

The Consolidation of Authority:
Public Violence, Disorder and the Illusions of Democracy in Latin America Today

by

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"En la historia de América hay dos hechos de orden muy diferente: el uno es la Revolución de Independencia y el otro es la Guerra de Independencia. . . . Y esa revolución es muy posible que aún no haya terminado."

—Germán Arciniegas (1946)¹

The temporality of life makes us "emigrants from the past, inhabitants of the present, and immigrants into the future," according to Ernest Breisach. Historians seek to "master" temporality by trying to reconcile its two most basic, contradictory and yet interdependent aspects: continuity and change.²

In Latin America, the grandest contemporary manifestation of change is democratization. A sustained region-wide trend toward democracy took shape in the 1980s during the region's sixteenth decade of independent self-government. The outcome, however, remains uncertain. Notwithstanding their substantial, dramatic, even epoch-making, character, the big political changes of the last few decades have not been definitive. For the disciples of democracy the contemporary period of Latin American history has been a time of hope and encouragement, tempered by frustration and disappointment at the uneven pace of change.

No one knows whether Latin America is passing through a period of transition toward a solidly democratic future. But no one can doubt that evidence of desirable change has also been joined by a good deal of unwelcome evidence of continuity in the form of violent disorder, corruption and other traditional signs of Latin America's chronically weak rule of law. The region's political order may be more democratic, but its propensity for instability has not gone away.

For a long time, up until the 1990s, that fragility had been 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.

Demilitarization would have to accompany democratization, and it has. But neither demilitarization nor democratization has managed to wring out Latin America's longtime proclivity for disorder. Are poverty and economic inequality to blame? It seems not, for class-aggravated disorder and violence, both in the past and today (Bolivia, for example), invariably find their source in political breakdowns of a traditional kind, such as high-handed presidentialism, patrimonialism, *caudillismo*, the resort to force and intimidation as negotiating strategies, and behind each of them a stark indifference to the rule of law.

¹ "El Pensamiento Vivo de Andrés Bello," in *El Pensamiento de Andrés Bello* (Buenos Aires: Editorial Losada, 1946), 9-10.

² Ernest Breisach, *Historiography: Ancient, Medieval, & Modern* (Chicago: University of Chicago Press, 2007), 430.

They are the habits of a political culture shared by labor-union leaders and company executives, policemen and military officers, small-town mayors and national presidents, government clerks and national legislators, supreme court judges and lawyers. They are habits whose magnitude and destructiveness have varied in timing, location and configuration. Because they inhibit democratization, democracy alone cannot wipe them away.

Examples were not difficult to find in 2008:

- The peak events in the news from Bolivia recapitulated familiar themes in the political history of Latin America. A populist president, Evo Morales, proposed a new constitution (the country's fourth since World War II) that would change the rules and allow him to succeed himself in the next election, while moving the country in a leftward, statist direction. A large share of the population bitterly opposed the new constitution. As the intransigence of both sides deepened, dozens of people died in episodic violence. Meanwhile, President Morales and his allies insisted that what was at stake in Bolivia was democracy itself.
- From Mexico and Central America to Brazil and Argentina, democracy was also said to be menaced. An ever-widening stream of scholarship, centered on events of the last two or three decades, reported a surge of criminal and political violence sweeping through state institutions and civil societies alike, across the region. "With more than 140,000 homicide deaths per year, Latin America's homicide rate is twice the world's average, making it the most violent region in the world after Sub-Saharan Africa," according to a recent literature review.³ An "explosion in criminal violence" in Nicaragua since 1990⁴ was consistent with another study's finding that Central America as a whole stood out among other world regions in both its exceptional exposure to the flow of illegal drugs, and in "the level of violence in its societies."⁵ In Brazil, another investigator declared, "The first and most basic issue in the next decade for government and civil society is to cope with lawless violence. Rights are systematically violated under democratic rule, as they have been consistently throughout the Republican period since 1889. It is a trademark of Brazilian political history."⁶ In Rio de Janeiro, dealers in illegal drugs since at least 2000 have become a "new type of political actor" by building "mediated links into the state not just to obtain resources but also to gain access to the state power that

³ Alessandra Heinemann and Dorte Verner, *Crime and Violence in Development: A Literature Review of Latin America and the Caribbean; World Bank Policy Research Working Paper 40412008*, Pts. 1, 2, 5.

⁴ Dennis Rodgers, "Living in the Shadow of Death: Gangs, Violence and Social Order in Urban Nicaragua, 1996–2002," *Journal of Latin American Studies* (2006) 38.

⁵ United Nations Office of Drugs and Crime, *Crime and Development in Central America: Caught in the Crossfire* (New York: United Nations, 2007/IV), 11-15.

