STATES OF DISORDER IN LATIN AMERICAN HISTORY:
Approaches to Understanding Instability,
Lawless Violence and Impunity, 1808-2012

For the panel, “Conflict, Disorder, and State Consolidation in Latin America”
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The global convergence toward Western-induced social and economic norms over the last few decades has manifestly not been duplicated in the realm of government.\footnote{Niall Ferguson, \textit{Civilization: The West and the Rest} (New York: Penguin Press, 2011), 8.} Across Africa, Asia and Latin America, political norms continue to vary immensely in comparison to those of the 29 member countries of the Organization for Economic Co-operation and Development. The disparity is regularly quantified by the World Bank’s Worldwide Governance Indicators (WGI) project, which rates every country’s performance in six areas: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. \footnote{Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, “The Worldwide Governance Indicators: Methodology and Analytical Issues,” in \textit{Policy Research Working Paper}, Development Research Group (Washington DC: World Bank, 2010).} Figure 1 displays the diversity of rule for the countries of eight world regions in 1996 and 2010, averaging their worldwide percentile rankings across the six indicators. Except for the notable rise recorded by Eastern Europe and the Baltics from 1996 to 2010, the other world areas showed little improvement or declined slightly. The nineteen Hispanic countries of Latin America (including Brazil) recorded a slight decline on the average from 1996 to 2010. Figure 2 breaks out Latin America’s average performance over the period according to each of the six variables; it reveals some slight improvement in three areas, but declines in the rule of law and in regulatory quality. In none of the six areas did Latin America as a whole in 2010 exceed even the 50th percentile, which is to say that more than half the world’s countries outranked the Latin American averages in 2010. Figure 3 displays the number of indicators that fell below the 50th percentile for each Latin American country in 2010; in 14 countries of the 19, at least half of the indicators (i.e., 3 or more) rank below the 50th percentile.
Figure 1

Average Percentile Ranking of World Regions on Six Governance Indicators, 1996 and 2010

Calculations by author. Latin America=19 Spanish & Portuguese speaking countries only

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Figure 2

Governance Indicators:
Average percentile rank, 1996 and 2010, Latin America


- Control of corruption
- Political stability
- Voice & accountability
- Govt. effectiveness
- Rule of law
- Regulatory quality

1996:
- Control of corruption: 43
- Political stability: 35
- Voice & accountability: 49
- Govt. effectiveness: 44
- Rule of law: 45
- Regulatory quality: 46

2010:
- Control of corruption: 45
- Political stability: 38
- Voice & accountability: 49
- Govt. effectiveness: 44
- Rule of law: 37
- Regulatory quality: 35
Why have so many countries of Latin America, despite their two-century reliance on political institutions modeled on those of the West (roughly, the OECD countries), continued to lag so spectacularly in the quality of those institutions? The question (and the answer?) are already embedded in the title of our panel: “Conflict, Disorder, and State Consolidation in Latin America” – and the modifier (“from independence to the present”) that accompanied it in the proposal. Even before we met today, we posited a grim *continuity* of disorder across two centuries in the countries whose number nearly doubled from 10 in 1830 to 19 by 2012 (if we count only the lands claimed by the Iberian monarchies in 1808). The proliferation itself points to a secular tendency for these states to fragment and multiply, rather than to consolidate.
But apart from the splintering of states (which ended about midway through our period with the establishment of Panama), the panel title captures another, more distressing, failure, and that is the interminable dialectic of “conflict and disorder” on the one hand, and “state consolidation” on the other. State consolidation often provoked conflict, and conflict in turn hindered and thus deferred consolidation, which in turn left conflict unconstrained once again. At the same time, the dialect often resolved itself temporarily into a species of state consolidation that enfolded the agents of disorder by means of secret or semi-secret pacts rather than neutralizing them. Hence the continuity, “from independence to the present,” if not in respect of the multiplication of states, certainly in respect of the dialectic of disorder and state consolidation.

