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Decorum and barbarism in the dissolution of the Spanish Empire in America.

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If we are to believe the studies devoted to the Ibero-American independence, what prompted the dissolution of the Spanish American Empire was the Napoleonic invasion of the Peninsula in 1808. When this happened, the political response from Mexico to Buenos Aires was initially more traditional than liberal. Who would hold the representation of the king now that Bonaparte had broken his control over the Spanish dominions? This was a more pressing question than whether the Monarchy as an institution should be junked in favor of a liberal Republic, as eventually happened. For most, decorum, not independence, was the question of the hour.

Advocates of liberalism don't talk much about "decorum" nowadays. Liberalism is usually associated with globalization, free markets and light-touch regulation. Decorum is seen as obsolete, as part of the ideological remains of a forgotten past. Our political philosophy is built on the language of human rights and democracy. Still, as the 21st century advances and new mayor challenges have arisen, we have come to realize that our enduring moral dilemmas and liveliest political debates derive from a substantial cultural pattern which is at the base of these very notions: rights and democracy. Indeed, in the real world of democracy decorum still ubiquitous, but the slowly growing attention to this neglected but central aspect of politics has placed the question of the future of liberalism in a very eschatological

mood. To turn the attention away from the crystal ball and instead focus on its origins could help us to be better prepared to answer the eventual question on its global destiny or its absence.

With the Bicentennial celebrations of the Spanish American Independence gathering momentum, we might have a new chance to consider both the cultural dimension of liberalism and why our political ideas so often turn sour as they confront particular circumstances on the ground. Histories of liberalism are usually associated with British experiences and ideas, but the word “liberal” as an adjective with a political use was coined in the discussions that lead to the proclamation of the Spanish Constitution of 1812. Now, after three generations of scholarship, we know that the first Spanish “liberal” Constitution had a far-reaching impact in the new Latin American republics. Likewise, the connections between Constitutional designs, process of identity formation through public discourse and ideals of liberty have been remarkably studied in the recent past.

In 1992 Spanish born François-Xavier Guerra, professor of Spanish American History in Paris, published a book which up until now is a book of reference in the field. Drawing inspiration from scholars of the French Revolution (Cochin, Ozouf, Gauchet), Modernity and Independencies (Essays on the Spanish Revolutions) puts much of its emphasis in the link between the fate of public culture and the fate of political philosophy. Guerra describes the emergence of Modern legitimacy, the new legitimacy of the nation and sovereign peoples, as gradual cultural transformation of political representation, from the old representation to the new. This process takes place within what he calls the social and political “imaginary” of the time.

It's true that "the problem of representation is, from the starting point of the Peninsular uprising [against Napoleon], the central problem of the Hispanic revolution". During this arduous period (1808-1826), the liberal Spaniards and the patriot "creoles" (the American born Spaniards), revitalized the imperial doctrine that the colonies were in fact kingdoms in a personal union with the crown, and as Napoleon destroyed this personal union, under such circumstances, sovereignty has reverted to the people, that is to say, to the original body of the Spanish monarchy.

Guerra argued that this "body politic" was represented in the political theory of historical constitutionalism as the hierarchical aggregate of kingdoms, cities, corporations and social estates (nobility, clergy and the so called "third estate"). The ceremonial practices of the Spanish monarchy enhanced this conception. Officials and civil servants take part in these ceremonies according to their ranks. Likewise, he asserts that the public mobilization against Napoleon brought to life a new theory of representation. The new theory was based on "the structural transformation of the public space" (Habermas) which take place in social life: books, newspapers, coffee houses, political parties, public demonstrations, etc. Eventually, this transformation led to redefinition of "people" as "Nation", understood not as juxtaposition of estates, cities and kingdoms, but as "homogeneous" space in which individual and sovereign, representative and represented, meet each other through the elective process.

To my mind, no one has yet improve on this narrative. Notwithstanding, I want to argue that this interpretation is conceptually inadequate and potentially misleading. Modern

representation, in this view, depends crucially on the capacities for consent and speech, the ability to participate on a par with others in dialogue. It occludes that dominance is intrinsic rather than accidental to sovereignty. It also occludes that the rise of the so call “historical constitutionalism” (Burke, Montesquieu, Martínez Marina) was a reaction to the revolutionary moment. Thus, the critical potential of this narrative cannot be released simply by reconstructing the social and political “imaginary”.