⁶ Paulo Sérgio Pinheiro, "Democratic Governance, Violence, and the (Un)Rule of Law," *Daedalus* 129 (2000) 2, 139.

facilitates their ongoing criminal activities.”⁷ During Argentina’s December 2001 wave of looting and vandalism, state agents collaborated with the looters.⁸

- In Venezuela, President Hugo Chávez was driving his government back over the rusty rails of an increasingly demagogic, repressive, and anti-U.S. populism not seen in Latin America for decades, even while holding high the banner of democracy — for his supporters but not for his political enemies. Venezuelan society, as a result, remained deeply divided.

Within those precincts of the U.S. academy occupied by specialists in Latin American politics, democratic consolidationism matured into a mighty industry after the 1980s. Its captains acknowledge the presence of the above-mentioned habits of disorder as obstacles to the consolidation, or “deepening,” of democracy. Overcoming those obstacles requires the reform of faulty “institutions,” meaning the replacement of bad old habits with good new ones that become part of the definition of democracy itself. As one prominent consolidationist put, “Almost all scholars accept that there is a problem with democratic institutionalization in much of Latin America.”⁹

Forty years ago, in his remarkable *Political Order in Changing Societies*, Samuel P. Huntington also prescribed the creation of institutions packed with “value and stability” in Latin America and other places. But for Huntington, the grand objective was not democracy (the word doesn’t even appear in the index of his book) but rather stability. In what were then called “the modernizing countries,” a broadening of political participation had created a “vacuum of power and authority” by disrupting “old patterns of authority” and smashing “traditional political institutions.” As a result, the recovery of stability depended on “the relationship between the level of political participation and the level of political institutionalization.” Huntington posited two kinds of polities. In “praetorian” ones, institutionalization is low, participation high, and scarcely-restrained ambition rules; such polities can exist under a variety of regime types. “Civic polities” on the other hand boast a high ratio of institutionalization to participation; no matter how high the latter, “political institutions are sufficiently strong to provide the basis of a legitimate political order and a working political community. The institutions impose political socialization as the price of political participation.”¹⁰

Huntington associated institutionalization with authority and legitimacy. But he left undefined the exact nature of that relationship. Amid the quotable dicta scattered throughout this sprawling but richly provocative book, of most interest for our purposes is the emphasis that Huntington placed on authority, despite his tendency to sometimes wrongly equate it with order or power. “In many modernizing countries . . . the primary

⁷ Enrique Desmond Arias, “The Dynamics of Criminal Governance: Networks and Social Order in Rio De Janeiro,” *Journal of Latin American Studies* (2006) 38, 298.

⁸ Javier Auyero, “The Political Makings of the 2001 Lootings in Argentina,” *Journal of Latin American Studies* (2006) 38.

⁹ George Philip, *Democracy in Latin America: Surviving Conflict and Crisis?* (Cambridge, UK: Polity Press, 2003), 8.

¹⁰ Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 460-461, 79-80.

problem is not liberty but the creation of a legitimate public order. Men may, of course have order without liberty, but they cannot have liberty without order. Authority has to exist before it can be limited, *and it is authority that is in scarce supply in those modernizing countries* where government is at the mercy of alienated intellectuals, rambunctious colonels, and rioting students."¹¹

Huntington was right then (and he is still right) about the relevance of authority to contemporary Latin American politics. He was also right to separate the concept from democracy and other regime types. But he was wrong to conflate it with power or even order. In doing so, he came close to identifying authority with authoritarianism, as when he famously urged that "Colonels can run a government; students and monks cannot."¹²

Democracy needs to be defined down to appropriate dimensions. A realistic assessment of Latin American political history depends on it. Authoritarianism, democracy's historic enemy, has indeed been fading even as the "habits of disorder" have persisted and in some places appear to have become more destructive than they were *before* the onset of democratization. But if Latin America has become *more* violent since the 1980s, that is a change that has happened within the context of a certain *continuity*: namely, already-exceptional levels of violence since the 1820s. Historians in particular have demonstrated little interest in this topic over the years, probably out of fear of associating themselves with the justly-discredited racialism that typically accompanied discussions of Latin American violence up to the 1950s.¹³ As a result, the systematic investigation of what I have called "public violence"¹⁴ is practically taboo among us. Let's get over it. It's time to look for better understandings of the origins and persistence of Latin American public violence.

The bedrock principle of my own research into public violence is that peaceful order presupposes authority, a principle that could also be stated in terms of a relationship between power and legitimacy: Authority bestows legitimacy, and legitimacy limits power. Somehow, raw power has to be turned into "legitimate" power. This is something we just know. It is axiomatic. "Throughout history," Glenn Tinder observed, "human beings have been offended by stark power, by a demand for obedience unsupported by any reference to moral right." While it doesn't take all that much to convince us to freely obey our rulers, our self-respect — our countervailing desire for personal freedom, you might say — demands some reasonable demonstration on their part that they have a right to be obeyed.¹⁵

¹¹ Huntington, *Political Order in Changing Societies*, 7-8, emphasis added.

¹² Huntington, *Political Order in Changing Societies*, 239.

