

Human Architecture: Journal of the Sociology of Self-Knowledge

Volume 11

Issue 1 *Conversations with Enrique Dussel on Anti-Cartesian Decoloniality & Pluriversal Transmodernity*

Article 5

9-22-2013

Law, Globalisation, and Second Coming

Oscar Guardiola-Rivera

University of London, o.guardiola-rivera@bbk.ac.uk

Follow this and additional works at: <http://scholarworks.umb.edu/humanarchitecture>



Part of the [Ethics and Political Philosophy Commons](#), [Political Economy Commons](#), [Political Theory Commons](#), and the [Race, Ethnicity and post-Colonial Studies Commons](#)

Recommended Citation

Guardiola-Rivera, Oscar (2013) "Law, Globalisation, and Second Coming," *Human Architecture: Journal of the Sociology of Self-Knowledge*: Vol. 11: Iss. 1, Article 5.

Available at: <http://scholarworks.umb.edu/humanarchitecture/vol11/iss1/5>

This Article is brought to you for free and open access by ScholarWorks at UMass Boston. It has been accepted for inclusion in Human Architecture: Journal of the Sociology of Self-Knowledge by an authorized administrator of ScholarWorks at UMass Boston. For more information, please contact library.uasc@umb.edu.



Law, Globalisation, and Second Coming

Oscar Guardiola-Rivera

Birkbeck School of Law, University of London, UK

o.guardiola-rivera@bbk.ac.uk

Abstract: In the wake of the “war on terror” and the emergence of a global surveillance regime shrouded in secrecy during the first part of the 21st century, notions of “empire” and the “white man’s burden” (including “saving” the global economy, or behaving as global protector) are in the process of being rehabilitated in social theory, public law, human rights and global economics. Meanwhile, such principles as universal access to justice and equality are relegated to the dustbin of history, as if they were dangerous remnants of a previous period of history in which genuine aspirations to global justice resulted in the pathologies of today. The work of social theorist and political philosopher Enrique Dussel, emerging from within the legacy of Latin American thought, is hereby marshalled to the aim of reconstructing such notions as “people”, “justice” and “international” in relation to the need for political organisation and legal creativity, against new forms of imperialism today. Based on Dussel’s reading of the liberatory event in Paulian theology and Latin American society’s popular religiosity, this paper seeks to explore an alternative agenda for theorizing about legal and political principles and institutions from an internationalist perspective.

I. INTRODUCTION: FROM LAW AND GLOBALIZATION TO PEOPLES’ GLOBAL JUSTICE

This article seeks to explore an alternative agenda for theorizing about legal and political principles and institutions from an internationalist perspective. It aims at creating reasonably comprehensive overviews of such phenomena as decisive legal transformation and political change taking place

across borders, while emphasizing the need for international political organisation—emerging from the encounter (at times, “missed” encounter or mismatch) between peoples in movement and the normative principles of their actions—as the basis for creativity in law and politics, in economics as well as history.

In this respect, the article finds inspiration among the historical critiques of the “stages of growth” and modernization theories that developed in conversation with

Oscar Guardiola-Rivera is the award-winning author of *What If Latin America Ruled the World?* (Bloomsbury, 2010) and of the forthcoming *Story of a Death Foretold* (Bloomsbury, 2013). He teaches International Law, Rights and Political Philosophy at Birkbeck School of Law, University of London (UK).

critical dependency sociology in the 1960s and 1970s, critical geography, scholarly writing about law from a global (specifically, “southern”) perspective, and more recent attempts to rehabilitate such notions as “earth”, “world”, “territory”, “international” and “people(s)” in the wake of the rise and fall of globalization theory, growth economics, and the discourses and practices (economic, legal, philosophical) which conceived of freedom and everything designated by the term “public” as ruled by money and property.

Scholars writing about law from a global perspective have observed that although Western traditions of academic law and politics have a rich heritage, from a global standpoint they appear parochial, narrowly focused and even unempirical or, as Emeritus Professor of Jurisprudence at University College London William Twining put it, ‘tending towards ethnocentrism’¹.

Furthermore, in the wake of the so-called “war on terror” and the merging of security and progress in public law, human rights and global economics, notions of “empire” and the “white man’s burden” (including “saving” the global economy from the brink of disaster, or the emergence of a statutory and global surveillance regime shrouded in secrecy during the first part of the 21st century) are in the process of being rehabilitated. All the while, such crucial principles as universal access to justice and equality are being relegated to the dustbin of history, as if they were so many remnants of a previous period of history in which utopian aspirations to global justice resulted in the pathologies of today.

Sociologists concerned with the historical-comparative study of institutions, an interpretive approach that challenges the predominance of Rational Choice Theory in the social sciences, have observed that a similar set of problems stems from the per-

1. W Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (2009) xi. See also *Human Rights, Southern Voices* (2009) 1-3.

sistent disavowal of objects ripe for historical comparative research across areas of the world, such as law and legal-political principles, in the richer sense of the term.² In turn, area and comparativist scholars, exploring legal conceptions and political institutions in non-Western parts of the globe, have noticed that certain epistemic disconnects, *idées fixes* and automatic reflexes add up to the basic constraints already faced by transnational commentators, ‘truncating fuller debate about questions of law’ in other parts of the world and displacing ‘wider discussions over alternative policies, competing interests, and the distributional impacts of rules and institutions’, privileging instead a narrow set of perspectives, positions, and prescriptions.³

Like the traditions it recognises as worthy predecessors, this article tends to favor a historical comparative perspective that allows for interpretive approaches, and argues for a more careful consideration of concrete locality and the sites in which so-called “free associations” have taken or can take place, vis-à-vis the prevalence of abstract (especially, probabilistic and choice theoretical) models in the social sciences. In accordance with such spirit, this article concerns itself with Latin America as a specific locality in which events of “free association” and people’s creativity have been and can be set in motion, in relation to actual cases of legal transformation and political construction beyond current laws or the limitations of “the existing situation”, as Frantz Fanon would’ve put it. However, this article does not intend to develop a full-blown case study of historical comparison between the countries of this region, or this region as a whole and some other global grouping.

This article shares with the aforementioned approaches the thesis that most processes of so-called “globalization” take

2. J Mahoney & D Rueschemeyer, *Comparative Historical Analysis in the Social Sciences* (2003).

3. J Esquirol, ‘Writing the Law of Latin America’ (2009) 40 *TGWILR* 3, 694.

place at sub-global levels (e.g. regional, for instance Latin American) and that, as William Twining said, a healthy cosmopolitan discipline of law and political theory (here including political philosophy) should encompass all levels of social action and relations, as well as the principles prescribing the orientation of these actions and relations. Along these lines, the essay hopes to contribute to the critical review and extension of the so-called “Western” canon of jurisprudence and political philosophy beyond its limitations. It also hopes to contribute to the reconstruction of social, legal and political theory by taking into account not only some of the general and more specific problems of conceptualization, comparison and generalization, or the relationship between the local and the global, but more pointedly, by initiating a reflection on justice, law and globalization (in particular, global social justice) from within a specific legal and philosophical tradition that refuses to be reduced to this or that context (e.g., analytical or continental, common or civil)—in this case, Latin American thought.

II. EVENT AS PROBLEM: DUSSEL’S

KAIRÓS

The work of social theorist and political philosopher Enrique Dussel, emerging from within the important legacy of Latin American thought, is appropriate to the aim of rehabilitating such notions as “people”, “justice” and “international” in relation to the need for political organisation and legal creativity against new forms of imperialism today. In what follows I will be referring not so much to the more general significance of his contribution to Latin American thinking, but rather, to his specific presentation of the question of *kairós*, the event of radical turning and novelty, vis-à-vis more and less current understandings of law and planetary order as the normalization or mastering of contingency and time.

Way before notions of eventuality, situation, historical context, principled equality and the creativity of the people were recovered in contemporary European thought (from Fanon, among others, via Sartre and Foucault, or more recently Alain Badiou, Slavoj Žižek and Raymond Geuss) Dussel was developing his views on the problem of historical novelty in dialogue with radical currents of social theory and theology alive in the social and political movements of the Americas in the 1970s.