No one knows whether Latin America is passing through a period of transition toward a solidly democratic future. But all can see that the welcome habit of competitive and fair elections that emerged in the 1980s has also been accompanied by a good deal of continuity, even an intensification in many places, in violent disorder, corruption, impunity and other traditional signs of Latin America’s chronically weak rule of law. Fig. 2 places Latin America at the 38th percentile in worldwide political stability and at 35th in the rule of law in 2010. For a long time, up until the 1990s, instability and indifference to the rule of law were blamed above all on the tendency of the armed forces to intervene in politics by removing civilian governments it disapproved of and repressing reformist movements aimed at changing the status quo. Truly participatory, democratic elections conducted without fear of military interference would, it was hoped, establish an order in which all parties could contend peacefully and then negotiate their
way toward democratic consolidation and economic development by selecting the “right institutions.”

Demilitarization would have to accompany democratization, and it has. But neither demilitarization nor electoral democracy has managed to wring out Latin America’s longtime proclivity for disorder. Are poverty and economic inequality to blame? It seems more likely that class-aggravated disorder and violence, both in the past and today, find their source in traditional political institutions, such as high-handed presidentialism, patrimonialism, caudillismo, the resort to force and intimidation as negotiating strategies, and behind all of them a stark indifference to the rule of law. In Latin America, they have been “pervasive traits of the political culture since time immemorial,” according to Joe Foweraker – or “corruption plain and simple.”

Crime, violence, corruption and impunity infect state institutions everywhere. But they have suffused the polities of Latin America since their inception. Since the 1980s, electoral democracy has enhanced their visibility with the ebbing of military-authoritarian techniques of rule, freer access to news and information, and the concomitant disruption of long-standing, state-endorsed criminal arrangements and pacts. No one is more aware of the protracted nature of the crisis of order, or laments it more, than Latin Americans themselves. “Our States are sclerotic and hypertrophic, incapable of satisfying the needs of our peoples and of providing the fruits that democracy is obligated to deliver,” declared Oscar Arias, the retiring president of Costa Rica at yet another summit meeting of Latin American heads of state in 2010. Mocking the high-

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minded chatter about democracy and development that prevails at such meetings, and criticizing the intelligentsia’s fondness for sterile theories of the region’s “eternal victimization,” Arias pointed out that Latin America had advanced little in recent decades, and in some ways had even fallen behind, particularly in three crucial dimensions of state formation: the construction of reliable institutions, respect for the rule of law, and bureaucratic effectiveness. His speech was a short, blunt version of the conclusions about the region’s “crisis of governability”: that the United Nations Development Programme (UNDP) reached in its massive 2004 study of Latin American democracy.4

What accounts for Latin America’s general failure to govern itself according to the constitutional norms its leaders have habitually proclaimed? No matter how we choose to classify the symptoms of distress — whether as problems of order, legitimacy, institutional effectiveness, or governability — they all point to some fundamental deficiency in the state formation process, toward the existence of what Guillermo O’Donnell called a “severe incompleteness of the state” that seems to have become

even more prominent since the period of democratic consolidation began in the 1980s. Accordingly, few items on the research agenda of the historian of Latin American state formation seem more urgent than the two-fold problem of accounting for both the source of the crisis, and its remarkable persistence. In pursuit of that goal, this essay proposes a new approach.

The literature on Latin American state formation has taught us a great deal about the building of the institutional mechanisms of states -- states whose institutions also happened to be infused by violence, crime and corruption. Much of this work neatly accounts for the intricate play of diverse political, economic and social conditions and interests, from country to country and from one era to another. Yet it has taught us very little about why the institutions in question turned out to be so prone to corruption, violence and incompetence. Miguel Centeno produced one of the landmark works in this (still youthful) line of research by taking on Charles Tilly's proposition that war makes states. Centeno discarded it as practically irrelevant to the Latin American state formation process, and concluded by offering a provocative clue to a very different explanation for state failure in Latin America. Centeno observed that war can only contribute to state making among states that are reasonably well organized to begin with. Europe enjoyed these preconditions for successful state making — and thus war making — but Latin America did not. As a result, Latin American countries were not prepared to fight big wars, so they didn’t. War, Centeno concluded, was little more than an "accelerating mechanism for a process that had its origins somewhere else

[emphasis added].” But just where is that “somewhere else?” For the deep causes of diverse state-formation processes, the place to go, Centeno asserted, is “the very problem of political authority and order,” for states probably cannot come into being "where no authority has previously existed." Centeno divided “authority and order” into two components, both of which Latin America lacked: “organization” and a socio-cultural congruence between states and the communities they sought to dominate.6 Finally rejecting the Tilly dictum as inapplicable in Latin America, Centeno therefore suggested but did not develop an alternative hypothesis for state incompetence.

