
RECENT LINES OF INTERNATIONALIST THOUGHT



Professor Juan Antonio Carrillo-Salcedo, Internationalist and Man

*by Pablo Antonio Fernández Sánchez**

When Professor Giuliana Ziccardi Capaldo asked me for an internationalist, Spanish or otherwise, for this section of the *Global Community Yearbook*, the first person who came to mind was Professor Juan Antonio Carrillo-Salcedo. I knew that I wanted to write about an internationalist who was still ALIVE, who had really made significant contributions with his thought and teaching to international legal science. If that person was Spanish, so much the better, and if I was able to dialogue with his work, even better still.

Ever since I was a young man, I have known and followed the work of Carrillo-Salcedo. And as I have once said, not only am I familiar with it, I have also understood and loved it. Therefore in the words that follow, I shall try to examine his work from the experience of having shared life with Carrillo-Salcedo for over thirty years in an attempt to further understanding of his skill and talent as one of the architects of modern Spanish internationalist thought.

Obviously when speaking about a professor of international law the idea is to point out the most academic aspects of his life and highlight the breadth of his studies. And that is what I shall do. Occasionally, however, I will have to include more personal stories because they will help to illustrate not only his work and his thought but also the meaning of my words.

Therefore I am going to decode the figure of Carrillo-Salcedo, transmitting the values he has defended throughout his academic career, point out his contributions to the science he has dedicated himself to, and explore more deeply the framework of his intellectual concerns, while also sketching an outline of his personality and ethical stance that not only explains his academic stature but also confirms that he is indeed a great man.

Carrillo-Salcedo was born in a village in the depths of rural Andalusia in October 1934, during the days of the revolutionary general strike when the Catalan State was proclaimed part of the Spanish Federal Republic.

Shortly afterward the Spanish Civil War began, bringing with it times of deprivation which must surely have made an impression on the sensitive soul of the child who was brought up in Morón de la Frontera, a rural, backward village where there was a shortage of everything, including educational programmes.

* Professor of Public International Law, University of Seville, Spain.

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With more strength of character and determination than resources, he managed to complete his secondary school studies and then a law degree at the University of Seville, obtaining his doctorate in 1958, when Europe was already beginning to integrate and the drab Spain of the dictatorship was trying to refloat its depressed economy.

He sought out prestigious professors from Spain such as Manuel Giménez-Fernández, Mariano Aguilar-Navarro, and Antonio de Luna, and from abroad, especially from the French-speaking world (including, of course, René-Jean Dupuy) and from The Hague Academy of International Law, where he was the first Spaniard to obtain the diploma “cum laude” in 1959. He also looked beyond that to people such as Wolfgang Friedmann.

I have always wondered why he took refuge in the teaching of Professor Giménez-Fernández, who, after all, was a canonist, and unlike Professor Aguilar-Navarro, his professor of international law, he was a man whom we could classify nowadays as right-wing. I was also always interested in knowing why he was interested in Friedmann’s work. I believe I have come to understand some of these enigmas in Carrillo-Salcedo’s education.

First, Giménez-Fernández must have surprised him with his firm, upright Christian beliefs because, despite enjoying the fruits of political success (he became a minister in the Spanish Republic), he knew how to do without them in order to remain faithful to his Christian social ideas. Here are what I believe to be the two keys to Carrillo-Salcedo’s commitment to Giménez-Fernández: his intellectual consistency with the praxis and the social dimension of his Christianity, even when there was still a long way to go before Pope John XXIII convened the Second Vatican Council.

Carrillo-Salcedo acknowledges that Giménez-Fernández “spoke to us of Jacques Maritain and Emmanuel Mounier; of the personalist conception of political life (...); of the freedom and political pluralism in the thinking of the Catholic Church; of Bartolomé de las Casas and his defense of American Indians and their rights; of the institutionalist conception of law based on natural law, very far from the voluntarist positivism”¹

A short while ago, Carrillo-Salcedo found occasion to evoke the figure of this eminent politician from Seville, whose teachings were to prove so decisive in his academic success and highlighted “the influence of his Christian inspiration on his academic and political routine and the exemplary nature of his personality”²

Over the years, Carrillo-Salcedo would follow in the footsteps of Giménez-Fernández when he left Madrid to return to Seville, disillusioned with life in Spain’s capital.