Such views contrasted with mainstream understandings of law and order as the normalization or mastering of contingency, backwardness and savage desires. Back in the ‘70s, such mainstream positions underpinned modernisation theory. Now, they inform the post-historical rediscovery of the empire-form in geopolitics, economic history, law and political theology.

On the one hand, I will be exploring Dussel’s concern with the specific role that religion in general and Christianity in particular have played in the context of the totality of social relations and normative orders and principles in Latin America. On the other hand, as said before, this essay seeks to make a modest but honest contribution to the more general attempt to bring together theology, legal, political and social theory in order to further the aims of the emerging field of study of the concrete relationships between religion, politics and empire.

In this respect, following the example of the editors of the collection *Empire and the Christian Tradition*, I believe that no account of globalization and the hegemonic role played in that process by countries such as the United States, a country whose leaders ‘often claim to represent the Christian tradition’, or the counter-hegemonic role played by Latin American social and political movements that also claim to represent elements of the Christian worldview, would be complete without an exploration of the representatives and main conceptions of that

religious heritage and its succession.⁴

One such element is the tension between conceptions of law and political institutions that see it as their task to normalize, manage, or master the contingency of time (e.g., the idea of the *katechon* as a Christian sovereign whose role is to defer the catastrophic end of times), on the one side, and on the other the crucial notion of “Final Judgement”, as both the principle and the event or the act of bringing to an end the inequities of oppression and empire. I argue that the former—law and politics as the mastering of accidents and contingency—underpins current attempts to rescue the empire-form in geopolitics and history (against the onslaught of Third Worldism and egalitarianism in the 1960s and 1970s). The latter—the notion of “Final Judgement” or “the judgement of history”—has often been mobilized in support of a more radical view of spiritual liberation and decolonization with implications for legal, social political and economic institutions in the current situation. An example of such use was Fidel Castro’s recourse to the judgment of history (“history will absolve me”) during his defence in court after the assault against the Moncada barracks on 16 October 1963. Another was Salvador Allende’s plea for a new “common orientation” or political purpose in his last radio broadcast on 11 September, 1973, as US-backed renegades among the Chilean military overthrew the constitutional government of that country.⁵

Within the framework of this set of questions, the following arguments will also consider the dynamic between ‘critical’ and ‘therapeutic’ understandings of the role of religion in Latin America and elsewhere.

III. FINAL JUDGMENT AND THE LIBERATORY EVENT IN PAUL OF TARSUS

I believe Dussel’s position accurately responds to the concerns expressed by those in the “global north” who believe that “a just international order and a healthy cosmopolitan discipline of law need to include [non-Western] perspectives” as well as more nuanced views on the intellectual legacy of what is now called “the West”, particularly in relation to the more complex histories of Christendom, Renaissance and the Enlightenment.⁶ Given the global reach of his philosophical, historical and theological work, Dussel also strives to create a thoroughly original set of inter-cultural analytic concepts that critically reflect upon our stock of theories about justice, human rights, philosophy, legal pluralism, and crucially, comparative and global history.

His intellectual intervention amounts to nothing less than a reformation of thought. Building upon Dussel’s insights, and some modest observations of my own, I will take his exemplary stance one step further and call for a wider and more encompassing reformation in relation to the substance of social relations and normative orders prevalent in Latin America, with consequences for the rest of the world. Toward this aim, let us consider Dussel’s “The Liberatory Event in Paul of Tarsus”, a text which he presents as a decisive contribution to “a very timely subject for political philosophy in recent years”.⁷ The argument developed by Dussel in this text is set in direct relationship with more and less recent European debates on the relation between religion (specifically, Christian theology) and the public use of reason (law and politics).

As he says in reference to the more re-

4. DH Compier, K Pui-Lan & J Rieger (eds.). *Empire & The Christian Tradition* (2007) xiii.

5. See O Guardiola-Rivera, *Story of a Death Foretold. The Coup Against Salvador Allende, 11 September 1973* (Bloomsbury, 2013).

6. W Twining, *Human Rights, Southern Voices* (2009) 1. See also B De Sousa Santos, ‘A Non-Occidental West? Learned Ignorance and Ecology of Knowledge’ (2009) 26 *TS* 7/8, 103-125, and T Ramadan *What I Believe* (2010).

7. E Dussel, *The Liberatory Event in Paul of Tarsus* (2009) 1.

cent debates on the place of religion in the public use of reason, “today, political philosophy has unexpectedly taken up a subject which had been ignored since the Enlightenment”.⁸ He is referring to the latest wave of writings on and around religion by commentators as diverse as Slavoj Žižek, Alain Badiou, Giorgio Agamben, Terry Eagleton, John Milbank, Jürgen Habermas, and Gianni Vattimo in Europe, or Franz Hinkelammert in the Americas, and in a more indirect way to some of the issues touched upon by “militant atheists” closer to the tradition of English evolutionism, such as Daniel Dennett, AC Grayling or Richard Dawkins.

It is crucial to understand that for Dussel the “new debate” on the role of religion in the public sphere is foreshadowed by a previous “older debate”, harking back to Kant’s *Conflict of the Faculties* and Hobbes’s *Leviathan*. According to Dussel, in order to understand the new debates we must first acknowledge the stakes of the older one. At stake in this “older debate” was not only the question of how to read sacred texts (or “interpretation”, according to Kant) but also, and most crucially, the question of “judgment”, and thus of general jurisprudence in relation to the (economic, cultural and political) planetary crises at the time. This “relocation” of the object of such debates from “interpretation” to “judgment” opens up jurisprudence—in its more particular sense of the exploration of the activity of legislators, judges and precedents in bounded jurisdictions—to a much more general sense, one in which it also concerns itself with the beyond of jurisdictions (the “international”) but also with “final judgment”. The latter term refers to a specific kind of judgment: so-called chiliastic judgments. These are applied to the whole of history so far, and seek to transgress the present order in the sense of the radical overturning of established boundaries in time and space.

Passing judgment on the present order in order to subvert it, is a critical operation

8. Ibid.

that seems to me parallel to what Kant termed “succession”. Kant was referring to the way in which a tradition is inherited, reclaimed and thereafter “betrayed” or put to an original use that could not have been contemplated from the previous situation. This has to do with clearing the ground for the creation of what Kantians like Drucilla Cornell call “moral images” of freedom.⁹ “Succession”, as the activity of a community that receives and transforms its common heritage, and *kairós*, as both judgment and a turning of the page, allow for a powerful understanding of acts of rupture with/within imitation in history. Understanding them better may help us to achieve our aim: invoking a new thinking of history, sovereignty and independence in relation to what Dussel calls “the event of liberation”.

Since the notion of “succession” is not used explicitly by Dussel, I will have to show that his conception of power as popular and communal requires it. Dussel’s conception of power (which I understand to designate that which a people have “in common”) refers to the capacity to open up politics and law to their exteriority—and pertains to the uses of imagination as a critical and regulatory element.

For now, it will suffice to say that Dussel’s conception of power as communal, which is expressed in the injunction ‘to govern while obeying’ (*mandar obedeciendo*), includes an element of common memory and of the work of the community to recover such a memory while renewing it (as witnessing and testimony). This correlation between the memory of the community and the legitimacy of those who govern, the fact that they bear witness and give testimony to the living memory and future-oriented will of the community—makes it possible to open up the law so as to make it responsive to its surrounding environment. This constellation of time, memory and legitimacy through testimony is central to popular

9. Drucilla Cornell, *Moral Images of Freedom. A Future for Critical Theory* (Rowman & Littlefield, 2007).

practices and images of religiosity and narration in Latin America and elsewhere. It is a critical normative element in the construction of communities, and their projection beyond the present situation.¹⁰

That the stakes in the old and new debates on the relation between theology and politics are much higher than it may seem at first glance becomes clearer, as Dussel suggests, if we trace Hobbesian and Kantian motifs all the way up to the “political theology” of the 20th century. For instance, to the work of German jurist and transnational commentator Carl Schmitt, and to the constellation of 20th century thinkers that debated his positions on such issues as judgment (not just in the abstract sense, but also in the concrete sense of order and orientation in space and time), crisis (in geopolitical as well as global economic terms), and the jurisprudence of crisis and emergency.