A distinction between the “symbolic” production and the “imaginary” re-production of societies may be of some help at this point. Now this distinction is a rather complex one. Max Weber made a pioneering contribution by identifying the quality of legitimacy, as something different from the activity of legitimation. Legitimacy points to the moral connection between power and government, legitimation to the activity of government in general, and in particular to those activities inherent to government officials. An example will help to illustrate this distinction.

The diplomatic correspondence of Spain, England and France, from the latter part of the 15th to the end of 17th century, contains overwhelming evidence that symbolic taking of possession was regarded as the crux of legitimacy in the acquisition of sovereignty. This fact is representative of the great significance attached by discoverers and their sovereigns to the formal –i.e., imaginary– acquisition of new found lands. The ritual of possession –planting crosses, marching in procession or picking up soil–, though apparently directed towards the natives, has its full symbolic meaning in relation to the other European powers. Thus, the social and political “imaginary” –the stock of images, along with the means of producing and circulating them– has to be

differentiated from other, non-mimetic, reality. This is the symbolic reality of power and subordination, the substance of legitimacy. It is worth noting the connection between the representational machine of the Spanish monarchy and the rise of a new legitimacy. It could be use, in combination with other assumptions, to show the transition from theological debates, notarial records and epic poems to newspapers, coffee houses and modern elections. However, if we want to grasp the critical insight in the connection between imaginary and symbolic reality, this means that representations are not only products but producers, capable of decisively altering the very forces that brought them into being.

Let me turn now from the question of the empirical representation to the question of its normative implications. From the empirical point of view, the officials of the Spanish monarchy, nurtured generation after generation in the Baroque traditions of representation, were moreover perceived as political agents rather than as moral actors, since the source of their legitimacy generally was presented as external to themselves. From this point of view, decorum was the very source of government. However, in this tradition of government the formal was part of the normative dimension of politics. This is the first outcome of a political philosophy which have turned Agustinism and Thomism in a new synthesis with the help of two classical sources: Aristotle and Cicero. In this tradition, decorum meant not just the proper expression in the arts, but the unity of Christian Natural Law and Civil Law, and, in consequence, any political change or evolution has to be done in line with this representation of moral and political unity.

Now I want to argue that the Spanish American Independencies were not the result of a crisis in the theory of government, a

break in legitimacy after the erosion of the values that connected political actors and government, as it was probably the case in both French and American Revolutions; Spanish American Independencies could be better understood as an interruption in the formal process of legitimation. The thesis that internal failure of decorum, understood as a collapse in the self-legitimation process, produced the change of the existing legitimacy is to a large extent irrelevant. Indeed, Natural Law continued as the main ideological source for the new theory of government for nearly another century. What happened in the Spanish world between 1808 and 1826 was the final collapse of the political language of universal monarchy (Monarchia Universalis).

Undertook with colossal military, economic, legal and moral forces through more than three centuries, if this experiment had been really successful, would have solve one of the most pressing questions of the present. How is it possible to unite distant territories in such a way that each of them can continue its own particular life, while at the same time limiting its own sovereignty to make a peaceful world? Let me put this another way. From the contemporary perspective, the question is whether such experiment was due to fail because is in the essence of every Empire to fail, being almost a natural impossibility, or because the global civic education, the necessary statesmanship and legislation for this purpose, is available now but not then.

Needless to say, the events in Buenos Aires and Cadiz, Madrid and Lima, Mexico and Seville were hardly the same, but the political crisis revolved around the same pattern: Which institution was better prepared to represent the Monarchy in absence of the king? The viceroy, the royal courts of justice, the municipal governments? All of them? None of them? It was

necessary, perhaps, to call a Junta or Congress to represent the king during the interregnum? If this has been the answer in Spain, why not in America?