The rest of this essay takes over where Centeno left off by proposing to analyze authority as an alternative variable that could be helpful in understanding diverse state-formation outcomes. However, in a flagrant departure from the conventional use of the term “authority,” I refer, not to the one who holds power (potestas) but rather to the authoritative source (auctoritas) of a norm or moral principle, in this case norms or principles that can be applied to test the legitimacy of a regime or government. My main guides here are the works of two theorists, Alvaro D’Ors and David Beetham.

For D’Ors, the key to understanding human organization of any kind could be found in the fundamental character of the distinction between potestad and auctoritas. Legitimacy (legitimus) derives from law (lex), implying that power exercised under the law is legitimate power. “Law” in this context implies more than mere “legality” (i.e.,

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6 Miguel Angel Centeno, Blood and debt : war and the nation-state in Latin America (University Park: Pennsylvania State University Press, 2002), 106-107, 275-278. Centeno added that war can make states only when “some form of union” emerges between state institutions, on the one hand, and a particular social class that finds those institutions useful in defending its privileges, on the other hand. Thus, “We must trace successful state developments not to war itself, but to the presence of a united elite, willing—or forced to—accept the loss of individual prerogatives for a (still elite-defined) collective good, and leading a society not already torn asunder by ethnic or racial divisions.”
positive law enunciated by some social collectivity) but a more permanent law, one that
does not depend on a social contract but on principles of natural or divine law, as well
as the rational requirements of scientific knowledge. Such is the “authority” that confers
legitimacy. Yet this authority cannot be effective unless it is socially recognized,
perhaps by way of state-established courts of justice, the voice of a widely respected
individual, certain institutions independent of the state, or religious authorities. Authority
can never execute or block acts that belong to power; it can only endorse or condemn
them. Of course, whether power actually enjoys the assent of authority may be
uncertain, as can the degree of power’s social recognition. In any case, the modifier
“legitimate” cannot logically be applied to authority; authority is authority, and it never
depends on power. Only power can be legitimate or illegitimate.7

If the norm is power’s strict separation from authority, the tragic drama of our
age, according to D’Ors, has been the state’s ascription of authority to itself, a move
that entailed replacing legitimacy with mere legality. The state, as the source of positive
law, in effect claims to legitimate itself, as did the agents of the state established by the
French Revolution. As the nineteenth century wore on, liberal democratic regimes
dropped all references to legitimacy except as pure constitutional legality. The trend
culminated in Hans Kelsen’s famous justification of political power as purely a matter of
law, which alone bestows legitimacy. As a result, modern democracies struggle to

7 Alvaro D’Ors, Ensayos de Teoría Política (Pamplona, Spain: Ediciones Universidad de Navarra, 1979),
85, 91-92, 112, 151-152; Alvaro D’Ors, La Violencia y el Orden (Madrid: Editorial Criterio-Libros, 1998),
Parte 2ª, Cap. 1. A splendid introduction to D’Ors’ thought is Frederick D. Wilhelmsen, “The Political
Philosophy of Alvaro d’Ors,” The Political Science Reviewer XX (Spring, 1991). The distinction among
power, legitimacy and authority demanded by D’Ors is also asserted by Jean Elshtain, Sovereignty: God,
State and Self (New York: Basic Books, 2008), 12-13. For a similar interpretation see Hannah Arendt,
“What Was Authority?,” in Authority, ed. Carl J. Friedrich (Cambridge, Mass.: Harvard University Press,
1958).
make a coherent appeal to legitimacy. For example, a particular government is said to be “illegitimate” when it lacks popular support and can only govern by force. But what proportion of the population does it take to make a government illegitimate? German and Italian totalitarian regimes were at one time massively popular; a majority of Germans and Italians never came close to resisting them. But none of us today would qualify either regime as legitimate. The only alternative, it would seem, is to seek legitimacy in the authority of the natural law tradition or in divine law. Indeed, D’Ors asserted, the notion of legitimacy as something greater than law has persisted, and with it the lingering assumption that only a power that complies with that “something” merits obedience.8