As is well known, most of these debates followed the fall of the Weimar Republic in the 1930s and the political and economic upheavals that extended from that period into the 1940s and the rest of the twentieth century. They focused on the issue of political transformation, the rise of a global order in which the United States takes over “the *mission civilisatrice* of the West” (Mendieta 2007:1) and the nature of spatial division and newness in history.¹¹ Chief among the questions raised during these debates is that of the meaning of events of emancipation or “liberation” in the contemporary world of state-capitalist nations led by America.

Why is it that the names of relatively obscure political-theological thinkers such as Walter Benjamin or Jacob Taubes, and the classical archetypal figure of Paul of Tarsus, feature so prominently in these discussions? One must ask such a question since

the connection between the normative order of religion and secular politics is not immediately apparent. After the Enlightenment, that connection tends to appear in two guises: on the one side, as a conservative advocacy of more or less benign forms of authoritarian paternalism and empire that can be traced back to Thomas Hobbes and the ultra-Catholic thinker Carl Schmitt in the twentieth century. On the other, the normative theological dimension is given a new lease of life under the cover of “Messianic” and prophetic power. The latter is often associated with a certain reading of crises and catastrophes as bringing an era of suffering and exile to an end, thereby opening the path of history towards the new and the unexpected—from tragedy to redemption and overturning, or the time of *kairós*—rather than bracketing history as “interregnum”.¹²

The Hobbesian and Schmittian conception of history as “interregnum” closes history by introducing merely the possibility of its end. It sees history as a period marked by risk and uncertainty that needs to be mastered and managed, in which the absence or weakening of the authority of the political-religious leader increases the chances of some apocalyptic catastrophe to actually occur. The job of the paternalist leader at home and abroad is to avert or defer that possibility. To that aim, the leader exercises near-absolute power, which often takes the form of pre-emptive action and “exceptional” intervention in ever more catastrophic ways. The source of his authority is the particular and supposedly definitive act of a founding father, which the paternalist leader—functioning as the protector of the unity and homogeneity of the community—allegedly reproduces and continues. It is no surprise that in the versions of this conception closer to medieval Christian traditions,

10. E Dussel, *The Liberatory Event in Paul of Tarsus* (2009). On law’s responsiveness to an exteriority, see the work of B Golder & P Fitzpatrick, *Foucault’s Law* (2009) 99-131.

11. E Mendieta, *Global Fragments. Globalizations, Latinamericanisms, and Critical Theory* (2007) 1.

12. JA Gordon & LR Gordon, *On Divine Warning. Reading Catastrophe in the Modern Age* (2009) 117-120. See also D Cornell, *Moral Images of Freedom: A Future for Critical Theory* (2008) 137-149.

the political-religious leader is portrayed as a “retainer” or *kátechon*. This is the Christian prince whose pre-emptive action restrains evil by containing the archenemy of the community, thereby deferring the time of the coming of the Anti-Christ. According to this narrative, in doing so, in “deferring” time, the paternalist leader produces history.

These two “older” positions struggle over the meaning of modernity and enlightenment. In general, modernity can be defined as “the social order in which religion is no longer fully integrated into and identified with a particular life-form” but rather, acquires the ability to globalize itself.¹³ However, the price religion has to pay if it is to become truly global is to be reduced to a secondary epiphenomenon with regard to the secular functioning of the social totality (ibid.). This means that in the “new” global order religion has two possible roles, invoked above: therapeutic or critical. It can either help individuals “function better in the existing order, or it can aim to assert itself as a critical agency articulating what is wrong with this order as such, as a space for the voices of discontent”.¹⁴

The Hobbesian-Schmittian position, in trying to protect and reproduce the homogeneity of the community while at the same time projecting its crusading role into and against the future, is therapeutic in relation to the present order. The opposite position, which emphasizes the secular “messianic” powers of the community and the redemptive character of history, plays a critical role in relation to the present. Critics like Walter Benjamin or Jacob Taubes in the twentieth century, and Bartolomé de Las Casas, Thomas Müntzer or John Milton in the sixteenth and seventeenth centuries, took issue against the main tenets of Christian political theology—what would become galvanised in the Hobbesian-Schmittian position. Not

only did they emphasize in various ways the secular powers of the community, they also associated this power to the coming into being (existence) of the community from an initial situation of persecution, inequality, anonymity, oppression, or in more general terms, of inexistence. In doing so, they linked the self-organizing power of the community to creativity and originality in history. And also, to the very question of how “new” history emerges and “old” history comes to pass.

In accordance with this position, new history emerges out of the opposition between two orders or epochs. In philosophical terms, between the present totality and its exteriority, situated as a concrete community of others that organize and project themselves beyond the prevailing coercive totality.¹⁵ This is the moment of historical disruption and creativity that, in relation to the Paulian corpus of texts and the critical tradition it initiated, Dussel calls “*kairós*”. In anthropological terms, *kairós* could be understood as the moment of recognition and memory in which the latter is deployed against prevailing cultural values, mores and ways of life. This is also the moment of the composition of a rational symbolic narrative against the present (imperial) order (of inexistence) in its very essence.

This means that such is the kind of narrative that shakes the very foundation “upon which the legitimation of the Roman state in its totality rested”.¹⁶ This narrative emerges also as a critique of other groups and interpretations within a common textual tradition from which the new (messianic) community slowly differentiates itself in a process of continuous division. Finally, and importantly, it opposes a form of legalism operative in the present or primitive community, or in certain groups within the primitive community, that failed to grasp “the novelty of the new position of the

13. S Zizek, *The Puppet and the Dwarf. The Perverse Core of Christianity* (2003) 3.

14. Ibid.

15. E Dussel, *The Liberatory Event in Paul of Tarsus* (2009) 7.

16. Ibid.

founding group” without contradicting the fact that this critique and division occur strictly within the confines of a common memory and tradition¹⁷. Thus emerging from within the order of the law (as its “zero” or lowest degree of impotence) this narrative stands against the very concept of Law as the foundation of the prevailing order or epoch. And, having borne witness to the collapse of the Law due to its insufficiency (or as Dussel says, invoking one of richest notions in the modern vocabulary of criticism and critique of religion, law, and economics, when it has become “fetishized”) it brings forth a new justificatory criterion.

IV. *KAIROS* AND THE MEANING OF HERESY: ON RELIGIOUS TRUTH AS LAW’S CRITIQUE AND EXEMPLARITY

To sum up the argument so far, the creative genius of Dussel’s formulation of the Paulian *kairós* is to open a specific ‘common’ tradition or legacy to a superior form of commonality, schematized as a higher-order set of complimentary differences. The community of readers and interpreters receive a tradition while at the same time taking it into uncharted territories. In the process, an exemplary tradition comes to embody the very meaning of exemplarity itself. For Dussel, as well as for the critical tradition that he reinvents—from Las Casas and Milton to Benjamin and Taubes—Paul’s writings are exemplary precisely in this sense: it is the very pliability of the exemplar or the classic (that is, of memory) or its un-fixed quality, that is its essence. It makes itself at home wherever and whenever it finds itself, but in doing so it reinvents the very meaning of ‘home’ (which is why, seen from the standpoint of those comfortable in the present situation it would always seem ‘unhomely’ (*unheimlich*, violent and uncanny). It is the exemplar’s ability (Paul’s writings,

17. E Dussel *The Liberatory Event in Paul of Tarsus* (2009) 7-9.

in this case, as the operative basis for memory and action related to popular religiosity in Latin America) to be both antique and yet modern, ‘its infinite—but never anarchic—plurality that categorizes it’ as the embodiment of exemplarity itself.¹⁸

Any exploration of legality and politics in Latin America from a historical-comparative perspective would be incomplete without taking into consideration the role played by religious normative discourses and institutions, and in particular Christian religious discourse. This is due not only to the recognizable fact that a large majority of Latin Americans and Latinos leaving in the Americas and elsewhere declare themselves as practicing Christians, or that the practice of Christianity flourishes in the Americas while in Europe it languishes. This is no doubt an important fact. But it only tells one half of the story, if at all. Ditto, religion in modernity can play the role of critic or comforter (in Zizek’s terms, “therapeutic” religiosity).