During these arduous years, decorum have come into question. In New Spain, one of the most Baroque colonies, even the instigators of the Hidalgo Revolt of 1810 felt obliged to follow the protocol and proclaim insurrection in the name of the king. In 1821 Agustin de Iturbide consumed independence from the Spanish Empire in the name of the Mexican Empire. And, last but not least, evangelical decorum –as could be find in the words spoken by Jesus to Magdalene after Resurrection– turned to be the rhetorical formula for Independence: “Noli me tangere” (John 21:17), meaning that the new nations have to join up with God and face their own destinies. Unity in civilization was once again the symbolic matter of the political association. The future of the new nations, destroyed by the unbridled forces of war, depended on whether or not we are compelled by antagonisms as final necessities or whether we can eliminate them or at least transform them by Christian methods.

By the mind of the 19th century, Domingo Sarmiento, Argentine intellectual and the seventh president of the Republic, wrote in his Facundo: Civilization and Barbarism (1845), a critique of the barbarism of the gaucho and the caudillo that followed the war of independencies, that the greatest misfortune of our Ibero-American peoples is that after being searching for “unity in civilization and liberty, we have found it in slavery and barbarism”. He was thinking in terms of political culture, and without to endorse his full statement, we can easily recognize how what had begun as proclamations of loyalty turned very soon in a war against the Spanish tyranny. Search for decorum turned into polemics each accusing the

other of atrocities. Indeed, both decency and horror, like the capacity of represent them, seem distributed fairly evenly. Thus, when we relate the debate on the Spanish America Independence to the political philosophy of its actors, we shouldn't forget from our perspective that the same principles and ideas may serve to very opposite public discourses.

In the next few minutes I am going to address this point, giving a rather different twist to the distinction between symbolic and imaginary, legitimacy and legitimation, and in order to built better my point I am going to make a quick reference to the foundational debate of the Ibero-American intellectual history: the Valladolid Controversy of 1550-1551, where the Latin imperial chronicler, Juan Ginés de Sepúlveda, and a Dominican bishop, Bartolomé de Las Casas, met in a bitter disputation about the rights of the peoples conquered by Spain across the Atlantic. Las Casas contested Sepúlveda's claims that violence against the Native Americans was justified because of their immoral behavior.

The dispute has been presented alternatively as the typical clash of two sensibilities –the “imperialist” and the visionary Christian–, the ideological confrontation between the Colonial and Indian parties, or the formal collision between the “humanist” –with his trust in the rhetorical rules of a written dialogue as spontaneous conversation– and the “scholastic” who explores and answers all possible counter-arguments to his thesis. This is all true. However, borrowing a distinction from current pragmatics, it may be argued that one thing is to have a discussion on a empirical statement (“Indians behave like barbarians”) and another to have a disputation on a normative principle (“We should act according to God's will”). Sepúlveda and Las Casas have many principles in common, for instance the Stoic-Christian principles of a

universal natural law, but they strongly disagreed on the application of these principles. According to Marcelo Dascal, from whom I have borrowed the distinction, this is the very nature of the controversy, something in-between discussion and disputation. Sepúlveda and Las Casas have a real controversy because they had a common ground on which to disagree. They share a political philosophy; but they disagreed in their public discourses.

This becomes crystal clear, I must say, in the crucial aspect of the legitimacy of the conquest. Neither Sepúlveda nor Las Casas never questioned the missionary principle reflected in the Papal donation of imperial jurisdiction –the so called “bulls”– which queen Isabella and king Ferdinand received from Pope Alexander VI. The most relevant of these documents, a key part of the social and political “imaginary” of the times, drawn a “symbolic” line in the Atlantic, stating that sovereignty (dominium jurisdictionen) over the western territories belong to the Spanish rulers on condition that missionary work has to be performed at their own expense. Papal donations and bulls played a key role in setting rivalries among European powers. However, there remained a further question. If the native peoples were to offer some sort of resistance, what gave European Christians the right to subject them by force? This is the main question address in Valladolid in 1550-1551.