¹³ See, for example, J. Lloyd Mecham's confident ascription of Latin Americans' tendency to ignore constitutional restraints and the will of the majority to "the "mercurial temper of Latins" and a lack of "self-discipline"; J. Lloyd Mecham, "Latin American Constitutions: Nominal and Real," *The Journal of Politics* 21 (May 1959) 2:275-275.

¹⁴ Robert H. Holden, *Armies Without Nations: Public Violence and State Formation in Central America, 1821-1960* (New York: Oxford University Press, 2004).

¹⁵ Glenn Tinder, *Political Thinking: The Perennial Questions* (Boston: Little, Brown & Co., 1979), 88-89.

Thus we begin with the following postulates: Legitimate or rightful authority calls for deference rather than submission. But in the history of independent Latin America, deference to authority has often been exceptional. So what do we have here? A failure of deference? Or a tradition of illegitimate power? Under conditions of legitimate power, the difficulty then could be said to lie in a failure of due deference. Conversely, a condition of illegitimate power suggests that the lack of deference would not be the problem, since by definition none need defer to illegitimate authority. If an illegitimate authoritarianism has tended to prevail, the normative response would be defiance.

On Huntington's view, Latin American political instability and disorder stem from weak states and thus from what he calls "vacuums of power" that have persisted ever since independence. But in fact, Latin America has never suffered from a vacuum of power. Rather, it was the collapse of those "old patterns of authority" around the time of the independence wars — and not a power vacuum — that Latin America has yet to recover from.

At the time of the wars for independence, at least three distinct understandings of authority had emerged in the Hispanic world. But the shattering impact of those wars on the very principle of authority led to a kind of disorder that can best be interpreted, I will argue, as both (1) a frustrated *search* for a principle of authority capable of conferring legitimacy in a way that would be socially recognized, and (2) an expression of discord among rival *understandings* of authority. Still today, I argue, democratic consolidation depends on the prior consolidation of some principle of political authority capable of conferring legitimacy and establishing the basic conditions for the rule of law and a measure of economic justice.

In tracing the "habits of disorder" to the period of the wars for independence, and to those wars' impact on the principle of authority, I am calling attention to an aspect of both change (the *disruption* of authority after 1808) and continuity (the long-term *persistence* of that disruption) in Latin American history. While no scholar of the region has yet, to my knowledge, bestowed so much honor on "authority" as a core variable, a few have insisted on the telling absence of "legitimacy" as the primary source of the habits of disorder. But serious interest in legitimacy as a problem in Latin America has largely faded, and little of that work could be called systematic.¹⁶ A few others have dared to push the search for the origins of those habits well beyond 1808, into Spain's early modern and late medieval past, but in doing so have invariably dwelled on deeply rooted psychological dispositions or *mentalité* that in the best of cases seem only mildly persuasive.¹⁷

¹⁶ For example, the authors of United Nations Development Programme, *Democracy in Latin America: Towards a Citizens' Democracy* (New York: United Nations Development Programme, 2005) mention "legitimacy" 22 times over the course of its 288 pages but never pause to define it. Also see Richard M. Morse, *New World Soundings: Culture and Ideology in the Americas* (Baltimore: Johns Hopkins University Press, 1989), 127; Peter H Smith, "Political Legitimacy in Spanish America," in *New Approaches to Latin American History*, ed. Richard Graham and Peter H. Smith, (Austin: University of Texas Press, 1974), 227, 254; Francisco C. Weffort, "The Dilemmas of Political Legitimacy," *CEPAL Review* (August 1988) 35, 132;

¹⁷ Glen Caudill Dealy, *The Latin Americans: Spirit and Ethos* (Boulder: Westview Press, 1992), 24; Claudio Véliz, *The New World of the Gothic Fox: Culture and Economy in English and Spanish America* (Berkeley, Calif.: University of California Press, 1994), 210; Howard J. Wiarda, "Toward a Model of Social Change and Political Development in Latin America: Summary, Implications, Frontiers," in *Politics and Social Change in*

The most recent interpretation closest to my own might be Fareed Zakaria's extended reaffirmation of a nearly-forgotten dictum — that democracy cannot flourish anywhere unless it rests on the foundations of "constitutional liberalism." By that Zakaria meant guaranteeing individual freedom (liberalism) and putting the rule of law at the heart of the political process (constitutionalism). Two fundamental beliefs undergird constitutional liberalism: all persons bear natural rights that we are all bound to respect, and any government wishing to claim legitimacy must accept some "basic law" limiting its own powers.¹⁸ Another name for that "basic law" is authority. Before attempting to apply this idea to Latin America, let us take a closer look at the three key concepts before us.

I.

Power, legitimacy and authority are basic elements of political history, but the exact meanings of the last two terms, and their relationship to one another, are subject to a wide range of interpretations that stem, ultimately, from varied philosophical commitments. Let me briefly sketch my own as they relate to state-society relations in order to justify my choice of how best to understand the relationships among power, legitimacy and authority.