David Beetham, writing later than D’ors but evidently uninfluenced by his work, similarly argued that power is exercised legitimately when it is is “acquired and exercised according to justifiable rules, and with evidence of consent” (emphasis added). Legal validity is not enough, for the law itself must be seen as justifiable in terms of “moral or political principles that are rationally defensible. . . . It is not what the law actually prescribes, but what it ought to prescribe, that is here the central issue of legitimacy.” Naturally, the criteria in question can vary from one society to another, so that the question for the social scientist is always, “What are the causes and consequences of people’s disobedience?” In developing his argument, Beetham

characterized Max Weber’s benchmark definition of legitimacy as “an almost unqualified disaster,” for it is never people’s mere “belief” in the legitimacy of a given power arrangement that confers legitimacy. Rather, legitimacy depends on whether power “can be *justified in terms of their beliefs*” (emphasis in original). The research question for the social scientist thus centers on “the degree of congruence, or lack of it, between a given system of power and the beliefs, values and expectations that provide its justification.” Discrepancies between “the rules” and the beliefs that underpin them may widen or narrow under different conditions, and this is just the reality that a reliance on a mere “belief in legitimacy” cannot capture. Beyond the need to justify an arrangement in terms of belief, legitimacy also requires human action that demonstrates consent, such as entering into pacts or proclaiming one’s adherence to a program of government or voting in an election. Regardless of their motives, such acts “contribute to making power legitimate.” Unlike the Weberian approach, Beetham’s opens the way for social scientists to take into their accounts of legitimacy a diversity of traditions.⁹

And like D’Ors, Beetham also insisted on the need to identify the “authoritative source” from which stem beliefs about the justifiability of rules. Distinguishing between source and content, Beetham argued that it is “the impressiveness of the source from which they derive as well as the moral persuasiveness of their content that gives social rules their justifiability.” The sources available will vary from society to society, and for analytical purposes Beetham proposes to distinguish between external sources and internal ones. Among the external sources are a divine being or beings, the religious

doctrines devised to account for and interpret the divine will, natural law principles based on presumptions of universality and immutability, and the immanent "laws" of a supposed science of society, as most famously proffered by social positivists and Marxists. Internal sources invariably accompany external ones, and include a society's traditions and its people as represented by some institution, such as the representative assembly or the vanguard political party. Although no legitimating source ever conveys an unambiguous body of rules governing power arrangements, the point for the social scientist is that shifts in beliefs about the appropriate source of legitimacy can weaken and ultimately destroy "a society's established power rules."  

An immediate consideration for the purposes of this panel is to notice how the failure to properly distinguish authority, legitimacy and power has emptied "legitimacy" of any substantive meaning, even though we cannot (as D'Ors noted) seem to let the concept go. In the mid-1970s, "legitimacy" was already "pretty unfashionable" among scholars, wrote Peter H. Smith at the time. He argued that "the cultural determinants of politics" (by which he meant legitimacy) were being overlooked by investigators who erroneously assumed that Latin America must be evolving toward democracy. By then, scholars of the Latin American state were already displaying a nearly exclusive interest in power and its distribution, in the belief that power alone authorizes and legitimates, or that legitimacy, if it exists at all, is too hard to define and impossible to measure, or that legitimacy discourses are nothing but the cunning dissimulations of

10 Beetham, The legitimation of power, 70-75.
powerholders. Richard Morse stood practically alone among prominent historians of Latin America in conceiving the core problem of the region’s political history to have been the search for the legitimization of power. Occasionally, the fog dissipated enough to suggest once again that something about legitimacy seemed important even if we could not quite put our finger on it. A contemporary example is the UNDP’s above-cited 2004 study, “Democracy in Latin America,” whose authors argued that Latin Americans had to solve their governability crisis by trying to "build a new legitimacy for the State.” The study went on to mention "legitimacy" 22 times over the course of its 288 pages but without once either probing its meaning or discussing the conditions that might give rise to the construction of a “new legitimacy.”