Sepúlveda opened the controversy with a focus on the legitimacy of the missionary wars; Las Casas followed the same pattern. They both seemed to believe that Just War Theory was the best ground for clarification of sovereignty. Sepúlveda favored the use of military force –when it proved to be necessary– in order to accomplish the mission of the Spanish crown in the New World, as prescribed by Pope Alexander VI’s

donation of imperial jurisdiction, and Las Casas holds that the use of any kind of violence against the Native Americans would destroy the nature of the papal mission itself.

With the focus on the just war, the concept of an individual right gained all its force as the key element in earlier modern political theories of sovereignty. Nowadays, we associate rights and sovereignty with the symbolism of the social contract, but for many centuries evidence of corrupted and immoral practices supported by the social and political imaginary, the so call “crimes” against Natural Law, offered a more traditional basis for the symbolic understanding of both individual responsibility –exposed by consent to crimes committed by public authority– and sovereignty as the universal right of retaliation and due reparation among civilized nations. The final message is that all cultural practices are welcome if we can translate them into a universal code of decorum: the Ius Naturale et Gentium. Whether this code has been enshrined in a universal faith, interest or sensibility (compassion, sympathy or friendship) is not the matter here. What concern us is the fate of a political culture in relation to the fate of a political philosophy. The Spanish American Independencies are, on the one hand, the result of the spread of the European revolutionary thought across the Atlantic World, and, on the other, the fruit of a political culture which grew mostly out the tradition of Catholic Natural Law.

Sepúlveda, a former protégé of Pope Clement VII (Giulio de Médicis), wrote in Latin two main dialogues, Democrates primus and Democrates secundus, based on conversation among three characters in defense “of decorum in war” (de honestate belli). He typically started his dialogues with a brief survey of the traditional causes for a just war, but the intention of

his second dialogue is to introduce a new category: the war against those retarded peoples who refuse the “imperium” of wiser, prudent peoples. This is the famous argument based on Aristotle’s doctrine of “slavery by nature”. According to Aristotle’s Politics, the “slave by nature” is a human being without control over his passions –a subject which may have reason but no deliberation. Thus, this human being can only participate in the “polis” through a third person, a proper person: the master. However, in Sepúlveda’s interpretation the “slavery by nature” is induced, inbred over many generations as a “second nature”. With this, Sepúlveda managed to keep Aristotle in line with Christian Natural Law. It’s not the absence of a “common humanity”, but the corruption of the social and political institutions what justified the war of the civilized, decent peoples (gentes humaniores), against the retarded, barbarian peoples.

Las Casas perfectly understood how Sepúlveda’s dialogues were an exercise in public discourse, and, in consequence, he decided to counterattack with the same weapon. Firstly, the Aristotelian link between barbarism and ugliness is used by Las Casas to prove that the Native Americans are decent peoples. They are beautiful, sincere and pacific. The best indication of their natural access to practical wisdom (pronēsis). On the contrary, we are violent, greedy and cruel. In other words, he inverted the formal position of barbarians and civilized peoples. Secondly, he also appeals to the humanist’s commitment to rhetorical decorum, as Sepúlveda had been doing in his dialogues in order to force to action (contentio). Las Casas, however, appeals to decorum in order to reach his notion of a true political association. The Ciceronian definition of polite “conversation” (sermo), the kind of speech “to be found in social groups, in philosophical discussions and among gatherings of friends”, provides the

basis for his notion of “political conversation” (la política conversación). This is also the basis of the rhetoric that Erasmus recommend for preaching. Decorum of preaching demands the patient accommodation to the listeners, using moderation as the most effective persuasion.

These were the two basic lines of Las Casas’s public discourse: inversion of barbarism and conversation of humanity as the only source of legitimacy for the Spanish mission in the New World. He develop both lines in his massive writings, petitions, histories, and, certainly, these two lines had a prominent place in his universally famous A Short Account of the Destruction of the Indies, the incendiary little book that put the foundations of the Enlightenment public discourse on imperialism.