Russell Hittinger proposed the following typology of state-society relations: First, under a Hobbesian "concession" model, the supremely sovereign and all-powerful state *concedes* or devolves authority to groups and societies "beneath" it, paternalistically acknowledging the limits of its reach. The second model — "power-checking-power" in the tradition of Montesquieu, Tocqueville, and Madison — sees civil society and its multiple groups and associations primarily as means of restraining an otherwise dangerously intrusive state. Finally, in the Catholic tradition of subsidiarity, which predates both of the first two models, not just the state but a plurality of groups and associations of all kinds naturally possess modes of authority that command respect by all, *including the state*.

The third differs from the second primarily in attributing an ontological (rather than utilitarian) status to societies like families, churches, schools and the like. On this view, authority is neither a concession doled out from above (Hobbes), nor the artifact of a kind of social marketplace that conveniently "balances" state power, but the real property of a multiplicity of pre-existing societies *within which the modern state must take its proper place*, according to the natural order.¹⁹ Thus, a partial answer to the puzzle of how governments acquire legitimacy is that they do so by demonstrating their respect for *constitutional* restraints on their conduct — restraints undergirded by deeply held beliefs about the proper *end* of government. This is the perspective that informs all that follows.

Latin America: The Distinct Tradition, ed. Howard J. Wiarda, (Amherst, Mass.: University of Massachusetts Press, 1982); Morse, *New World Soundings: Culture and Ideology in the Americas*, 133-134, 98-106, 122-126.

¹⁸ Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W. W. Norton, 2003), "Introduction."

¹⁹ Russell Hittinger, "Society, Subsidiarity, and Authority in Catholic Social Thought," in *Civilizing Authority: Society, State, and Church*, ed. Patrick McKinley Brennan, (Lanham, MD: Lexington Books, 2007), 119-142. For a compatible view, see Barbara Allen, "Tocqueville's Analysis of Belief in a Transcendent Order, Enlightened Interest and Democracy," *Journal of Theoretical Politics* 8 (1996) 3.

My own understandings of the power-authority-legitimacy relationship may have been best explicated in the work of the Spanish jurist and political philosopher Alvaro D'Ors. 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., 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.

On D'Ors' view, the role of authority is never to exercise power, but to speak to power. Authority is always counterposed to power. The role of power is to seek the approval of authority but never to claim it for itself, for to do so would be to exceed its natural limits. And like authority, power too must be "socially recognized," though the most influential factor in the social recognition of power will be whether or not it has received the assent of authority. D'Ors encapsulated his argument about the distinction between authority and power in two now-famous aphorisms: "La autoridad es el saber socialmente reconocido y la postestad es, precisamente, el poder socialmente reconocido." From which it follows: "Pregunta quien puede y responde quien sabe." Only those with the socially-recognized power to do so can question authority; only those with socially-recognized authority can reply. Hence, authority can never execute or block acts that belong to power; it can only endorse or condemn them. Ultimately, whether power actually enjoys the assent of authority is oftentimes uncertain. Likewise, the degree of power's social recognition is contingent on often-doubtful circumstances. Notice that on this view, the modifier "legitimate" cannot be applied to authority; authority is authority, and it never depends on power. Only power can be legitimate or illegitimate.²⁰

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. Such was the contribution of the French Revolution, and 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 (1948) as purely a matter of law, which alone bestows legitimacy.

Nevertheless, D'Ors asserted, the notion of legitimacy as something greater than law has persisted, and with it the lingering assumption (as remarked above by Tinder) that a legitimate power merits obedience. But modern democracies, having largely tossed away the notion of legitimacy, have deprived themselves of the ability to make coherent appeals 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

²⁰ Alvaro D'Ors, *Ensayos de Teoría Política* (Pamplona, Spain: Ediciones Universidad de Navarra, 1979), 91-92, 112, 151-152; Alvaro D'Ors, *La Violencia y el Orden* (Madrid: Editorial Criterio-Libros, 1998), Parte 2^a, Cap. 1.

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, though the likelihood of finding a consensus today on the validity of either as a source of legitimacy seems very distant indeed.²¹

II.

While I find little in D'Ors' basic interpretation to quibble with, it clearly awaits some systematic testing against the grand diversity of global trends in state formation over the last two centuries or so. One obvious distinction is that between those contemporary states that have largely succeeded in acquiring a solid legitimacy and a peaceful order, and those Latin American (and other) states for whom legitimacy, stability, and order remain aspirations. The modern democracies that constitute the first group may have discarded traditional notions of authority, as D'Ors averred, but their legitimacy seems intact nevertheless. On the other hand, not a few observers regularly question the quality of modern democracy everywhere, in a way that points to a hollowed-out and fragile legitimacy. In one of his last books, Octavio Paz concluded that the relativism of modern democracy has brought us to "an inner void, an absence of center and direction," that has turned many into "hollow and literally soul-less beings." The urgent need for a "morality and a politics" can only be met by a recovery of virtue, self-mastery, and responsibility, for "as virtue weakens, the river of blood rises."²²

If an enfeeblement of traditional understandings of authority swept the West, 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. Thus could the same general movement yield distinctive outcomes in particular places. François-Xavier Guerra specified the variety of such cultural and political filtering mechanisms:

Toda relación social posee un contenido cultural fundamental:
¿Cómo está pensada o imaginada la sociedad? ¿Qué es lo que
constituye el vínculo social? ¿Qué tipo de autoridad se considera
legítima? ¿Cuáles son sus funciones? ¿Qué poderes se le
atribuyen comúnmente? ¿Cuáles son los derechos y deberes
recíprocos entre gobernantes y gobernados? Toda unidad social,

²¹ D'Ors, *Ensayos de teoría política*, 151-152, 135-146; D'Ors' claim that liberalism can give no convincing account of the source of its authority because modern democratic regimes have in effect swallowed authority is shared by Stephen R. L. Clark, *Civil Peace and Sacred Order* (Oxford: Clarendon Press, 1989), 82, 92. Cognate arguments can be found in Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: Cambridge University Press, 1996), Chs. 1-2; Carl J. Friedrich, *Tradition and Authority* (New York: Praeger Publishers, 1972), Ch. 8; Jacques Maritain, *Man and the State* (London: Hollis & Carter, 1954), 115-120; Bertrand De Jouvenel, *Sovereignty: An Inquiry into the Political Good* (Chicago: University of Chicago Press, 1957), 29-33..

²² Paz, *Itinerary: An Intellectual Journey* (New York: Harcourt, 1999): 87-92. "All over the Western world," a prominent interpreter of democracy wrote in the 1950s, "substantive sources of authority are becoming less important than procedural sources"; Herbert J. Spiro, *Government by Constitution: The Political Systems of Democracy* (New York: Random House, 1959), 373; also see 31-32; 372-374.

desde la más pequeña a la más amplia, dispone de sus propias respuestas a este tipo de preguntas.²³

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 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.

The peoples of the new republics divided over three different ways of justifying authority. The first was the traditional, medieval belief (“translation” theory) that legitimate authority descends from God to the body politic, which freely decides to transfer its authority to what 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. But 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 are duty-bound to make an irrevocable designation. The third approach was the democratic ideology (“liberalism”) of the Age of Revolution into which the Hispanic republics were born. Liberal democratic ideology clearly owed a good deal to translation theory, but it also challenged that theory by rejecting the natural-law basis of authority, absolutizing the will of the majority (Rousseau) or the state (Hobbes), and disregarding the traditionally conceived ends of state power: namely, the protection of the common good. To 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.²⁴

In Latin America, political conflict was shaped by an underlying clash of “translation,” “designation,” and “liberal” understandings of authority, thus depriving governments in much of the region of any stable basis on which to claim legitimacy. Elsewhere I have referred to the outcome as the establishment of “improvisational states.”²⁵

What we see, therefore, is not a vacuum of power but rather the absence of a common understanding of the sources of political authority, which alone bestows legitimacy. Some conservatives, horrified by the democratic aspirations of some liberals, resorted to the “designation” thesis to defend divine-right monarchy. Liberals did likewise,

²³ François Xavier Guerra, *Modernidad e Independencias: Ensayos Sobre Las Revoluciones Hispánicas* (Madrid: Editorial MAPFRE, 1992), 14-15.

²⁴ Heinrich A. Rommen, *The State in Catholic Thought: A Treatise in Political Philosophy* (New York: Greenwood Press, 1945), 235, 430-433, 443-450, 454-456, 459, 460-464, 469-473.

²⁵ Robert H. Holden, *Armies Without Nations: Public Violence and State Formation in Central America, 1821-1960* (New York: Oxford University Press, 2004), 25-28.

but now to defend a quasi-absolutist (“authoritarian”) state supposedly governed by liberal principles, which included that of popular sovereignty (congruent with translation theory). Many others — perhaps the most authentically “traditional” elements of society — insisted on the “translation” view with its intense localism and belief in self rule, its distinctive teleology (realizing the common good) and its natural-law premises.²⁶

Three contemporary historians have grappled explicitly with the implications of these understandings for nineteenth-century politics in Latin America. O. Carlos Stoetzer meticulously documented an argument for a widespread “translationist” understanding of authority in Hispanic America that, he further claimed, emerged as the main justification for the rebellion against the Bourbon monarchy. Among the Americans, the translationist outlook consorted harmoniously with the supposition that Spain’s empire was something like a federation of co-equal polities operating under a sixteenth-century pact with the monarchy. On this view, none of the New World provinces or kingdoms qualified as “colonies” of Spain. All these assumptions continued to prevail, according to Stoetzer, in spite of the shift toward a regalist and absolutist policy under King Carlos III and his successors.²⁷ Our second historian, Austen Ivereigh, distinguished an “ecumenical” liberalism (strongly translationist) from a “monistic” (more designationist, and thus absolutistic) liberalism in the nineteenth-century battles between liberalist movements and the Catholic Church.²⁸

Stoetzer made much — perhaps too much — of the clash between the designationist outlook of the late Bourbons and the translationist premises of the Spanish Americans, but he confined his analysis strictly to the independence wars. He ventured not a word about the implications of his analysis for the political history of Latin America after independence. Ivereigh, on the other hand, 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. Unlike Stoetzer and Ivereigh, however, Guerra proposed that the same conflicts over authority that animated the independence movement and the politics

²⁶ E. Bradford Burn’ analysis of what he called “folk cultures” and their respective “folk *caudillos*” in nineteenth-century Latin America strongly matches the “translation” thesis; see, especially, Ch. 6, “The Folk Speak,” in *The Poverty of Progress : Latin America in the Nineteenth Century* (Berkeley: University of California Press, 1980). Although Burns referred repeatedly in this book to the force of “culture,” he said almost nothing about what he meant by it.