Second, Friedmann. I remember that when I was beginning to study international law, Carrillo-Salcedo asked me to read The Hague Academy’s collected courses

1 Juan Antonio Carrillo Salcedo, *Globalización y Orden Internacional*, SERVICIO DE PUBLICACIONES DE LA UNIVERSIDAD DE SEVILLA (2004), at 11.

2 Juan Antonio Carrillo Salcedo, *Manuel Giménez Fernández: Personalidad y Pensamiento*, REVISTA DE FOMENTO SOCIAL 77 (2006).

and then choose one to comment on. I'm not conscious of why I chose Friedmann.³ But I can say that now I have a better understanding of why he was interested in Friedmann.

I knew of the friendship between René-Jean Dupuy and Friedmann,⁴ and, above all, of the intellectual links which fed that friendship. Dupuy spoke of "International Law of the 'relational society' and the International Law of the 'institutional society'";⁵ while Friedmann spoke of "the international law of coexistence and the international law of cooperation".⁶

This was something that fascinated the Spanish professor because, at heart, it was the formulation of his idea of social international law advocated by his analysis. I later found out about the personal relationship between René-Jean Dupuy and Carrillo-Salcedo. They got on well and respected each other, so it must have been very easy for Carrillo-Salcedo to penetrate Friedmann's thought.

Apparently, the start of Professor Carrillo-Salcedo's search for internationalist knowledge focused more on applied law than theoretical law and above all ethical law. His doctoral thesis was on judicial review in the European Coal and Steel Community. Nothing could be more surprising from someone who would end up penetrating the winding paths of applied philosophy, if such a thing exists and is not an invention used to define Carrillo-Salcedo's scientific career.

He was a man of his time. I think that he always has been, despite his resistance to the Internet. The concerns at that time—and this had something to do with his teacher, Aguilar-Navarro—were about using Europe as a means of ending the uninspiring regime imposed by the armed uprising and maintained by the power of geostrategy.

Aguilar-Navarro, so influential in his general education, was busy with the subject matter of the major theories; hence his deep unquestionable intellectual formation and his community approach. That is why in the general principles of his work on international public law, Aguilar-Navarro criticises hostility to metaphysics and the errors of progressivism and pragmatism as the mere result of material formulas.

However, also, as I have already said, Aguilar-Navarro, the undisputed teacher of our Ph.D. candidate, was a man of application. That is why he was concerned about the territorial issues of his time, such as the Antarctic, the Korean crisis, and Caribbean unrest.

Perhaps, influenced by this way of thinking, Carrillo-Salcedo immediately let himself be hoodwinked by his personal circumstances and the social circumstances of the time; his marriage to the daughter of a Republican teacher who had suffered reprisals and his open admiration for the new pope. John XXIII was responsible

3 Wolfgang Friedmann, *General Course in Public International Law*, 127 RECUEIL DES COURS DE L'ACADÉMIE DE DROIT INTERNATIONAL 39 (1969-II).

4 Pierre-Marie Dupuy, *A Transatlantic Friendship: René-Jean Dupuy and Wolfgang Friedmann*, 22 EUROPEAN JOURNAL OF INTERNATIONAL LAW 401 (2011).

5 RENÉ-JEAN DUPUY, *LE DROIT INTERNATIONAL, QUE SAIS-JE?* (1963).

6 WOLFGANG FRIEDMANN, *THE CHANGING STRUCTURE OF INTERNATIONAL LAW* (1964).

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for the Second Vatican Council, where the Catholic Church opened up to the modern world, despite using the gestatorial chair, not as a sign of the times as was generally said, but as a symbol of permanence, of the debt to history. I also think that Carrillo-Salcedo learned about this in his university and even daily life, perhaps without even realising.