History shows that the Enlightenment critique of imperialism has a prominent place in the ideology of the Spanish American Independencies. The early “Proclamation to the peoples of the Colombian continent, alias Spanish America” (1801) by Francisco de Miranda has the unmistakable touch of Las Casas’s denunciation through the works of Raynal, Diderot and Vattel. The same echoes are present in Juan Pardo de Vizcardo y Guzmán’s “Letter to the Spanish Americans”, published in London by Miranda the same year of his own Proclamation. The Mexicans Francisco Javier Clavijero and Servando de Mier went straight to the source, and, in consequence, Las Casas appears in both cases as the key figure in the war against Spanish tyranny and restitution of the Inca legitimacy. In the last chapters of Mier’s History of the Revolution of New Spain, he was anxious to stress this idea of restitution of the old Inca Empire, Anáhuac. The idea was also present in José María Morelos and Carlos María de Bustamante.

It is rather dubious that Las Casas, who always uses the Christian utilitas to define the aim of a true political association, could mean anything close to reversion of pagan legitimacy when he claims for restitution of Native jurisdictions. He might be probably thinking in reversion to ideal conversation of humanity, where missionary work could be properly and effectively done. Sepúlveda, always more realistic in the “affairs of Indies”, uses commoditas to name the bond of the human association, and, in consequence, reaches the conclusion that, in the present circumstances, the Spanish Empire in America is a mix Empire, civilis and erilis. That is to say, the accommodation of dominion over “freemen” for their own good and over “servants” for the benefit of the master. In due time, he says in De regno et rege institutione, they will be able to rule their lives on their own.

The manifold connections between political philosophy and public discourses is evident in Simón Bolívar, one of the principal actors in the process of dissolution of the Spanish Empire in America. In “Replay of a South American to a Gentleman of this Island”, most frequently entitled The Jamaica Letter (1815) and the most significant and widely known of his writings on the Spanish America Independencies, Bolívar also draws his initial inspiration from Las Casas, “that friend of humanity, who so fervently and so steadfastly denounced to his government and to his contemporaries the most horrible acts of sanguinary frenzy”.

In this letter, Bolívar’s public discourse is based both on “just war” against the unnatural step-mother Spain, who is account responsible of the many crimes and tortures suffered from the time of discovery until the present, and “incapacity” of those who should be in charge of the new sovereignty. However, his twofold argument is not interested in any kind of

restitution of the Inca legitimacy. On the contrary, his main purpose is to define a new reality.

“To my way of thinking, such is our own situation. We are a young people. We inhabit a world apart, separated by broad seas. We are young in the ways of almost all the arts and sciences, although, in a certain manner, we are old in the ways of civilized society. I look upon the present state of America as similar to that of Rome after its fall. Each part of Rome adopted a political system conforming to its interest and situation..., those dispersed parts later reestablished their ancient nations, subject to the changes and imposed by circumstances and events. But we scarcely retain a vestige of what once was; we are, moreover, neither Indian nor European, but a species midway between the legitimate proprietors of this country and the Spanish usurpers. In short, though Americans by birth we derive our rights from Europe, and we have to assert these rights against the rights of the natives, and at the same time we must defend ourselves against the invaders. This places us in a most extraordinary and involved situation”.

According to Bolívar, we can handle this situation only because of the language of a common political philosophy. The New World, that world apart, is nevertheless an Old World regarding the manners of the civil society. This means that Bolívar's answer to the inquire into “the fate of a people who strive to recover the rights to which the Creator and Nature have entitled them” is based, on the one hand, on the same political philosophy Las Casas has used to claim that missionary work should be done through patient and persuasive conversation, but, on the other hand, his public discourse, as we are going to see immediately, is based on contentio rather

than toleration. An enemy of “tolerant systems” from his early Manifest of Cartagena (1812), he sought the remedies in the public discourse of the “old” republicanism, not the “new” –to use a distinction which will be created soon by Benjamin Constant. Extraordinary situations demands extraordinary measures. Thus, conversation is not enough. A perfect representative regime is only perfect, in Bolívar’s words, for a “Republic of Saints”. The Constitutions of the new American republics need further mechanisms for the representation of the general will: strong executive, lifetime Senate, republican magistrature, division of active and passive citizens, love of the country and, last but not least, pursue of glory as the best means of regeneration. These are the remedies for degradation exposed in more detail in his Address to the Congress of Angostura (1819), but the cause of this degradation was clear since The Jamaica Letter.