²⁷ O. Carlos Stoetzer, *The Scholastic Roots of the Spanish American Revolution* (New York: Fordham University Press, 1979), “Conclusion.” Jaime E. Rodríguez O. recapitulated the core of Stoetzer’s argument in *The Independence of Spanish America* (Cambridge: Cambridge University Press, 1998). The best synthesis of the long debate over the “colonial” status of the monarchy’s American realms is Víctor Tau Anzoátegui, “Las Indias ¿Provincias, Reinos o Colonias?,” *Revista de Historia del Derecho* 28 (2000).

²⁸ Austen Ivereigh, “Introduction: The Politics of Religion in an Age of Revival,” in *The Politics of Religion in an Age of Revival: Studies in Nineteenth-Century Europe and Latin America*, ed. Austen Ivereigh, (London: Institute of Latin American Studies, 2000), 13-15.

of the nineteenth century persisted throughout the twentieth century as well. He did so rather timorously and fleetingly, however, without reference to the forest of data that he presented for the earlier periods. Nevertheless, Guerra boldly concluded that two centuries of Latin American instability could be traced to the constitutional crisis of 1808. In this, he stood on common ground with Huntington, who also argued that disorder and instability in Latin America could be traced to the independence wars. But as we have already seen, the reason that Huntington gave was considerably more superficial than Guerra's, for to Huntington, the root of Latin American praetorianism was merely the "institutional vacuum" caused by the removal of the legitimate monarch.²⁹

I have rather freely imputed to Guerra a reliance on the clash of our three authority principles to explain Latin American instability. In fact, throughout his work Guerra deployed, rather inconsistently, a variety of concepts (liberalism, *modernidad legal*, *constitucionalismo histórico*, *pactismo*, absolutism, legitimacy, sovereignty, nation) to explain the contending beliefs that underlay political conflict. Guerra's grand argument may be fairly synthesized as follows:

The effective source of instability has to this day remained the unresolved contradiction between two political models. The first (congruent with the assumptions of translation theory and Stoetzer's interpretation) anchors sovereignty and the right of representation in a mosaic of concrete social and geographical corporate entities. *Pueblos, reinos, provincias*, municipalities, and so on *pacted* with the monarchy the terms of their subordination to it. Both the monarchy, on the one hand, and the corporations on the other, recognized reciprocal rights and duties. The second and countervailing model was that abstract liberal view of the nation as a voluntary association of equal individuals, among whom sovereignty *collectively* resided. The liberal model has prevailed as the common ideal in ideological terms, Guerra argued. But the old-regime suppositions have survived; political actors — groups and individuals — still seek to present themselves as the incarnation of the nation or as their uniquely qualified representatives. *Pactismo*, in effect, lived on to disrupt (so far, permanently) the liberal project. "La política moderna hasta nuestros días remite a un esfuerzo y a una competencia perpetua entre actores — antiguos o modernos — para erigirse en pueblo. . . . El mundo hispánico representa una de las mayores variedades de la 'política antigua', modalidad que explica su particular tipo de modernidad. La persistencia de una visión grupal de lo social, la tenaz tendencia al autogobierno y la correlativa dificultad de pensar y de construir el Estado y la sociedad civil sin duda encuentran ahí una de sus principales explicaciones."³⁰ The pattern of *golpes, pronunciamientos*, fraudulent elections and violence was especially prominent in the nineteenth century, when every administration's legitimacy was open to challenge. But similar problems persisted well into the twentieth century, as demands for effective voting

²⁹ After independence, praetorianism moved through three phases, from "oligarichal" to "radical middle class" to "mass"; Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 197-199; 237.