There is very clear evidence of this in his work *Del Derecho Internacional Liberal al Derecho Internacional Social* (From Liberal International Law to Social International Law),⁷ where he collects together the origins of what later would be called the humanisation of international law, terms which have been so often misused, many of them without any understanding of their true dimension.

I do not think that Carrillo-Salcedo limited his intellectual thought to putting human dignity at the centre of all international law activity as that had already been done by others before him. In fact, he has never omitted to recognise how much he has drawn from the Spanish Sixteenth-Century School on the law of peoples and even from other contemporaries of his such as Professor Truyol y Serra. Of course human dignity justifies all action in international law! However, international law must regulate the social dimension of the human being. Therefore his line of argument of most concern was and is, in fact, the human being, or rather the social dimension of human beings. That is why he was interested in the whole, not just the individual; hence his constant preoccupation with the rights of peoples, with their social and cultural rights, and above all with their civil and political rights.

I do not think that he is ashamed of this work, even though he does not even recognise it as such. I have heard him say that it is simply a short work, which came out of a conference in Granada in the 1960s.

Del Derecho Internacional Liberal al Derecho Internacional Social (From Liberal International Law to Social International Law) is certainly short, and it is also true that it simply provides notes on United Nations humanitarian work, but the important thing about it is that it is the first Spanish text to examine the social dimension of international law, excepting of course, the glorious paternity of that human rights-based law in the Sixteenth-Century Spanish Classical School, which, as I have already said, Carrillo-Salcedo has practised so keenly. And this would mark one of the guidelines for the future behaviour of the entire Spanish School.

He talked of a universal civilisation and its protagonists, human beings and peoples. He spoke of an international social order. He also spoke of the humanisation and socialisation of international law.

His professor had taught him to go with the sociological current of international law. This scientific methodology also largely contributed to focusing his intellectual efforts on the social dimension. But Aguilar-Navarro remained in the field of principles, focusing always on analysis of the political aspect. Carrillo-Salcedo wanted to get beyond that. This, in my opinion, is what discipleship is all about, in advancing, in “innovating”, as people say nowadays, in going a step further, not in

⁷ JUAN ANTONIO CARRILLO SALCEDO, *DEL DERECHO INTERNACIONAL LIBERAL AL SOCIAL* (1963).

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reinventing. He was not content with more in-depth exploration in the same direction as his master, and so he followed other European authors with social concerns very closely, introducing them into Spanish teaching.

And of course, he also reflected the teachings of a Church that was opening up to the social world. He himself said in 2004, in a Conference at the Cultural Centre in Seville, that *Pope John XXIII signified, above all, the demystification of the Pope's role and that was why his own figure must not be mythologized.*⁸ Unfortunately, the current Vatican has not listened to him and in just a few years we have seen how that pope, who wanted a humble burial in the Vatican Crypt with only a slab bearing his papal name, has been elevated to Saint Peter's Basilica, and his embalmed body impudently exposed for tourists to venerate him as a myth.

I was pleased that, in that lecture, Carrillo-Salcedo used a book by Jiménez Lozano on the *Good Pope John* that I gave him years ago.

Carrillo-Salcedo is not a man of myths and that is why he does not mythologize state sovereignty. Neither is he a realist, in the worst sense of that word, and that is why he fights against that sovereignty, that reality, speaking of a fanciful common heritage of humanity as if it were something that had already been achieved and was tangible. Once again, here is his social dimension.

Carrillo-Salcedo is a man of hope and that is why he thinks human conditions can be improved. And that is why he dedicates all his intellectual time at recreating that better world. Improvements must be brought about by society, including the law.