The rôle of the inhabitants of the American hemisphere has for centuries been purely passive. Politically they were non-existent. We are still in a position lower than slavery, and therefore it is more difficult for us to rise to the enjoyment of freedom. Permit me these transgressions in order to establish the issue. States are slaves because of either the nature or the misuse of their constitutions; a people is therefore enslaved when the government, by its nature or its vices, infringes on and usurps the rights of the citizen or subject. Applying these principles, we find that America was denied not only its freedom but even an active and effective tyranny.

It’s not difficult to recognized in these words the main lines of Sepúlveda’s public discourse. Sepúlveda has established that it was possible to reduce or suppress the sovereignty of a Third State because of their barbarism. Europeans were

entitled to conquer Americans due to their superior civilization. Those retarded peoples were bound to accept for their own good a mixed Empire, civilis and erilis, which in due time will allow them to rule their lives on their own. What Bolívar is saying now is that the Spanish Empire in America has never fulfilled its promises. "We have been harassed by a conduct which has not only deprived us of our rights but has kept us in a sort of permanent infancy with regard to public affairs". In other words, Americans were cut off and, as it were, removed from the world in relation to the science of government and administration of the State. They were kept in an state of permanent infancy. "That is why I say", concludes Bolívar, "we have even been deprived of an active tyranny, since we have not been permitted to exercise its functions".

By the time of the French invasion of the Peninsula, America was not ready to take control of their own destiny. She was not prepared to secede from the mother country. Spanish Americans were dominated by the vices that one learns under the yoke of imperialism: ferocity, ambition, and greed. Facing war and anarchy for the want of just and legitimate government, these vices threw them into the chaos of revolution. Americans, then, have made efforts to obtain liberal, even perfect, institutions, civil societies founded on the Enlightenment principles of justice, liberty, and equality. "But", and here comes Bolívar's final question, "are we capable of maintaining in proper balance the difficult charge of a republic? Is it conceivable that a newly emancipated people can soar to the heights of liberty, and, unlike Icarus, neither have its wings melt nor fall into an abyss?".

The answer to this question revolves around the same pattern of decorum that possessed it. The unity of moral and political

decorum. This idea of unity or proper balance is going to mean well his permanent obsession through discourses and proclamations which aim to fulfill the works of regeneration. He looks with amusing suspicion the intense devotion achieved to the cause of liberty by the Mexican's used of sacred oratory. However, his search for unity is based on the rousseauian model of small republics, and cultivating the virtues and talents that lead to glory. "I shall tell you", he concludes, "with what we must provide ourselves in order to expel the Spaniards and to found a free government. It is union, obviously; but such union will come about through sensible planning and well-directed actions rather than by divine magic".

Bolivar's dreams turned sour as they confronted circumstances on the ground. But it is not my purpose here to show how his sensible plans and well-directed actions changed into a bleak prophecy of war and ruin. My plan for the present conclusion entails going back to the relation of political culture and political philosophy in order to understand how real changes happen in the history of political thought.

At the beginning of these paper I have made a quick reference to three generations of scholarship in the study of the Spanish American Independencies. For the first generation, the ideology of the independencies it was mainly inspired by the French and American revolutions. The second generation was more interested in the Spanish soul of these revolutionaries. Although externally moved by other circumstances, their minds were apparently framed in the Spanish tradition of government. The third generation has tried to be more specific, they have set themselves to identify which particular characteristics in the ideology of these actors were French, American or Spanish. All in all, this has been so far a family resemblance debate.

The problem that all three present, from my point of view, is the degree to which theory informs practice. Let me turn, then, to this final point.

As I have tried to show throughout this paper, political philosophy do not easily conform to a single pattern of public discourse, nor these public discourses resemble each other any more than countries as disparate as Mexico, Argentina or Venezuela resemble each other. However, putting aside these differences in public discourses, it seems that Spanish ideologies of independence grew mostly out of the tradition of Catholic natural law, whereas British liberalism did so through the veins of skepticism and natural science –or so goes the story. Indeed, this is the narrative that has helped us to make sense of the very different trajectories followed by societies in Spanish and English speaking worlds and traditions of government. Whether this narrative is a misleading one or not, the truth is that some more work still to be done in the face of this symbolic competition.