³⁰ François Xavier Guerra, "De la política antigua a la política moderna: La revolución de la soberanía," in *Los Espacios Públicos en Iberoamérica: Ambigüedades y Problemas, Siglos XVIII-XIX*, ed. François Xavier Guerra and Annick Lempérière, (Mexico City: Fondo de Cultura Económica, 1998), 135, 139; Guerra's most sustained development of the underlying authority principles ("pactismo," absolutism, liberal individualism) can be found at pp. 72-79 of *Modernidad e independencias*.

rights continued to compete with the tradition of group representation, a category that now embraced political parties, labor unions, and other new collectivities, often organized and incorporated into the political system in order to control elections by means of “collective clientism.”³¹

It seems to me that what holds Guerra’s argument together is the supposition (nowhere explicitly stated) of an underlying search for a common principle of authority capable of legitimating government. His thesis might be restated thus: On the one side, the liberal ideal of the sovereign nation bases its legitimacy entirely on the abstract authority of the consent of the governed. This is scarcely a real authority at all, but merely the will of the majority, which alone has the power to constitute the nation and to make law. On the other side, legitimacy is understood to originate not with anything as abstract as a nation of equal individuals but rather with groups and sometimes individuals who act separately and contentiously to assert their own right to, in effect, “erigirse en pueblo.” Returning to D’Ors, we can see that in both cases, true authority has disappeared, having been overtaken by power – in the case of the liberalist project, the power of the abstract nation of individuals, and in the case of the living *pactista* tradition, the raw power of groups and individuals (*montoneras*, political parties, populist caudillos, self-styled armies of national liberation, politicized crime syndicates or perhaps criminalized political syndicates) who seeking to “erigirse en pueblo.” The second is all that is left of the now-perverted principle of translation, which drew authority from divine or natural law in pursuit of the common good. How was it debased?

At the heart of translation and designation theory stood an ontology, a belief in the existence of a transcendent and sacred order within which every polity operated and to which it was bound to look for its legitimating principles of authority. Throughout the West, for more than a millennium, the doctrines of the Christian religion provided the exclusive means by which divine authority could be understood to bestow legitimacy on any given political order. In Spain, the Bourbon regalism of the eighteenth century sought to subjugate, or at least instrumentalize for its own ends, divine authority to temporal power. And so the legitimating authority of royal power became self referential, in just the way that liberalism would also become, ending up in a sacralization of the state – an inflated and absolutized imitation of Bourbon regalism. Nevertheless, the tradition of divine or natural-law authority as the exclusive principle of legitimation survived in Latin America because the Catholic Church had taught the doctrine for centuries, and persisted in doing so. “The Church was the only institution that could stand up to the state in the name of traditional and historical values. The clash between the two was inevitable.”³² Even the liberals of Mexico’s Reforma (1854-61) had to admit that the vast majority of Mexicans rejected their anticlerical policies – a discovery that in turn justified liberal rule without popular participation; liberals were rarely democrats but they were true artists in the construction of regimes of “ficción democrática.”³³ While governments’ legitimacy remained weak or

³¹ Guerra, *Modernidad e independencias*, 51-53; François Xavier Guerra, “The Spanish-American Tradition of Representation and Its European Roots,” 26 (February 1994) 1:34-35.

³² Enrique Dussel, “The Church and Emergent Nation States,” in *The Church in Latin America 1492-1992*, ed. Enrique Dussel, (Maryknoll, NY: Orbis Books, 1992), 107.

³³ Guerra, *Modernidad e independencias*, 375-381.

doubtful, that of the Church was rarely questioned by most Latin Americans. The Church "never lost its deep bond with the popular classes -- a much closer bond than the liberals ever had, or even than the forces of the left in the twentieth century were to have."³⁴ Later, from the perspective of post-Cold War Latin America, the Church turned out to be "the only unchanging element" in the life of Latin America, and thus a "stabilizing" one, Rhodes concluded. "Herein lies the power in Latin America of the Catholic Church. . . In the absence of firm and continuous government, the Catholic Church became the tutor -- in morals, ethics, and education, in caring for the sick and aged, in curbing lawlessness and permeating every phase of life with ideals derived from the Faith."³⁵ In 2005, a survey of Latin American opinion confirmed that public confidence in both the Catholic Church and Protestant churches towered above that of all other institutions, including the mass media, government, and those of the private sector: "The Catholic Church is the most credible and trusted institution in the whole region. . . Without a doubt, the role of the Catholic Church as moral leader and source of legitimacy remains as the most solid reference in every Latin American country."³⁶

From the early nineteenth century on, Church leaders vigorously contested liberal ideology whenever it turned openly against the principle of divine authority.³⁷ At their 1979 convocation in Puebla, Mexico, the bishops of Latin America defined legitimating authority almost exactly in D'Ors' terms: "La autoridad, necesaria en toda sociedad, viene de Dios (cfr. Rom. 13, 1; Jn. 19,11) y consiste en la facultad de mandar según la recta razón. Por consiguiente, su fuerza obligatoria procede del orden moral y dentro de éste debe desarrollarse para que obligue en conciencia. 'La autoridad es sobre todo una fuerza moral'."³⁸ Liberals proposed a social contract that would have replaced religious truth as the basis of morality, and incidentally stripped people of what they had long been taught were *natural* rights, replacing them with rights that someone in power chose to bestow – and later, perhaps, to withdraw.

Proponents of the traditional way of understanding authority might, therefore, have acted out of strongly religious convictions. But in other cases, the interests of the Church and those of others may simply have coincided in a rejection of the liberal construction of

³⁴ José Oscar Beozzo, "The Church and the Liberal States (1880-1930)," in *The Church in Latin America 1492-1992*, ed. Enrique Dussel, (Maryknoll, NY: Orbis Books, 1992), 130-136.