The fact that the overwhelming majority of the populations in Latin America assert their allegiance to Christianity gives religious institutions (in particular, the Roman Catholic Church) a huge sway over “secular” political and legal state institutions, and over political life in general. This has been true about Latin America for most of its his-

18. As literary critic Frank Kermode observes, an exemplary text is a work that ‘subsists in change, by being patient of interpretation’. Put simply, the antidote against fundamentalist word-worshipping is to keep on reading and writing. This means that every generation will read and understand received texts such as Paul’s *Epistles* or the Qur’an differently, insofar as every generation is different from its predecessors. But every generation is also challenged to produce an interpretation that is not only satisfactory (i. e. that respects tradition by not presenting its own version of it as the ‘final’ version) but also categorically decisive and forward-looking (in the sense of adding to reality, rather than simply imitating). Kermodian categories of criticism are appropriate to introduce this aspect of Dussel’s work to Anglo-Saxon audiences. See on this J Sutherland (21/08/2010) ‘Fierce Reading’, *The Guardian*, , Review, 16. Also, F Kermode, *The Classic* (1983).

tory, and the justified cause of a great deal of criticism about the Church's role as a "comforter" and even an accomplice in many of the injustices visited upon the peoples of the Americas throughout its modern history. However, it is also true to say that in no other part of the world has the role of religious discourse as critique been developed as creatively as in Latin America—particularly as a critique of legal and political-economic institutions.

Although this is a well-known fact, few contemporary observers have explored its consequences for law and political economy in the context of wider processes of globalization. In fact, it is remarkable that the "new debates" about religion and politics in Europe seem to find no place for the implications of Liberation Theology and philosophy, which emerged in Latin America after the 1960s. Especially given that, as we will see, this is not only one of the most influential interpretations of the Christian tradition in recent times but it may also be the most universal; at least in its capacity to allow Christianity to subsist in the changing landscape of globalization and confront the challenge posed by major geopolitical shifts, by making its textual corpus "patient to interpretation".

The present situation of the globalized world is characterized by the decline in the capacities of all major states to run and regulate the international system. And after the 2008 Great Recession, also by major doubts about the persistence and the justification (the means-to-end nexus) of nation-state capitalism, underpinned by militarism, as the framework of globalization. In this situation, the central story is less a state (for instance, China) that is allegedly rising to take over the American position, but the likely consequence of the softening of power from the center. America will undoubtedly have to scale down its presence in global affairs as enforcer of the international system, both to rethink its role as "protector" and avoid being perceived once more as a "bully"; but its

power is far from fading away. Pundits right and left of center who believe that the East (led by China) is on its way to replace a declining West (led by America) miss the point that there are no real rivals to the US. They also miss the fact that America is undergoing a major internal transformation driven by the increasing political and economic importance of its Latin American and Latino population, soon to become a majority. The United States is set to become the next Latin American country.

In both aspects of the story, religion, Christianity in particular, will be of central importance. The militant religious Conservatism that has become so outspoken and influential both at the level of high-end and grassroots politics in the US, threatens America's ability to rebrand itself internationally and to secure economic recovery and political stability at home. What it needs is precisely, a form of Christianity that can subsist—even with some conservative elements—in the rapidly changing world of globalization, while at the same time providing much needed energy and space for radical criticism and reform. Given their numbers and geographical location in the US, but also the dynamism of their religious practices, no other candidate seems to offer a better alternative to provide both elements than the popular religious beliefs of the US Latino and Latin American populations.

Abroad, the readiness of this framework of popular beliefs to relate to religious texts in a way that allows them to subsist "by being patient of interpretation" places this form of Christianity in a much better position than any nationalistic or expansive orthodoxy, Christian or not, in order to relate to and even inspire change among other text-based religious practices without violently dismissing them as backwards or heretic. At home, its firm opposition to established hierarchies that tend to impinge upon the weakest members of society, and to all forms of oppression and discrimination originating from the particular interests of a

few in politics and the economy, will resonate with the militant core of those across party lines, race and class who believe that America must be rescued from such interests and that they should be tamed and overcome.

Add to this the fact that as America scales down its presence in global affairs, embraces its inner *Latinidad*, and looks for ways to secure its economic future, it is more rather than less likely to strengthen its ties with its closer neighbors, such as Mexico and Brazil. The latter two are already emerging as competitors of, say, other emerging (authoritarian) economies such as Russia and China, share a popular and historical commitment to democracy, a “melting pot” cultural legacy, and have shown the will and the capacity to play a mature role on the stage of global affairs. Indeed, the crucial point in this story is that the combined weight of the Americas will give any upstart nation with dreams of global hegemony a run for its money; and the catalyst of this combination might well be popular religion.

But the condition for this chemistry to occur, avoiding any major explosive effects, is that the popular religiosity of Latin Americans asserts itself as a force for change rather than an obstacle to it in the name of orthodoxy. This is to say that Latin American religiosity must go all the way through an inner reformation: it must fall (in a way that brings it closer to its Protestant siblings) on the side of heresy. Even if this means revising its ties with Rome, a center of power that has done everything it can to dismiss the fact that the special dynamism of Christianity in the Americas goes beyond anything that happens in Europe, and has actively misunderstood, discredited and even persecuted those who have emphasized the critical role of Christianity.

V. A LATIN AMERICAN REFORMATION?

What exactly means to say that Latin American religiosity, as a normative dis-

course, must go through a reformation? As suggested before, this is the case in which “religion as such *tends toward assuming the role of a heresy*”.¹⁹ This assertion helps clarify the critical role religion can play vis-à-vis law and politics in the contemporary world of “declining” state-capitalist nations. But it may not go far enough. It is symptomatic that in a recent debate between “radical orthodox” theologian John Milbank, whose work is one of the most important and influential sources driving the “one-nation” policies of the present Conservative British government, and liberation philosopher Enrique Dussel, who is in turn one of the most prestigious scholars of liberation theology and philosophy in the Americas, the former was forced to take out of the closet one of those old chestnuts of the medieval traditions of theology he so admires. Having exhausted all philosophically sound arguments and even some *ad hominem* attacks, which the Latin American philosopher rebutted and unpretentiously separated from—creating in the audience the effect known as “romance of the withheld”. Milbank denounced Dussel with one word: “heretic”.

We need to ask once more what is the normative significance of religion becoming heresy. The answer lies in the deeper meaning acquired by a “heretic” religious discourse: in the very act of a normative discourse being used by a specific sector of society to rise against the given order, to stand up against the law as it is in the name of the future, in the name of liberation. What is exactly at stake in this act? “Liberation is a concern about purpose”, writes existential philosopher Lewis Gordon, “a concern about *ought* and *why*: Whatever we may be, the point is to focus energy on what *we ought to become*”.²⁰ Accordingly, religion becomes heresy when it emphatically takes sides

19. S Zizek, *The Puppet and the Dwarf*, (2003) 3, my emphasis.

20. LR Gordon, *Existential Africana. Understanding Africana Existential Thought* (2000) 6.

with those who remain invisible, as a residue, in the present order, question its justification, and having found all justifications wanting, reasonably conclude they ought to overcome it. To do so, and to avoid fallacious connections between what is and what to become, they appear in the world as a politically organized forward-looking group, rather than continuing to be defined as merely a series or a “cultural other”.

It is not merely a case of religion making such sectors of society more visible, more “identical” to the rest of a society that ignores, serializes and devalues them. Rather, religion itself becomes located in the position of this otherness and rises against the bond of alterity that defines the social position of otherness: that is, being ignored, devalued and even demoted beneath the realm of humanity. When that happens, questions of “identity” (what am I? Am I other or identical, or something else? or what am I other than a problem or the very embodiment of insanity in this society?) become inseparable from the question of reason (or truth) and liberation. This is to say that such questions (and those who posit them) are now posed in a situation *before* symmetry.