About midway between Smith’s vain attempt to revive the study of legitimacy and the UNDP project, the Brazilian Francisco C. Weffort observed that the entire half-century since the 1930s had constituted "a crisis of legitimacy" in Latin America. In a poignant and evidently personal reminiscence, Weffort wrote that one had to have lived through that crisis in order to know precisely just how truly it was a crisis of legitimacy,


to have shared the general intuition that some fundamental deficiency was ravaging the state, or society, or both at once. "Throughout that period it was (and remains) a characteristic feature of the Latin American mind to know that things were (and indeed remain) 'mistaken,' whatever the place and whatever the reasons for the 'mistake'." Weffort identified the effects of the "mistake" in terms much like the characteristics I have elsewhere associated with I have called the "improvisational state": to Weffort, it was "a chronic instability apparent in the continual threats of coups d'état and in political phenomena such as populism and military interventions." In Weffort's account, "legitimacy" seems to be what that state would have acquired had some fundamental, yet unnamed and rather mysterious defect or "mistake" been corrected. "Something" was out of place, or missing entirely, or its nature perverted. The result was Weffort's "chronic instability," or O'Donnell's "severe incompleteness of the state."

That "something," that curious omission or deficiency, I propose, is precisely a way of gauging legitimacy that descends from a socially recognized principle of authority, or even from some divergent methods and principles of authority that nevertheless overlap in a complementary way, defusing the potential for conflict among them. When understood as a quality that depends on an authoritative source like that described by D'Ors and Beetham, the concept of legitimacy can be cured of its vaguely intuitive status and acquire the analytical strength it is supposed to possess. To affirm or contest the legitimacy of a given regime or administration is to deploy some norm or

cluster of norms dictated by a particular authority. To understand the roots of consensus or conflict deriving from rival claims of legitimacy, it is not enough, as Beetham’s and D’Ors’ analyses imply, to know that one band contests the legitimacy or “right to rule” of a regime, and another one defends it. We need to go further, and try to identify the nature of the authority that each band has chosen as the source of the norms or principles that guides its judgement of the regime’s legitimacy. In weighing the legitimacy of a regime, in other words, we find that people believe in one authority or another, and it is precisely the failure to find a way of harmonizing that diversity of beliefs in one or another authority that accounts, in large part, for Latin America’s interminable “crisis of legitimacy.” To repeat: Authority, on this view, cannot itself be either legitimate or illegitimate, nor can it ever exercise power itself. What authority does require is social recognition, and it is precisely the absence of more or less unitary, socially recognized principles of authority that distinguishes the Latin American state formation process.

To frame the problem in these terms is to opt for a mode of explanation that grants priority (as Smith sought to do) to the realm of culture in state formation, over against the prevailing preferences for materialist, institutionalist, rational-choice, and power-based modes. None of the latter, as Heather Rae has argued, can excavate the deep sources of state formation. To understand just why people choose the “interests” that dominate such explanations requires an investigation of the moral content of their choices.16 In a similar vein, Lehman identified culture as the primary site for the study

16 Heather Rae, State identities and the homogenisation of peoples, Cambridge studies in international relations (Cambridge ; New York: Cambridge University Press, 2002), 24-44, 304-305. The primary field
of “political legitimations,” which he argued (following Berger and Luckmann) are always constituted by values (rules of the game) that in turn require the enunciation of some core moral principles. Partisans and powerholders alike apply moral imperatives — the first, to accuse or acclaim the powerholders; the second, to justify their own power.¹⁷

And so we ask, Which authority principles were at play in a given society, at a given time? How were they deployed to test the legitimacy of a particular political program, regime or government? How did contention over the rightful sources or principles of authority shape the four most obvious and persistent symptoms of state incompetence: corruption on an Olympian scale, intolerably high levels of public violence and disorder, widespread indifference to the rule of law, and political instability?