³⁵ Anthony Rhodes, *The Vatican in the Age of the Cold War* (Norwich, England: Michael Russell, 1992), 189.

³⁶ Latinobarómetro, "El Catolicismo En América Latina al Inicio del Papado de Benedicto XVI: Latinobarómetro 1995-2004," (2005); available at <http://web2.latinobarometro.org/fileadmin/documentos/El%20Catolicismo%20al%20Inicio%20del%20nuevo%20papado%20de%20Benedicto%20XVI..pdf>

³⁷ See, for example, Jorge Adame Goddard, *El Pensamiento Político y Social de Los Católicos Mexicanos, 1867-1914* (Mexico City: Universidad Nacional Autónoma de México, 1981), 46-47; *Actas y decretos del Concilio Plenario de la América Latina: Celebrado en Roma el año del señor de MDCCCXCIX* (Romae: Typis Vaticanis, 1906), §1, 10 (pp. 59-64); Mariano Rossell y Arellano, Jorge García y Caballeros, and Raymundo M. Martín, *Carta Pastoral Colectiva del Episcopado de la Provincia Eclesiástica de Guatemala Sobre la Amenaza Comunista en Nuestra Patria* (Guatemala City: Tip. Sánchez & De Guise, 1945), 3-4.

³⁸ Consejo Episcopal Latinoamericano, *La Evangelización en el Presente y en el Futuro de América Latina. III Conferencia General del Episcopado Latinoamericano. Puebla. Enero 1979* (Mexico City: Librería Parroquial de Clavería, 1984), §499.

authority. Thus, empirical evidence favoring the thesis of this paper – that an overlooked enabling condition of Latin American disorder and instability has been a longterm conflict over the sources of legitimating authority – may well be found among groups that acted independently of any pro-clerical or religious sympathies, as well as among those who acted specifically out of religious convictions. Some of the fighting forces that represented the *pactista* tradition analyzed by Guerra may have remained more or less anchored for a time in a fairly orthodox translationist view of authority. For most groups operating in Guerra’s *pactista* mode, the religious roots of an earlier opposition to the liberal imaginary of the sovereign nation may have dissolved over time under the pressure of secularization, or they may have been reformulated into some less distinctly religious terminology. Perhaps an exception were the “Cristeros” who revolted against the Mexican revolutionary state in the 1920s.

Finally, I would like to call attention to a possible linkage between two rather well known patterns in the political history of Latin America that seem to point to an underlying struggle over the principle of authority. First, recalling the observations of Tinder and D’Ors, there is the great gulf between legitimacy and mere legality. Thought obsessed with legalisms and legality, most countries in Latin America are at the same time notorious for their disregard of the rule of law.³⁹ But is this a paradox? An authority-related reason for violent disorder might be precisely that there has *only* been legality, for on this view, a properly “authorized” legitimacy would be a necessary condition for stability and peace. A government operating without recognized legitimacy may demand and get submission but scarcely merits deference. It takes more than legality to inspire respect for the rule of law.

The second pattern is a linguistic phenomenon. No reader of nineteenth century Latin American *pronunciamientos* can fail to be impressed by the violent and condemnatory tone of the language used to characterize political enemies – which often enough were members of an opposing *faction* of the same party. Porfirio Díaz’ “Plan de la Noria” (November 1871) serves 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 “una cámara cortesana” and a “cataclismo de perversión e inmoralidad”; he accused the Juárez administration of having forgotten “las leyes y usos de la civilización cristiana” and of turning the republic into “una farsa inmoral y corruptora.” Díaz’ “Plan” concluded: “Combatiremos, pues, por la causa del pueblo, y el pueblo será el único dueño de si victoria.” Pledging “la observancia estricta de la Constitución” and promising “que ningún ciudadano se imponga y perpetúe en el ejercicio del poder, y ésta será la última revolución,” Díaz would go on to violate, more spectacularly than any president in history, the very demands at the heart of his revolt. The authors of these manifestos⁴⁰ appealed to traditional values and Christian virtues in justifying the overthrow of rulers invariably characterized as “tyrants” – a move specifically authorized by the medieval and early

³⁹ Guillermo A. O’Donnell, “Some Reflections on Redefining the Role of the State,” in *Redefining the State in Latin America*, ed. Colin I. Bradford Jr., (Paris: Organisation for Economic Co-operation and Development, 1994), 251-253.

⁴⁰ See cognate examples of demonization in Holden, *Armies Without Nations*, 31.

modern “translation” theorists. In other words, they consistently appealed to transcendent authority in their efforts to delegitimize their enemies.

By the mid-nineteenth century, such appeals had become routine. Power conquered authority. But the *caudillos* and *camarillas*, in their rhetorical manipulation of traditional principles, were nevertheless acknowledging what liberal ideology formally denied — that the legitimacy of any government depended on something greater than legality.