemporary global world this cultural and civilizational sharing becomes more and more intensive. The menu of Western civilization includes more and more meals of Chinese, Japanese, Turkish, Arabian, African, Latin American cuisine. Various Indian yoga and meditation schools, Krishnaist and Buddhist communities, houses of Japanese massage Reiki, societies of Brazilian dance Capoeira are being established and spreading throughout Europe and USA. Yet there is always a temptation not to confine to harmless products and technologies but to seize something that could deliver power and dominance as well as ability to threaten other cultures and civilizations. The

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<sup>25</sup> *Ibidem*, p. 96.

<sup>26</sup> *Ibidem*.



representative example is nuclear, biological and chemical weapons invented in Western civilization and tried or still being tried to be taken successfully or unsuccessfully by the other civilizations. Therefore the right of cultures and civilizations of sharing products of one another, provided that these products are harmless and non-destructive, is extremely actual in contemporary world and society. As the other rights from de Vitoria's list, it seeks to mitigate international, intercultural and intercivilizational misapprehensions and conflicts as well as to prevent acts of discrimination and dominance. Consequently, it calls for peaceful and empathetic communication and dialogue among cultures and civilizations.

#### **6. The right and duty of humanitarian aid and protection of cultural heritage**

Finally, every nation and state has a right and even duty to give humanitarian or even military help to the nation or state being attacked or plundered by some external aggressor<sup>27</sup> as well as suffering from oppression of local tyrannical ruler<sup>28</sup>. To illustrate this right, de Vitoria gave a controversial example trying to justify occupation of lands of American Indians by his compatriots Spaniards. After de Vitoria, Spaniards had a right to declare offensive war to Indian monarchs as the latter ruled their nations in absolutely tyrannical manner. Frequent human sacrifices were regarded as the most representative example of such a tyranny. As de Vitoria maintained, „Spaniards qualified for not permitting barbarians to accomplish any felonious consuetude or rite as they really had a right to defend the innocents from death“<sup>29</sup>. After all, it was God himself that gave the order to love and take care of a neighbor, and as all the nations and states are composed of such neighbors, they are simply obliged to defend one another from aggression, tyranny and oppression<sup>30</sup>. Figuratively speaking, „every state possesses authority of global policeman having global duty to persecute every violation of any right taking place in any state or nation“<sup>31</sup>. This duty and right must be considered a certain equivalent of „humanitarian intervention“ principle included in modern international law.

So, every nation and state has a right and even duty of humanitarian aid and intervention. Having been transferred into cultural-civilizational field, it becomes the right as well as duty to protect and foster material and non material heritage (values, products, achievements etc.) of cultures and civilizations. These activities are within scope of main objectives of cultural international organizations as UNESCO that aim at maintaining and fostering intercultural and intercivilizational communication and dialogue.

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<sup>27</sup> *Ibidem*, 112.

<sup>28</sup> *Ibidem*, 110.

<sup>29</sup> *Ibidem*.

<sup>30</sup> *Ibidem*.

<sup>31</sup> Jean Barthelemy, *François de Vitoria*, in “Les fondateurs du droit international”, Paris: V. Giard et E. Brier, 1904, p. 12.

## 7. Conclusions

The so called Second Scholasticism was famous for its legal theory. Within frames of the latter the solid system of international law was created even before the works Grotius saw the light. One of the most prominent representatives of such a system was Dominican friar Francisco de Vitoria. He presented the list of fundamental and inalienable rights of every nation and state, which does not lose its relevance in contemporary world and society. That list included the rights of nations and states to existence, mutual equality and political independence; the right of international migration and trade; as well as the right and even duty of humanitarian or even military help. With special reservations, these rights can be regarded as a certain equivalent of following principles of contemporary international law: sovereign equality, refraining from the threat or use of force, inviolability of frontiers, territorial integrity of States, non-intervention in internal affairs and, finally, principle of equal rights and self-determination of nations as well as principle of humanitarian intervention.

Having been transferred into cultural-civilizational field, the items of Vitoria's list become universal rights of every culture and civilization. This extended version of list involves the right of cultures and civilizations to equitable and independent existence in the state of peaceful and respectful coexistence; the right of mutual communication and sharing harmless and non-destructive products and achievements; as well as the right and duty to protect and foster material and non material heritage of the other cultures and civilizations. As all the above mentioned rights share respectful, protective and fostering orientation towards various cultures and civilizations, they could be applied as measures of starting, fostering, maintaining and safeguarding intercultural/intercivilizational communication and dialogue.

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