If an enfeeblement of traditional understandings of authority swept the West, as D’Ors averred, the cultural and political codes available to their assailants, their defenders and other actors varied immensely as between, say, Britain and the United States, on the one hand, and New Spain or Spain itself. In this way, following S.I. Eisenstadt, the same general movement could yield distinctive outcomes in particular places.¹⁸ If authority was somehow reconstructed or refounded in a non-traditional guise in the first group of countries, in much of Latin America the process of reconstructing authority that should have begun after 1808 remains unfinished. In showing how this might have happened, I would like to outline the ways in which of variation in this study was the definition of insider-outsider boundaries for determining the membership of a polity.

political authority had been understood before the crisis of 1808, how it had already been challenged well before 1808 by the monarchy itself, and how these conflicting interpretations were then seized on, further reinterpreted, and applied in competitive ways in the post-independence republican context.

Basically, the peoples of the new republics divided over three different conceptions of legitimating authority. The first was the traditional, medieval belief (“translation” theory) that authority originates naturally or by divine ordination in the body politic, which freely decides to endow the power to govern upon whomever it regards as the most qualified person or group. The ruler thus holds power by a free act of the people, who can in turn take away that power if it is misused, and transfer it to some more qualified ruler. In translation theory, the consent of the political community is the defining act. Monarchs with absolutist pretensions gradually defined a deviant “designation theory” under which the body politic acts, not freely, but under Providential direction, to designate the ruler whose distinction as a leader is so evident that he must have been divinely chosen for leadership. Here, the political community is duty-bound to make an irrevocable designation. The third approach was the proto-democratic ideology (“liberalism”) of the Age of Revolution, into which the Hispanic republics were born. Liberal ideology clearly owed a good deal to translation theory, but it also challenged that theory: rejecting the divine-law basis of authority, it absolutized the will of the majority (Rousseau) or the state (Hobbes), disregarding the traditionally conceived ends of state power, namely, the protection of the common good. To the
liberals, the state was not defined according to any divinely-ordered natural “end” but by history, which is to say, by purely human goals and desires.\textsuperscript{19}

An underlying clash of “translation,” “designation,” and “liberal” conceptions of legitimate political authority not only shaped political conflict in Latin America but kept it going, fueled in part by the fact that it followed the destruction of a manifestly incompetent and corrupt monarchy that had defined its authority in terms of a divine-right “designation” theory. Liberals drew on aspects of both translation and designation theories of authority to legitimate their rule. Some conservatives, horrified by the specter of democracy, resorted to the “designation” thesis to defend divine-right monarchy. Liberals eventually did likewise, but now to defend a quasi-absolutist, authoritarian state governed by liberal principles eventually corrupted by utilitarianism, positivism and social Darwinism. Many others — perhaps the most authentically “traditional” elements of society — upheld the “translation” view, along with its distinctive teleology and natural- or divine-law premises.

Three contemporary historians have grappled with the implications of these understandings for nineteenth-century politics in Latin America. O. Carlos Stoetzer documented a heterodox argument in favor of a widespread “translationist” understanding of authority in Hispanic America that, he further claimed, was deployed to justify the rebellion against the Bourbon monarchy. Stoetzer made much of the clash between the designationist outlook of the late Bourbons and the translationist premises

\textsuperscript{19} Heinrich A. Rommen, \textit{The State in Catholic Thought: A Treatise in Political Philosophy} (New York: Greenwood Press, 1969 [1945]), 235, 430-433, 443-450, 454-456, 459, 460-464, 469-473. Similarly, conflict over opposing notions of \textit{auctoritas} — an “ascending” theory that located authority in the people, and a “descending” notion that associated it with a supreme being — was the central theme of Walter Ullmann, \textit{A history of political thought; the Middle Ages} (Baltimore,: Penguin Books, 1965). Ullmann further argued that these distinctions persisted into modernity at pp. 7 and 229-230.
of the Spanish Americans, but he confined his analysis strictly to the independence wars. Austen Ivereigh distinguished an “ecumenical” liberalism (strongly translationist) from a “monistic” (more designationist, and thus absolutistic) liberalism. Ivereigh, unlike Stoetzer, recognized that pre-independence assumptions about authority remained in play for some decades after independence, but omitted any speculation about how they might have persisted over the long term, and limited his analysis to Church-state matters. In a series of works, our third historian, François-Xavier Guerra, not only tracked (like Stoetzer) the impact of distinctive beliefs about authority from the late Bourbon period through the independence wars but went on to document their presence well into the nineteenth century. Guerra also proposed that the conflicts over authority that animated the independence movement and the politics of the nineteenth century persisted throughout the twentieth century as well. A liberal view of the nation as a voluntary association of equal individuals (among whom sovereignty collectively resided) never ceased to clash with a more traditional understanding of authority that descended from translation theory, in which sovereignty rested in a mosaic of concrete social and geographical corporate entities rather than individual persons. On the second view, legitimacy is conveyed by means of pacts and the enunciation of special privileges, rights and duties associated with the group. Pactismo, or the habit of governing through special arrangements with distinctive groups, in effect lived on to disrupt the liberal project.20