In that situation, the struggle is to be in a position for truth and the ethical to emerge. This is also the answer to the question “what it means to struggle to be a human being, and to be reasonable, in the onslaught of the very denial of one’s humanity and of existence?”²¹

Crucially, this position inevitably appears, from the perspective of the given order, as both mad and inhuman. There’s no paradox here. What is at stake is the logic of the objectivity of an idea. Put otherwise, the issue here is how ideas gain concrete existence: they do so by affirming evidence that at first appears counter-intuitive (mad, inhuman). Or, as an internal criticism of given assumptions: the latter appear first as the

very criterion of truth and justification, but then, in a second moment, as Dussel explains, the criterion collapses due to its insufficiency—it’s shown to be inconsistent. However, in a third moment, rather than demanding that we do away with contradiction—or conversely, that we do away with consistency and logics—it is shown that consistency has to do with incompleteness and observation, and that a logical system of truth or justification is consistent only if it does not exclude its own problematic nature.

VI. TESTIMONY, OR TRUTHFULNESS IN ACTION

This is precisely what is meant by the notion of action as testimony, or as “providing evidence”. Such an account of human action “decisively marks its distance from assumptions about action as the successful assertion of will”.²² Action-as-willful-assertion-upon-others and nature is the common characteristic of fundamentalist word-worshipping and its apparent opposite, neo-humanitarian instrumentalist fear-mongering. These are the two sides of current debates about the role of religion vis-à-vis politics and science. Neo-humanitarians like Richard Dawkins seem to reduce the meaning of religion to its expansionist and violent drive, which allegedly follows from a deep-seated word-worshipping attitude, contrary to reason and Enlightenment values. There is, they seem to argue, a slippery slope from the logic of religious texts to the fundamentalist violence of Islamist suicide bombers and Jewish (Orthodox) or American (Evangelical) evolution-deniers and anti-abortionist murder justifiers.

There is much to learn from these and other strident critiques of Christianity and religion in general, such as Hannah Arendt’s. However, all too often their strength

21. D Cornell, *Moral Images of Freedom* (2008) 107.

22. R Williams, Introduction to *Theology and the Political: The New Debate*. (Edited by Creston Davis, John Milbank and Slavoj Zizek) 2005: 1.

is diminished by a tendency to combine fear-mongering (against some fundamentalist “other”, in the case of Dawkins) with a sound defense of the incompleteness of truth, evidence, and Enlightenment values.

This is problematic not necessarily because it goes too far, but rather, because it does not go far enough: on the one hand, it fails to recognize that neo-Humanitarianism can not only be described in terms that are merely apparently secular (as Tony Blair proved in the run-up to the Iraq War, through his discursive use of the singular character of “western” Enlightenment values—human rights and liberalism—before he “came out” as a Catholic) but can also be as violent and imperialistic as any religious fundamentalism, particularly in its fear-mongering and most “liberal” mode: that which has to do with the “virtues” and allegedly “scientific” assumptions of free-trade global capitalism. On the other, it is constantly at risk of simply replacing God with Human Will both when it does not distance itself sufficiently from a defense of science as the successful instrumentalization of nature or the external world to man’s will, and also, when it seems unwilling to recognize that self-exposure to death isn’t always some miscalculating, masochistic or mad attempt to seek atonement for non-existent sins committed by fictional characters.²³

In fact, the category of martyrdom, when distinguished from all transcendent undertones (being “fast-tracked” to Paradise and so on) means, for Christians and others, a distinctive instance of testimony: it provides evidence that the Law, in the hands

23. This is how Richard Dawkins interprets Paul’s writings in *The God Delusion* (2006). For an alternative interpretation of self-exposure to death see Rowan Williams’ introduction to *Theology and the Political: The New Debate* (2005). Dussel shares Williams’ understanding of Jesus Christ’s death as martyrdom, rather than sacrifice, and thus as making evident to the new messianic community the fetishism of the Law. See E Dussel, op. cit. 10; and F Hinkelammert, *The Cry of the Subject: From the World Theater of the Gospel of John to the Dog Years of Globalization* (1998) 45.

of political and religious meaning makers, has collapsed. This is the exact opposite of the “classical” (sacrificial) Greek, Semitic and Roman attitude toward the Law and Truth, which has passed into modernity in the sacrificial language and practice of imperialism and colonization (including its more “liberal” British and American contemporary versions), instrumentalist science and “free-market” economics. Testimony appears from this perspective as the enlightened opposite of persistent sacrificial attitudes in society, prejudiced beliefs that in turn allow inequality and injustice to persist. This is true in the sense that the death of an innocent and the destruction of nature function as evidence backing up the argument that condemns all forms of sacrifice, religious or secular, fundamentalist or liberal.

It is possible here to open up a dialogue between politics, theology, and science. On the one side, this dialogue can take place in the context of critical and post-Enlightenment questioning of sacrificial logics prevalent in even the most liberal and neo-humanitarian forms of globalism and expansionist behavior (Golub 2010:4-10) and in the capitalism of perpetual innovation and the enslavement of nature. On the other, the dialogue can continue in the context of careful consideration of the role of evidence vis-à-vis the Law and Truth, which is directly relevant to notions of Freedom, Autonomy and Liberation or independence. Among other things, this entails nuanced distinctions between Reason and Will, between Will-as-assertion and General Will, and between critiques of fundamentalism and instrumentalist fear-mongering (which is another form of will-assertion leading to sacrificial calculus). It also entails being careful not to render the category of “testimony” or evidence, in general, too optimistic. Monsignor Óscar Romero’s death in El Salvador certainly testifies to the collapse of Law and Truth in the context of the establishment of financial liberalization and in-

terventionism in the Americas in the 1980s. But this does not make the fact of his assassination any less grotesque; it cannot be recovered as part of a "higher" narrative underlined by a superior purpose or a finalized and more perfect totality. His death was contingent, unnecessary. Much in the same way, evidence in science and the tribunal help us reflect upon the incompleteness and fragility of "natural" as well as "artificial" environments, of our truths about them, and our responsibilities toward them. No laws of necessity underpin such processes, particularly no man-made laws.

To sum up, the problem with "atheistic" responses in the "new debates" between theology and public reason is that they do not seem to draw all the consequences of the event of the death of God, as Slavoj Žižek has suggested: put simply, they're not atheistic enough. As suggested before, these responses cannot boil down to a defense of purely abstract (subjective or "negative") freedom, since the latter is indistinguishable from the actual struggles of specific peoples to be free and to bring themselves "out from beneath the despairing weight" of such real situations as racism, economic oppression, debt slavery, force displacement, land-grab, environmental destruction and colonization.²⁴

The lack of a critique of "Capitalism as religion" remains a serious shortcoming in these critiques of religion. Particularly since the struggle referred to here is not to destroy but rather to edify, to build and to add more to reality. The action involved is not simply one of making visible what was masked or covered over, but rather, to bring into reality (thereby making visible) what was not there before. The issue is both ontological and political: it involves the fundamental question of existence and the classical problem of how an actuality emerges also from impotentiality.

In the "new debates" it is becoming

²⁴. D.Cornell, *Moral Images of Freedom* (2008) 106-7.

clearer that, at its most fundamental, the question of existence involves more than solving the problem of what is it to be a human being in a situation in which one is not being seen as such by the rest of society. This is already the crucial problem for human rights discourse and practice. But in addition to that, those struggling against racism, economic oppression, debt, forced displacement, land-grab and the loss of sovereignty that leads to diminution of democracy and to the inability to decide one's own economic and political destiny, are realizing that their constraints are connected, in concrete ways, to the constraints being placed upon non-human environments by a form of "progress" that continues to pile catastrophe upon catastrophe and moves forward blindly, reaffirming the very limits of capitalism, of humanity, of nature.

This is why on April 22, 2010, in the context of the World People's Conference on Climate Change and the Rights of Mother Earth, the plight of the communities that are being most directly damaged by the environmental crisis brought about by a sacrificial model of capitalist consumption and production was turned into an argument to take the question of existence one step beyond the notions of symmetry and reciprocity that have traditionally informed international law and human rights discourse and advocacy.