Let me briefly summarized this last point. If what marks modernity is that individuals can claim a formal autonomy to explore their religious, cultural or moral identities, and to pursue the answers they find on their own, the real world of politics has usually been the outcome of regional strategies employed by National-states to govern the hearts and minds of their citizens. This is why the central concept of liberalism –freedom or liberty– is an unclear and deeply contested moral concept. Indeed, the very fact that the same theories of passions and affectivity that evolves the origins of radical self-dependence or (to use the kantian term) “autonomy” are also responsible for the public strategies of “governmentality” (a concept first developed by the French philosopher Michel Foucault at the end of his life) confronts

us again with the fate of political culture and the fate of political philosophy.

We also know that there are two main outlooks to modern reflection on freedom, so to speak. The first, shared by such otherwise different thinkers as Hobbes, Locke and Bentham, conceives of liberty largely in terms of the ability to pursue our wants and desires without obstruction or interference. This is what Isaiah Berlin has denominated the “negative” conception of liberty, and it receives its most succinct expression in Hobbes’s famous definition of freedom as the “absence of external impediments”. The second outlook, beginning with Rousseau, offers a more “positive” conception of freedom. This conception no longer means simply the unfettered pursuit of one’s empirical desires, whatever they happen to be; rather, it means being determined by those desires or impulses that reflect one’s most authentic or spiritual nature.

It was probably Benjamin Constant and nobody else who first placed at the core of our political culture the liberal synthesis: good political manners to handle our most private beliefs. It may be recalled that Constant developed his insights in a vital competition with the Catholics who place more emphasis in the imaginary dimension of religion. Constant seemed to be more interested in legitimacy than in legitimation, which is precisely what captured the political imagination of the Catholics of his own time. Precisely, the virtue of Constant’s liberalism was the lack of interest in the imaginary dimension of religion and his focus on its symbolic power, the translation of the binomial “religious form vs. sentiment” from Protestant theology to modern politics. However, as we have witnessed in the last few years, the relationship between politics and religion, far from being

a settled matter of private believe or sentiment, has become, once again, a matter of much public form and controversy; because the weighty matters of religion seems to inhabit the enduring realm of political decorum, not the realm of moral legitimacy. It relies on oppositions such as, for example, that of form and sentiment, decorum and barbarism, which are based upon self-defeating assumptions, for one only can exit in response to the other, they are interdependent.

In my view, the fundamental change in question is already perceived at the turn of the 16th century, when the entire philosophical paradigm that Las Casas inherited from Antiquity (the Bible, Greek and Latin authors), which he contrasted and challenged from his own experience in the “affairs of the Indies”, was replaced by Bacon’s Novum Organum, a new method for the acquisition of knowledge based on universalization of private experience. The primacy of personal experience became the token for the organization of human society. The new social science would follow both ciceronian conversation and the laws of nature (as re-described by Newton). Thus, the point of what Kant conceived as “cosmopolis” two centuries latter was not the moral law per se but the conversational process build upon and in complicity with. Indeed, the creation of rights of sovereignty through acts of conversation of humanity has followed this pattern. The greediness of theology was overruled by the greediness of social science. Newton’s prestige and the simple laws to which he reduced all the complexities of the cosmic order turned modern science into the hegemonic model for the study of politics.

It is worth noting, to conclude, that the language of decorum and barbarism still ubiquitous through the ideal of globalization. A representation that intensifies imaginative possession of the world. We have come from conversation as

salvation to conversation as global governance. In this new ideal of conversation, human rights functions as the agents of translation, the fluid mediators between inside and outside, the realm of believe and the realm of image, the emotional self and the reluctant otherness. It is true, one may say, that this new liberal utopia aims to improve the human condition without touching the logic of domination. For many critics this is liberalism's fatal nemesis. For these critics, consequently, we need a new paradigm in political philosophy that surpasses liberalism. However, Las Casas's own history show us that the question is not whether we can chose our political philosophy but whether our political philosophy can sustain different public discourses, and, eventually, to what extent our dissent could lead to a real change of paradigm.

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