One result was the consolidation of personalistic and patrimonial institutions. In the absence of a consensus on the source of authority, the right to rule was increasingly evaluated in highly personalistic terms. Hence caudillismo, patrimonialism, patron-clientage — animated and reshaped after independence under the influence of modernity. Today they remain symptomatic expressions of the absence of a socially-recognized moral authority capable of providing the criteria necessary for weighing legitimacy. Thus the tendency toward crisis, violent disorder, and indifference to the rule of law. The authority-centered nature of the crisis also clarifies one of the most glaring features of Latin American political conflict: the ubiquity and persistence of a discourse that demonizes and violently condemns the political enemy while associating him with imminent catastrophe. Precisely because the underlying disagreement concerned the appropriate source of moral authority, there was no place for a political enemy but in jail, exile or a coffin. If mere interests were at stake, a rational choice would have dictated compromise. But in a moral battle, especially one over the identity of authority competent to judge legitimacy, compromise is rarely an option.

Disagreements over basic beliefs about the source of the authority capable of endowing legitimacy seeded and sustained a longterm crisis of legitimacy in Latin America. The range and diversity of such beliefs, as well as their contradictory character and thus their potential for conflict, exceeded the limits of the threefold

taxonomy of authority that prevailed in the early decades of independence. Their range and diversity cannot be adequately documented within the scope of a single essay. A few examples will have to suffice to illustrate the endurance and ubiquity of, first, a crisis of legitimacy; second, allusions (usually indirectly or implicitly, and perhaps not even conciously) to diverse authorities in order to justify contradictory legitimacy norms; and third, the demonization and violent condemnation of an enemy associated with imminent catastrophe. All three characteristics are typically synthesized in a rhetoric of “national salvation” — a phrase that that turns up repeatedly in the political history of Latin America.

Such discourses were frequently directed against members of an opposing faction of the same party or political band. The Mexican Gen. Porfirio Díaz’ “Plan de la Noria” (November 1871) can be taken as a convenient example. In justifying his revolt against the just-elected government of Benito Juárez, a fellow liberal whose administration Díaz himself had honorably served, Díaz referred to the liberal-controlled National Congress as “a chamber of courtesans” and “a cataclysm of perversion and immorality”; he accused the Juárez administration of having forgotten “the laws and practices of Christian civilization” and of turning the republic into “an immoral and corrupt farce.” Díaz’ “Plan” concluded: “Let us fight, then, for the cause of the people and the people will be the sole owner of its triumph.” Pledging “the observance of the constitution” and that “no citizen should impose himself and perpetuate himself in the exercise of power, and this will be the last revolution,” Díaz would go on to violate, more spectacularly than any president in Mexican history, the very demands at the heart of
his revolt. Note how Díaz appealed to traditional values and Christian virtues — transcendent authority — in justifying the overthrow of rulers invariably characterized as “tyrants” — a move specifically authorized by the medieval and early modern “translation” theorists.

In 1932 another caudillo, Augusto Sandino, appealed to transcendent authority when he called for Nicaragua’s freedom from occupation of the U.S. Marines – a freedom attainable “only by bullets, and at the cost of our own blood, we have said, and that nest of political scoundrels who are fighting each other to take over the whip of the invader will be annihilated by their own guilt in a not too distant future.” The guerrilla leader’s authority for his challenge to the legitimacy of the Nicaraguan state emerged from a self-concocted synthesis of traditional Christianity, magic and paganism. Sandino saw himself as the divinely-chosen “warring messiah-prophet” of the imminent redemption of the entire planet, not just Nicaragua.