In concrete terms, these peoples in struggle gathered in Cochabamba (Bolivia) for the Conference, proposed a Bill of Rights for Mother Earth and a climate tribunal to investigate those responsible for environmental damage. These proposals join the "leave resources in the soil" initiatives and the corresponding financial schemes developed by activists in the Amazon. Both actions have precedents in the long history of rights-based struggles, advocacy and institutional design: the thirteenth century Charter of the Forest, which together with Magna Carta constitutes the pillar of the Common Law tradition; the Law of Peace of the indig-

enous peoples of North and Central America, a component of the much more complex and living memory of the interrupted thought of the Amerindians; and the normative tradition of pretty much any religion with a long and venerable history in the face of the earth.

It is unsurprising that this extension of the fundamental question of existence has come to resonate strongly with the political theology developed with an eye on ancient sources and another in contemporary phenomena by thinkers such as Walter Benjamin, who also spoke of catastrophes piling upon catastrophes, of our blindness, and of the storm called progress, while bringing back the allure of the objects of the world, and in particular the images that best tell “history” nowadays, in the age of mechanical reproduction, of cinema and the internet. What might seem surprising to some is that Benjamin’s political-theological reading of the fundamentals of existence resonates also with the least discussed and publicized feature of the 2010 Conference in Bolivia, the one ignored by contemporary “atheistic” critiques of religion: their call for an alternative polity, in the form of taking bold steps towards new and emancipatory ways of doing politics, decolonizing knowledge, and composing society (now including the non-human part of nature). In the Conference, this call took the normative form of an injunction to “live well”. This injunction has also been enshrined in the Constitutions of countries like Ecuador, Bolivia or Colombia since at least 1991.

VII. THE MEANING OF LIFE, OR PAUL VIA DUSSEL (... AND MONTHY PYTHON)

The normative injunction “Live well”, and “Life” as its material basis, are among the most basic building blocks of the theses on politics developed by Dussel, of which his text on Paul constitutes a further development. The notions of “life” and “living

well” are directly related to his understanding of the (liberatory) event he names *kairós*, referencing Paul of Tarsus.

They are also at the core of his reading of Paul’s criticism of the concept of Law as foundation. According to this reading, the (religious) criticism of the Law has three moments:

First, the moment of justification, or “the subsumption of the concrete (the actor or the praxis) in the universal (the criterion according to which the evaluative judgment is based)”²⁵

Second, an exploration of the deeper meaning of law. Since at least Paul’s *Epistle*, law is the criterion held as valid for all in the justification of the agent or his or her praxis. Put otherwise, the law determines a framework for the will ‘as a criterion to be able to judge by differentiating what is just’ from what violates the law. This allows good to be discerned from evil, and thus to avoid moral error by moving from the justification of present evil as necessary (as in ‘lesser’ or necessary evil, or as inevitable ‘costs’ or the collateral result of ‘hard choices’) to a recognition of the insufficiency of such justifications and the positing of a future-oriented criterion of justice.

As Dussel observes, starting with the figure of the Egyptian goddess *Ma’at* all the way up to the *nómos physikón* of the Greek, Roman Law or the Jewish *Toráh*, the function of the law is to give consciousness of—or make visible—moral error and sin.²⁶ This function is also discernible in the structure of classical tragedy as the double aspect of truth, as truthfulness (prior to) truth, as what is known only in part and what is not known, for instance, in the cases of Osiris, Oedipus and Orestes. In this structure, only the composition of two contradictory testimonies—one looking backwards for self-referential justification in the prevailing totality (the given), the other projecting it-

25. E Dussel, *The Liberatory Event of Paul of Tarsus* (2009) 8. He cites Romans, 1, 17.

26. Ibid. Dussel cites Romans, 3, 20.

self beyond the given (prophetic or speculative)—allows for the passage from the present order to the new order, i.e., from given truth to truthfulness or reflective judgment in Kantian parlance.

This passage entails the analysis of the given as both catastrophe and farce, as an explanation of the collapse of the law due to its fetishization. As a phenomenon, 'fetishization' also has a double aspect: first, a critique of self-sufficiency as mere surface appearance or the result of the projection of forms of composite causality into a figure of necessity so as to make it appear as unconditional or sufficient reason, and second, a recognition of the composite and contingent nature of all purportedly necessary entities.

The result of this analysis is ontological (i.e., anti-dogmatism, based on the refusal of the principle of sufficient reason) and ethical or ethopoetic (the recognition of the fragility of everything that exists, and also the recognition of our collective responsibility to create future environments for all). Literary archetypes like Osiris, Oedipus, Orestes, Moses, Paul, Quetzalcoatl or 'the Founding Fathers' symbolize and embody, in their quest, the journey of the mind and the community through these distinctions, and from error (down below) to truth (up above).²⁷

Third, there is the event. Here, it is recognized that the Law presupposes a time prior to its dictation (chaos and slavery), another time of hope (Abraham's first Alliance, in the Judeo-Christian narrative) and a time of the first Law (for instance, the law pronounced by Moses in the desert during exile from slavery). In the Judeo-Christian narrative, the event of the first Law established the order still prevailing during Paul's time. This foundational event and constitution must in turn be distinguished, according to Dussel, from what happens in

the second event, following the collapse of the Law based on the foundational event.

This is the point where the apocalyptic writings of John and Paul's *Letters* emerge as cogent critiques of the Law. If, on the one hand, the Law appears as the criterion for the justification of the praxis carried out in any given order, on the other, the Law also emerges, after negative critique, as that which "can nevertheless become fetichized and corrupted, falling into contradiction even with itself, and thereby producing its own collapse".²⁸ This is the case when it can be shown that the Law has been affirmed as the single most basic foundation of justification of the present order, thereby becoming the ultimate cause of itself, and thus, absolutely necessary and dogmatic. Then and only then, can the Law be criticized from the standpoint of the future, understood in the sense in which John referred to early Christians as "being in the world" but not "of this world" (John 17, 14-17). For Dussel, this occurs when the Law is situated above Life.²⁹

What does this mean? On the one side it means to say that the truly ethical act is the questioning, transgression or disobedience of the Law. Both Abraham, in refusing to sacrifice his son, and Jesus, in curing the

28. E Dussel, *The Liberatory Event of Paul of Tarsus* (2009) 8.

29. Here Dussel follows F Hinkelammert, *The Cry of the Subject: From the World Theater of the Gospel of John to the Dog Years of Globalization* (1998), *Hacia Una Crítica de la Razón Mítica: El Laberinto de la Modernidad* (2008), and *Das Subjekt und das Gesetz: Die Rückkehr des verdrängten Subjekt* (2007). In relation to this problematic, Dussel refers also to the distinction between foundation, justification and application developed in volume II of his *Política de la Liberación* (2007) 377 ff. This distinction is made in relation to Kant's analysis of future-oriented 'reflective judgment' as distinct from backward-looking 'determinate' or purely empirical judgment. This means that what Dussel calls 'fetichization' involves the elevation of the past and the given order to the level of an absolute and necessary order for all times and in all places. This is also the danger of 'globalization' discourses in relation to the law: that it becomes 'globalism'. I use the term 'globalism' in the sense of the ideological element present in the justificatory discourse about globalization.

27. See on the priority of truthfulness over truth and on ethopoetic devices E Mendieta 'The Ethics of (Not) Knowing. Take Care of Ethics and Knowledge Will Come of Its Own Accord', in *Decolonizing Epistemologies. Latino/a Theology and Philosophy* (2012) 247-264.

blind man during Sabbath, in speaking against the laws of debt and proceeding to angrily “cleanse” the temple from the law of value, and especially when he observed that the law in its fetishized state would demand such a degree of application that it can even produce death, and moreover, in giving testimony of this demand by being crucified, deny the law its power of serving as the basis for justification.³⁰

On the other, this is in contrast to the attitude toward the law (and truth) that was typical of classical Greek-Roman as well as Jewish legalism. In the latter, exemplified by the cases of Ifigenia in the *Oresteiad*, Socrates in Plato’s *Apology* or the members of the tribunal that condemned Jesus to death in the *New Testament*, and later on also in the imposition of the Law of Christendom across the globe, after the imperialization (and intellectual Platonization) of Christianity, we must accept the Law (and truth as the whole truth) to its final consequences: that is to say, even if its application entails the death of the innocent, which is justified either as an abuse of the Law by those who apply it or as a necessary sacrifice in the altar of law, (whole) truth, order, national interest, self-righteousness or economic wisdom. What cannot occur to the legalistic “classical” mind or to its “modern” reinvention as economic wisdom and pragmatic calculus is the questioning and denunciation of the law itself and the order it founds as fatal and murderous. And yet, this is precisely what the death of Jesus and its apocalyptic interpretation by John and Paul entail: not sacrifice but scandal, the revelation that the law itself has become unjust and that “the wisdom of this world” has turned sacrificial mythology into economic calculus, which it calls “reason”.