Many consider *Soberanía del Estado y Derecho Internacional* (State Sovereignty and International Law) to be Carrillo-Salcedo's outstanding work. I see it as the strongest link in his production because in this work he dares, having attained intellectual maturity, to conceptualise and x-ray the classical principles of sovereignty adapted to an international society that is more interdependent than ever before, where certain classical principles have become obsolete precisely as a consequence of what we have been calling the humanisation of international law.

In this work, the scientific concern that has remained with him ever since shines through: the tension between state sovereignty and the international legal order. Later he would go on to specify the framework of that legal order, which is simply one that enables human beings to experience their dignity as such, in community, which is at the hub of his conception of the international legal order. Therefore, dignity of the human being, as an individual but also as part of the collective, is the central theme of his internationalist thought. That is why he will always be concerned with collective aspects throughout his academic career, such as the right to development⁹ and the interdependence of peoples.¹⁰

8 See Mimeographed Paper.

9 Juan Antonio Carrillo Salcedo, *El Derecho al Desarrollo como Derecho de la Persona Humana*, XXV REVISTA ESPAÑOLA DE DERECHO INTERNACIONAL 119 (1972).

10 Juan Antonio Carrillo Salcedo, *La Interdependencia Política y Económica entre los Pueblos*, 19 ANALES DE MORAL SOCIAL Y ECONÓMICA 1 (1967).

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Unlike other authors, such as the late Ian Brownlie,¹¹ Carrillo-Salcedo has never doubted that human rights are subjects of the international order, but of course unlike Brownlie, Carrillo-Salcedo is not “an objective positivist”.¹²

Together with other illustrious colleagues, Carrillo-Salcedo pioneered recognition of these rights as the central theme of the international legal order. But he went much further, as one of the first to be particularly concerned with the system of control and procedures to ensure that rights are effective.

In this regard, we could say that he is an applied scientist. And he must have learned that from his professor, Aguilar-Navarro. Despite what some people think, because of his closeness to Francisco de Vitoria and his in-depth knowledge of the classical doctrine of international law, Carrillo-Salcedo is not a theoretical scientist who meditates on the world of ideas, he is an idealist scientist who tries to improve the social conditions in which humans live and move, that is, he uses ideas when they become available or are instruments for improving the dignity of each human being.

Consequently, he has always been proud of being a follower of the Encyclicals *Pacem in Terris* and *Populorum Progresio*. In contrast to those who were interested in presenting Pope John XXIII as a pro-communist, Carrillo-Salcedo understood the principles and transported them to the teaching of international law. He himself has said that this Encyclical represented “a revolution in the Christian approach to secular problems by making the dignity of all men, believers or otherwise, whatever their ideology or political opinion, the centre of all laws, policies, and social and economic dynamics”.¹³

That is why Carrillo-Salcedo then decided to focus his concerns on the framework of teaching, on the social dimension of human beings, as the specially protected focus or legal interest of the international order.

Many of the works written by Carrillo-Salcedo express his conception of international law. However, in my opinion, where he best reflects a global conception of the discipline, with human rights as the central theme, is his general course on *Droit International et Souveraineté des Etats* (International Law and Sovereignty of States), which he taught at the *Académie de Droit International* in 1996, in The Hague, a course that I was privileged to attend.¹⁴

He considers that “the state institution is always the basis of international society: the gradual institutionalisation of the international community has not displaced sovereign States and their structure is indisputably still decentralised”.¹⁵ However,

11 IAN BROWNLIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* (7th ed., 2008).

12 IAN BROWNLIE, *International law at the Fiftieth Anniversary of the United Nations: General Course on Public International Law*, 255 *RECUEIL DES COURS DE L'ACADÉMIE DE DROIT INTERNATIONAL* 9 (1995), at 21.

13 See <<http://www.ateneosevilla.org/actividades/ciclotestigosjuanXXIII.shtml>>.

14 Juan Antonio Carrillo Salcedo, *Droit International et Souveraineté des Etats: Cours général de Droit International Public*, 257 *RECUEIL DES COURS DE L'ACADÉMIE DE DROIT INTERNATIONAL* (1996).