Three decades later, Sandino’s marxist epigones organized the Frente Sandinista de Liberación Nacional to forcefully remove another tyrannical government. Like Sandino, they claimed exclusive leadership of a redemptive millenarian movement whose quest for a legitimate government originated in their belief in a semi-mystical authority. The Sandinistas, as they styled themselves, called their authority “scientific,” for it was “history” that justified their challenge to a regime they regarded as illegitimate.

21 For more examples of the intensely moralistic and violent tone of political rivalry and an extended analysis of political demonization, see Holden, Armies Without Nations: Public Violence and State Formation in Central America, 1821-1960, 31-33.
Professing faith in the “historical character of the proletariat as the most revolutionary and fundamental class for the maximum development of our liberation process,” they identified themselves as the historically-denominated “vanguard” and thus the sole legitimate organizer of the proletariat in both its violent conquest of power and its subsequent administration of power.24 Unlike Sandino’s, their movement triumphed, with the collapse of the dictatorship of Anastasio Somoza Debayle in 1979.

In his attempt to lead a socialist revolution from the elective office of the presidency of Chile, Salvador Allende likewise identified his ultimate authority as “history,” and the proletariat as its instrument — a discovery he attributed to a synthesis of freemasonry and “the humanism of all ages and particularly . . . Marxist humanism.” Just as “history” led first Russia and then China to blaze the trail toward socialism, in 1970 “once again, history has permitted a break with the past” in Chile. It was to the authority of history, as revealed by his marxist-humanist-masonic ideology, that Allende appealed in justifying the legitimacy of the regime he sought to build in the name of the proletariat: “a democratic, national, revolutionary and popular Government which will open the road to socialism” and to the creation of a “new man” in a “classless society.”25 In 1973, the legitimacy of Allende’s government would in turn be challenged by the country’s armed forces. In removing what they called “an illegitimate, immoral government” from power, Chile’s military leaders appealed to the constitution and the country’s laws. They acted, they said, “before God and history,” out of a “moral duty”


imposed on them by the majority of the population. Two years later, Gen. Augusto Pinochet, the leader of the coup and now the unelected president of Chile, elaborated on the contradictory sources of authority at play in the crisis of 1970-73: “The existence and propagation of Leninism-Marxism in the world today represents the destruction of the basic moral foundations from which the Western and Christian civilizations derive. . . . The world today faces an unprecedented form of war” between Christianity and communism. “I devotedly implore Our Holy Lord,” Pinochet concluded, to keep Chile’s “flame of liberty” from burning out.26

Finally, contemporary Latin American political life forces us to consider yet another kind of belief about the source of legitimating authority that has been seen throughout the post-independence history of the region. Where an office of state is understood to be above all an opportunity to distribute plunder and to dispense violence in order to protect plunder rights, its legitimacy consists in affording office holders and their dependents the freedom to function as entrepreneurs.27 The “authorizing” principle of this concept of legitimacy might be moral nihilism, in which values themselves are thought to be arbitrary and justice therefore a fiction. This principle competes with, but frequently defeats, more traditional, justice-oriented theories of legitimacy put forward by some political parties, non-governmental organizations, social movements, and religious authorities as well as individuals whose notion of citizenship presumes a


different sort of authority principle (perhaps one of those mentioned above) and thus a
different standard of legitimacy.

In Latin America, a dynamic diversity of rival moral authorities, and hence a
diversity of legitimacies, established the basic conditions for the rise of weak and
inefficient states, endless violence, and indifference to the rule of law. As even the few
examples given above suggest, no attempt to construct a complete template of
“available” authorities is likely to serve the investigator at this stage of the research. I
identified three main alternative authorities (those linked to liberalism and to translation
and designation theory) that first emerged during the period of the independence
movements, but it is the very inventiveness of the ongoing search for authorities (as the
examples just given reveal) that merits research attention at the moment. New or
reformed state institutions can achieve little in the absence of a socially-recognized
authority — one derived from an axiology conceived variously as secular or
supernatural, a composite of the two, or as stemming from the natural law tradition —
capable of bestowing legitimacy on a state, regime or government.


Sayer, Derek. "Everyday Forms of State Formation: Some Dissident Remarks on 'Hegemony'." In Everyday Forms of State Formation: Revolution and the


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