30. E Dussel, *The Liberatory Event of Paul of Tarsus* (2009) 10. See also F Hinkelammert, *The Cry of the Subject* (1998) 45. Dussel cites John 8, 40-44.

VIII. WHAT IF LATIN AMERICA RULED THE WORLD? THE WORLD TURNED UPSIDE DOWN

How do we turn this state of affairs on its head? The starting point is the recognition of the fragility of everything that exists. Call it “the meaning of life”, in a reference to the brilliant pun on necessitarianism put together by philosophical comedians Monthly Python in *The Life of Brian*. From this standpoint, we start from absolute contingency rather than from the idea of mechanical patterns or rules that can be revealed through natural reason as, ultimately, the unconditioned reason of everything that exists and is efficiently moved forward in our images of nature. Another way to put this is to assert Nature (like in the 2010 Conference referred to above) as a living organism going through cycles underpinned by fragility, rather than some *machina mundi*. In the first conception, predictability, in the sense of a calculus of probabilities and costs attempting to derive some measure of necessity from within the manifold of accidents and phenomena, is seen as form of metaphysical dogmatism—in short, as ideology.

With no figure of necessity, no ultimately unconditioned set of rules or no big other in supply (neither as transcendent divinity nor as *deus ex machina*), the image of nature becomes a token of our radical freedom rather than the realm of determinism. This radical freedom is always here and now as well as future-oriented, present in our recognition of sociality as something in which we partake, and which is always beyond us, in fact a step toward recognizing, precisely, the specificity and universality of our common world. Our radical freedom lies in our acknowledged commonality, which can only grow out of our recognition that as embodied beings we will always speak to each other from different perspectives, and of the humility that arises when we actually confront the truth that we must live in a field of commonality that is the world and nature. Philosophically

speaking, in Dussel the injunction to “live well” and the notion of the infinite fragility of nature (Life) vis-à-vis the bad infinity of our dreams of unending progress (which is the theme of his first theses in *Twenty Theses on Politics*), take us in a movement that goes from inter-subjectivity (language, reason, normative prescriptions) to the key problem of communication, understood ontologically in the sense of proximity and vicarious relationality between contingently existent and gathered entities (human and non-human assemblages and disassemblages).³¹

Another name for this process, one that has been coined and developed in the philosophies of existence of Caribbean writers and phenomenologists more than by Dussel himself, but one whose use he would surely endorse, is “creolization”. The term often refers to phenomena of semio-semantic hybridization within or across cultures. It involves the inversion of a word from its negative meaning to something more positive, or the kind of proximity that does not entail imitation but achieves originality.

Examples of this phenomenon in history would include the Haitian revolutionaries of the 1800s singing La Marseillaise to occupation Napoleonic forces, or the case of the Yoruba religion of Africa being Christianized in the Americas while Christianity was refigured through the gods and goddesses of Yoruba African religiosity. Both religions changed, becoming perhaps unrecognizable to defenders of (European) orthodoxy, but in the process revealing the importance of the revaluing and affirmation of indigenous and original values and ideals. Put otherwise, the result of this kind of hybridization is a composite (a vicarious or creolized entity) of a higher order, a new reality that cannot be judged from the standpoint of its components and in fact would have seemed implausible or improbable (and may remain invisible) from the standpoint of the previous situation.

We’re no longer talking about particular

31. E Dussel, *Twenty Theses on Politics* (2008).

“identity” here, but rather, about “position”. And we have moved from morality or ethics—the art of leading by precepts or example—to the fundamentals of existence: newness, originality in time and space, a priori causality or composition, and the autonomy of human and non-human nature, what philosophers call “ontology”.

At stake is the issue of newness in history and reality in the most general sense. And this is what Enrique Dussel, no doubt having in mind Walter Benjamin and other writers embedded in the Miltonian-Kantian tradition, refers to when he speaks of a “liberatory event”.³²

Notice that vicarious communication, which opens up the set of options for communication and relationality (rather than merely choosing a form of communication between a given set of options) makes it possible to cross not only between cultures but also between the realms of the human and the non-human, allowing for richer and original relations between us humans and our conceptions of technological advancement so central to our present way of life, on the one hand, and nature on the other. The point is to disengage the mind and its capacity for technological advancement from what is empirical in examples of the relation between technology, production and consumption in the present situation, thus achieving exemplarity.

Only then, it begins to make sense to speak of the Earth or Nature as being entitled to (strictly non-reciprocal, or “post-human”) rights. But not in the sense of some restorative project bringing back a purely emotive and non-technological union with

32. On the Miltonian-Kantian tradition, and the notions of ‘the sublime’ and ‘succession’ emerging from that tradition, see S Budick, *Kant and Milton* (2010) 253-306. For the precedents of Latin American liberation philosophy originating at the end of the colonial period, in the late eighteenth century, among thinkers and activists who were engaged with the language and forms developed within the trans-Atlantic Lascasian-Miltonian-Kantian constellation, see O Guardiola-Rivera, *What If Latin America Ruled the World?* (2010) 107-179.

nature that in fact has never existed. Rather, in the sense of challenging the assumed intrasystemic consistency of the system and the way of life we usually call “capitalism” (which assumes a necessary connection between technological advancement and capitalist production/consumption, in which the former is dependent upon the latter) by raising systemic critique from within, from the standpoint of the real and contingent future as well as our responsibility to create future environments for all.

This would be a critique of “necessity” and of figures of necessity, in particular the dogma concerning the supposedly inevitable character of capitalist globalization and its correlative image of the world as a unity divided between nations that lead by precepts, permanent authority and example (recently couched in pseudo-humanitarian language) and peoples willing to be led by precepts and example. This was already the point highlighted by those participating in the “older debates” (Las Casas or Milton in the sixteenth and seventeenth century; the German Miltonians, Francisco de Miranda, Thomas Paine, Anna Barbauld, Olaudah Equiano and Simón Bolívar in the eighteenth and nineteenth centuries; W. E. B. Du Bois, Ernest Cassirer, Walter Benjamin, Jacob Taubes, Hans Jonas, Frantz Fanon and Roberto Fernández Retamar in the twentieth century).

This is also the point that needs to be recognized in the “new debates” about theology and politics: what about the peoples of the world not willing to be led by precepts, the permanent authority of a handful of nations, and their paternalistic example? What if, say, Latin America ruled the world? So far, these peoples have all too often been dismissed as “anti-modernist”, “unorthodox” or “rogue”; in a word, as “heretic”. These apparently blunt terms are in fact simplistic, particularly in their inability to help us understand the perverse complexity and allure of heresy: the peoples of the world not willing to be led by given precepts and example

are in fact striving for and toward freedom. They do not offer just another choice, an alternative choice within the given dichotomy between “leaders” and “led” (or “developed” and “underdeveloped”). Rather, they seek to open up the set of available options and to move from given examples to exemplarity. They are transforming our image of the world, changing in the process the terms of language and communication: freedom and contingency rather than necessity; post-development rather than linear and inevitable orientation in geopolitics and global economics; human and non-human rights instead of the pure reciprocity and equivalence of “humanitarian” international relations underpinned by the alleged moral superiority of some; redemption in the present for the sake of the future, rather than austerity and pre-emptive action to avert announced catastrophes brought about by “monstrous” peoples or greed.

Refigured in such terms, religion ceases to be a normative discourse that mixes paradoxically the impatience of the crusader with the pacifying effect of the soldier-therapist. Notice how those who argue that saving modernity means abolishing religion and those who choose to respond in kind by seeking to abolish modernity provide the background noise of such confusing mixture. The bitter *Kulturkampf* that we seem to have witnessed in Britain and the USA (also addressing the Islamic world) in the first decade of the twenty-first century, between secular science on the one hand and religious social Conservatism on the other, can be understood precisely in such terms.