15 *Id.*, at 19 (after note 17).

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as he himself says, one cannot have “a hyperbolic conception of sovereignty, which seems mythical and almost mystical”.¹⁶

See how once again he attacks myths and mysticism as elements that are foreign to the applied philosophy running throughout his work.

He defines sovereignty as “the expression and legal guarantee of the independence of states, with two complementary aspects; one positive aspect, the right to exercise all state competences and powers and a negative aspect, a refusal to tolerate any legal subordination to a will outside the state”.¹⁷

However, Carrillo-Salcedo views state sovereignty as a functional sovereignty, that is, it enables the state to exercise its functions as such because he realises that in the international legal order in the modern world, the characteristics of interdependence and the mere existence of common spaces not subject to the competence of states mean that nowadays sovereignty can be said to be functional in nature.

And among the limits that modern international law imposes on sovereignty, Carrillo-Salcedo finds two: human rights and the right of peoples to self-determination. Here again is his social dimension.

This enables Carrillo-Salcedo to speak of the relativism of international law, which he demonstrates by the “gradual affirmation of the notion of international community in practice and in modern doctrine and action from international organisations over a long time on the structure of the international legal system”.¹⁸

Sometimes I have thought that he was exaggerating about this hypothetical or fanciful international community. However, I think it is consistent with his thought because he has always emphasised the general interests of international society and not the mere common interests of its members, however legitimate they may be. Therefore, when speaking of human rights, the environment, or regulating the use of force, he has emphasised this community dimension which has always concerned him.

Carrillo-Salcedo believes that the *corpus iuris* of international law has had three processes: institutionalization, socialization, and humanization. All three interplay and influence reciprocally.¹⁹ Thus, he speaks of “international social justice” as an aspiration of the functions of international law. He also speaks on a legal order as builder of conditions for peace and an international community of equals.²⁰

This social dimension is present, even in his conception of globalization and its effects. He denounces the elongation of the trench between wealth and poverty.²¹

16 *Id.* (between notes 17 and 18).

17 *Id.* (after note 20).

18 *Id.* (after note 104).

19 Juan Antonio Carrillo Salcedo, *Permanencia y Cambios en Derecho Internacional*, CURSOS EUROMEDITERRÁNEOS BANCAJA DE DERECHO INTERNACIONAL, CENTRO INTERNACIONAL BANCAJA PARA LA PAZ Y EL DESARROLLO 249 (1999-III). See also Juan Antonio Carrillo Salcedo, *Permanence et Mutations en Droit International*, BOUTROS BOUTROS-GHALI AMICORUM DISCIPULORUMQUE LIBER 293 (1998).

20 *Id.*, at 252 and 301, respectively.

21 Carrillo Salcedo, *supra* note 1, at 22 and 28.

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He also denounces the marginalization of the rights of large groups, including women, children, indigenous peoples, and workers, when he assumes the words of the Jesuit Jon Sobrino on the “sacrificed people”.²²

He also denounces the lack of control and even the states’ management of large sectors of transnational social reality.²³ For that, he proposes to govern globalization in order to defend the general interest and the weak people in the global market through the states.²⁴

Carrillo-Salcedo has always been particularly concerned with the relativism of international law that justifies the argument for focusing on community. This approach distances the state, sovereignty, the juxtaposition of the primary subjects of the international order from international law itself, and so it becomes relative.

He supports the idea that “the concept of international community is in fact at the root not just of a transformation in the nature of international law, but also of the acceptance of the existence of rules of international *ordre public*: the law regarded as peremptory, or international *jus cogens*. The rules of international law, whatever their nature, are always legally binding. Yet while there exist norms of discretionary international law that can be changed by the states as they see fit, there are others, of a peremptory nature, over which states have no power, since only a rule of the same type can change their substance”.²⁵

For this reason, he states the following:

I wish, however, to stress the importance, in relation to the scope of *jus cogens* in contemporary international law, attaching to two features intrinsic to it: in the first place, these rules are all prohibitive; in the second place, and this is an essential point, they have a strong ethical connotation, to the extent that *jus cogens* tends to set certain greater values above power. This is why, despite the shortcomings of binding law and the difficulties of implementing it, the situation created by the juxtaposition of two logics—the objectivist and the subjectivist one—is, I feel, one of the most fertile in contemporary international law.²⁶

Consequently, he considers that “the notion of rules of *jus cogens* has introduced a hierarchy into contemporary international law, despite its indubitably inter-state features”.²⁷

But the need for brevity here forces me to leave these aspects for now and write about them elsewhere. In order to understand Carrillo-Salcedo’s intellectual personality, however, I must mention his public dimension and aspects of his personality and the life that he has dedicated wholeheartedly to the university and international law.

My intention is not to profile Carrillo-Salcedo’s busy existence but to focus on his public and personal dimension in order to scrutinize his thought. What follows

22 *Id.*, at 28.

23 *Id.*, at 32.

24 *Id.*, at 63 and 65.

25 Juan Antonio Carrillo Salcedo, *Reflections on the Existence of a Hierarchy of Norms in International Law*, 8 EUR. J. INT’L L. 583 (1997), at 589–590.

26 *Id.*, at 592.

27 *Id.*

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then is not a narration of his *curriculum* but an explanation of the matters that lead me to the considerations I make about his intellectual aspects.

His basic intellectual formation took place during the cruel dictatorship in Spain (1939–1975). Being professor at a prestigious Spanish university, he could have aspired to a more or less comfortable life as some of his colleagues did. By that I mean those who collaborated with Franco's regime in high-ranking political or administrative posts. Carrillo-Salcedo was not so tempted. He only formed part of the Spanish delegation before the United Nations General Assembly Sixth Committee (Legal) in collaboration with another of his professors, Dr. Antonio de Luna.

Sometimes I have heard him say that he was probably one of the few Spanish internationalists (jointly with his colleague and friend Professor González Campos) who were not part of the Spanish delegation during the *Barcelona Traction* case. Others even became ministers, but he limited himself to furthering his studies and actively participating in democratic-Christian groups who were trying to open up the Francoist regime.

When democracy came in 1976, and his great friend Marcelino Oreja-Aguirre was appointed Minister of Foreign Affairs, he was one of the members of the minister's close circle, and in 1977 he formally became a member of his cabinet, in charge of human rights policy.

It must not be forgotten that in those years, human rights policy was particularly important for Spain's international credibility. Spain's integration in the international scene began with something quite unusual at that time: Spain's adhesion to the major international human rights treaties, including the influential European Convention on Human Rights.

In this latter treaty Carrillo-Salcedo had the opportunity to take part in something which had always attracted him, the control organs required to make human rights effective. He was a member of the European Human Rights Commission and a Judge of the European Court of Human Rights, posts which would particularly influence his research work. As a judge he adopted, perhaps without even realising, a sentence from the Roman poet Publio Ovidio Nason, *Inde datae leges, ne fortior omnia posset* (laws were given in order that the stronger might not be able to do everything).²⁸

As a judge he always believed in the indivisibility of human rights. There could be no consideration of civil and political rights separate from economic and social ones because they were all part of the common right to the enjoyment of dignity in one's social environment.²⁹ Being a judge also strengthened his intellectual convictions in relation to humanity's contribution (the collective again) to reinforcing the ideological dimension of international law.³⁰

28 PUBLIO OVIDIO NASON, *FASTI* (1492) (3.279).

29 Juan Antonio Carrillo Salcedo, *Protección de los Derechos Humanos en el Consejo de Europa: Hacia la Superación de la Dualidad entre Derechos Civiles y Políticos y Derechos Económicos y Sociales*, *REVISTA DE INSTITUCIONES EUROPEAS* 431 (1991).

30 Juan Antonio Carrillo Salcedo, *Contribution de la Notion d'Humanité au Renforcement de la Dimension Idéologique du Droit International*, in KAREL VASAK *AMICORUM LIBER. LES DROITS DE L' HOMME À L'AUBE DU XXI^e SIECLE* (Karel Vasak ed. 1999), at 115 *et seq.*

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As his late lamented disciple Professor Rodríguez-Carrión said in his *Laudatio* as Doctor *Honoris Causa* of the University of Malaga, “the mere mention of this immense volume of works on international human rights law could give the false impression that in fact, we are before the greatest Spanish specialist with few international equals, on the matter. And it would be a false impression because Carrillo-Salcedo’s work transcends analyses of human rights and makes those rights a keystone of his theoretical construction of international law: international law is no longer a set of legal norms that are intended to regulate relations between states as sovereign and independent subjects of the international order but constitutes a set of legal norms that, while obviously not dispensing with States, are intended to construct and regulate the international community. From this perspective human rights are no longer a simple element for legitimating States that scrupulously respect them; they have become the canon for lawful state behaviour so that the legality of state actions must withstand this test of suitability; thereby superseding empty allegations of the supreme interests of state or reasons of state as a measure of state activity”.³¹

Carrillo-Salcedo has never ceased to deepen his exploration of these aspects of community through human rights, political and social rights, the rights of peoples, the right to development, so that this social dimension has become the focus of his intellectual concerns.

As Oreja-Aguirre rightly says, “Professor Carrillo-Salcedo has made efforts to show how the notion of international community has taken us from a state-based international order to one where the guiding principle is that of the international community”.³²

I must, however, also say something about Carrillo-Salcedo’s personal dimension, which, inevitably, shows signs of the scientific consistency that nourishes his intellectual and ethical world.

I first met Carrillo-Salcedo almost thirty years ago at the University of Seville. He had recently arrived from the Autonomous University of Madrid, as the only master of his destiny. It is unusual in university life to move from the capital to a province, but, as I have already said, he was simply following in the same footsteps of his much admired and then already dead, Professor Giménez-Fernández. He immediately accepted the post of dean at the Faculty of Law, and that is where I remember him for the first time. He was much younger then than I am now. I was just a student, but eager for knowledge, and so I was ready to follow those who taught me.

In those days, under his guidance, surprising things happened for a twenty-something-year-old student during the transition to democracy. For the first time, in a university class on international law, he talked to us about human rights and fundamental freedoms and not about Samuel Von Pufendorf, however well he

31 Alejandro Rodríguez Carrión, *Laudatio al Prof. Carrillo-Salcedo*, available online <http://www.uma.es/publicadores/gabinete_r/wwwuma/disc_carrillosalcedo_padrino.pdf>, at 7–8.

32 Marcelino Oreja Aguirre, *El Profesor Carrillo: Su Dimensión Pública*, in *SOBERANÍA DEL ESTADO Y DERECHO INTERNACIONAL: HOMENAJE AL PROFESOR JUAN ANTONIO CARRILLO SALCEDO* 23 (Elisa Pérez Vera & Alejandro J. Rodríguez Carrión eds., 2005).

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might have taught dual contract theory in Heidelberg,³³ or about René Descartes, who, although he was the father of modernity,³⁴ was presented to us law students without any metaphysical meditations³⁵ or methodological discourses,³⁶ which was what we had been used to from the lecturers in international law under the direction of Professor Sánchez-Apellániz.

Carrillo-Salcedo came with the aura of a conservative (remember Pope John XXIII's gestatorial chair as an extreme symbol of history). His gestatorial chair was to address all of us with the formal form of "you" in Spanish, create formally impeccable relations, and establish ceremonious greetings.

However, as dean, he inaugurated new classrooms, where, out of respect for the constitution, he ordered the official portraits of the king and queen to be hung rather than the traditional crucifixes that still decorated all university offices. And he was a declared Christian.

He brought the then Minister of Education, his old friend from Granada, Federico Mayor-Zaragoza, to the inauguration of the academic year,³⁷ and was kind enough to present him to the students so that we could discuss things with him and put forward our concerns. I hope you can imagine what that meant for a young man of twenty-two or twenty-three to see the face of power close up: a minister, one of those unsullied souls that were only seen on TV (Spanish TV, of course).

I did my doctoral thesis under his supervision. I wanted to be an internationalist with him, because he offered me a concept, a theory, praxis, and a scientific method. And with his help, I became a university professor.

I stopped publishing literature to concentrate on the inner workings of international law. And in the comings and goings, as in any human life, of those I speak of in my book *Desde la orilla* (From the Seaside),³⁸ I always returned, with his guidance, to the dense matters of our discipline, although I have often felt like Publio Ovidio, a barbarian, that is, a foreigner, because he did not understand me.³⁹

I have experienced some of the things that have shaped his academic and also personal life. I have seen him exultant on the day we were told (and I say "we" because I was more expectant than he was) that he had been elected judge of the European Court of Human Rights, and on the day he obtained his first Doctor *Honoris Causa* at the Carlos III University of Madrid.

33 This refers to the contract on governments' commitment to manage the public interest well and that of citizens to obey.

34 Francisco Pérez Herranz argues against this paternity, known by the phrase "Cogito ergo sum" transferring it to Francisco de Vitoria in his "Ius communicationis". See Francisco Pérez Herranz, *Francisco de Vitoria, Descartes y la Expulsión de los Judíos*, 12 EL CATOBLEPAS 8 (February, 2003).

35 RENÉ DESCARTE, *MEDITATIONS ON FIRST PHILOSOPHY* (1993).

36 RENÉ DESCARTE, *DISCOURSE ON METHOD AND MEDITATIONS ON FIRST PHILOSOPHY* (2007).

37 Afterward, Mr. Mayor-Zaragoza was appointed Director-General of UNESCO.

38 PABLO ANTONIO FERNÁNDEZ SÁNCHEZ, *DESDE LA ORILLA*, CENTRO ASOCIADO DE LA UNED (1989).

39 *Barbarus hic ego sum, quia non intellegor ulli* (I am a foreigner here because no one understands me).

RECENT LINES OF INTERNATIONALIST THOUGHT

And I have also seen him devastated, as people say nowadays, when he was forced to decide, in his capacity as chair of the national group of the International Court of Arbitration, between two friends who wanted to join the International Court of Justice, and when he had to evaluate nepotism in the European Commission, knowing that one of his best friends was among the Commission's most outstanding members.

I have seen tears in his eyes, for the death of loved ones, and smiles on his lips at the birth of his grandchildren. And I have seen him fearful, restless, lucid, sour, doubtful... That is, I have seen the MAN.

We have had many discrepancies, but there has always been respect, recognition, and admiration. The differences have never been due to ethical, moral, scientific, or affective criteria, but to the fact that I always wanted to *Alis volare propriis* (fly with my own wings).

Therefore I am well placed to say that Carrillo-Salcedo has been an example of how one's personal life can be a reflection of the academic, scientific, and ethical life that is being defended. Of course he has made mistakes! He has never wanted to be an angel. Once he even admitted to me that he had done something out of weakness. The same weakness that I have fallen into so often and at that time did not understand.

Great men will never be judged by their cowardice, or their fears, or their weaknesses, because their greatness outweighs any pettiness. And Professor Carrillo-Salcedo is one of those men who are not only great themselves but exalt those they share their lives with.

My intention has been to present the academic, the researcher, the professor, the jurist, but in the end I am aware that I have also presented the MAN, and this makes me proud because it reflects the fact that it is this personal dimension that has most enriched his thought on international law and his students and disciples.

Seville, 10th November 2011