IX. CONCLUSION: LAW, GLOBALIZATION AND RELIGION’S SECOND COMING

As religion becomes more and more globalized in the contemporary world of state-capitalist nations, it has come to be seen merely as a set of ideas or an external state of affairs, which can be surgically sep-

arated from the public conduct of business and from the religious person like a potentially dangerous tumor. For this perspective there is a straight choice between political theology and political philosophy, including legal theory. Another perspective observes that we may have anachronistically misunderstood the Great Separation conflicts that took place in the West between 1550 and 1648 merely as wars of religion, in a way that serves to bolster our mythical understanding of the state and its legal and political institutions as both a “protector” and a “savior” from religious fanaticism. Furthermore, others add, it is possible to trace a line of continuity between the apocalyptic dimensions of Christianity and other religions and the modern political projects that in the West and elsewhere have aimed at radical and even violent transformations of human society. It follows that attempting to “abolish religion” by suppressing it from public conversation merely succeeds in repressing it, leading to its ever more violent return. They point out, however, that fully integrating the primary human need for religion in public life does not mean establishing any one religion as public dogma.

There is plenty of heat and some light in these “new debates”. However, at least two important dimensions seem to have been hitherto ignored by the debaters: first, as political theologian William T. Cavanaugh suggests, the conflicts originated in the West between 1550 and 1648 had a more global dimension, related to the emergence and justification of modern imperialism. This is the dimension that the archbishop of Chiapas Bartolomé de Las Casas emphasized in the 1550 debates at Valladolid, Spain, concerning the status of Amerindians as “even bellow slavery”, and the right of the Christian Spanish Crown to occupy and exploit the resources of the New World.³³

These debates helped inaugurating modern international law and laid the

33. WT Cavanaugh, *The Myth of Religious Violence: Secular ideology and the Roots of Modern Conflict* (2009).

groundwork for a truly cosmopolitan political philosophy. They also coincided with the emergence of a specifically global mercantilist/capitalist market, on the back of the Spanish (American) Silver Peso and the massive displacement of labor force from Africa and elsewhere. The language and arguments of these debates challenged from within a venerable tradition known as philosophical geography that was received in medieval Europe by such people as Albertus Magnus.

Mixing elements of theology, cosmology and philosophy from at least four cultural sources—Greek, Semite, Arabic and European—with elements of law’s autonomy, it set the coordinates of our modern “secular” images of the world. Geopolitics, development economics and cartography, but also the languages of ethno- and Euro-centrism and the Atlantic bias of international relations owe much to the recovery of this ancient tradition at the very point of origin of modernity. These were the languages that Immanuel Kant continued to explore in his lectures on Geography and Anthropology at the University of Königsberg in the late eighteenth century.

Second, the new debates constantly miss how much they imitate the older debates: for instance, the point about fully integrating religion in public life without establishing any one religion, made in contemporary times by writers like John Gray, was well understood by the eighteenth century generation of liberationist thinkers in the Americas inspired by Las Casas.³⁴ For instance, in one of the most important episodes of the struggles for liberation in the late eighteenth and early nineteenth centuries, Venezuelan Francisco de Miranda likely discussed the point with philosopher Moses Mendelssohn during an encounter in

34. J Gray, *Black Mass: Apocalyptic Religion and the Death of Utopia* (2007). For a useful survey of the virulent critiques of religion offered recently by Richard Dawkins, Daniel Dennett, Christopher Hitchens and others, see T Beattie, *The New Atheists* (2007).

Germany in 1758. He tackled the issue once again in his 1801 draft of a Constitution for the projected Great Colombia.

Similarly, the scientific secularism of Richard Dawkins or Daniel Dennett tends to imitate the French Positivists, whose views were central in the institutional design of modern Latin American nations such as Mexico and Brazil.

What is missing in the “new debates” is a form of repetition that is not mere imitation, but includes also a new wager and an original understanding of legality and history. If the “new debates” remind us of the Pascalian theology of the wager—which argued that theism is the rationally correct option because betting my life on the assumption that there is no God cannot benefit me if I win “and could be disastrous if I lose”—liberation philosophers and theologians like Dussel posit another argument that takes into account belief and communal experience in an original way. As theologian Michael Kirwan observes, this is the argument of a mutual wager between the poor and God. The poor trust in God as their champion, the one who will liberate them from their suffering, while God “wagers on humanity, by daring to enter, repeatedly, into political partnership (covenant) with human beings” and importantly, by handling over his son.³⁵

The Christological frame of the discussion may seem obscure at first, but it matters: on the one hand, it indicates that in order to move beyond imitation the debate between theology and politics must emphasize a God who wholly became man and positioned himself among the oppressed and the excluded, those who don’t count and remain invisible in the present order. On the other hand, this means that what matters is to draw all the consequences from the basic event in this symbolical narrative, the death of God and his passing over into the love

35. M Kirwan, *Political Theology: A New Introduction* (2008) xii.

that binds the “children of God”.³⁶

The exact meaning of what it is to be “children of God” constitutes the crucial problem. As Dussel, points out, this is where Paul’s *Epistles* can be interpreted as offering political and legal categories of implicit philosophical importance: “Humanity watches impatiently (apokaradokía) waiting for what it is to be children of God to be revealed” (Romans 8, 19). This passage contains the interpretive key that clarifies both the Christological framework and advances the ultimate consequences of its basic event. “The meaning of “being children of God” enunciated for the slaves, the oppressed, and the excluded”, Dussel says, “is the moment of “ransom”, the payment of freeing the slave or “redemption”, a subject suggested so clearly by Walter Benjamin”.³⁷

According to this contextual reading, the writings of Paul “must be situated in the political economic context of the Roman Empire during the stage of consolidation of the structure of slave-based domination” and inequality, which provoked “an immense clamor among the growing majority of oppressed and exploited masses” reduced to live in conditions of anonymity and inexistence—that they make themselves free and autonomous. This is the question of succession and liberation.

The notion of “succession” became explicit in the writings of a trans-national constellation of thinkers and political activists whose agency became globally significant during the revolutionary events of the late 18th and early 19th centuries. Immanuel Kant, who may have coined the term, was one of them. So was the group of German writers who introduced elements of the Semitic tradition into the conversation, such as Moses Mendelssohn, taking on board a number of observations on the nature of the sublime—

36. S Zizek, *Living in the End Times* (2010) 34. See also S Zizek & J Milbank, *The Monstrosity of Christ* (2009) and E Dussel, *The Liberatory Event of Paul of Tarsus* (2009) 4.

37. E Dussel, *The Liberatory Event of Paul of Tarsus* (2009) 4, n. 18.

not only in its aesthetic but also in its political significance.

These meanings and languages were the common currency of a trans-continental debate often traced back to Edmund Burke's reaction to the events of the French Revolution, radical agitation and religious dissent in Britain, and anti-slavery or revolutionary struggle in Haiti and elsewhere in the Americas. Moses Mendelssohn and Lessing were among the German group. Thomas Paine, Joseph Priestley, Thomas Spence, Mary Wollstonecraft, Anna Barbauld, William Blake, Olaudah Equiano and the "Spencean Abolitionists", among others, were active in various and different ways in Britain and the Americas, and engaged both Burke and the Germans but also the French, and some writers from the Americas.

Latin American liberationist thinkers and activists such as Venezuelan Francisco de Miranda and others, came in contact with members of these circles at various points in their lives and exchanged similar meanings and languages, but also traced their traditions of thought back to early anti-slavery and anti-imperialist writers such as the Archbishop of Chiapas Bartolomé de Las Casas.

All of them shared, in different ways, a conception of the earth as common treasury, of history as contingent and punctured by original events of succession (or "sublime" occurrences in history), of self-determination as the decisive experience of the common, and of normative orders—including law and religious mores—as based upon such a experience of "inner communal conversion". It is no coincidence that the early example of John Milton and the significance of the context, language and memory invoked by his poetry, featured prominently in these global exchanges.

Ultimately, the idea of "succession" at the basis of these conversations constitutes an answer to the question of the just order of a political community which is not a community of believers gathered around a sin-

gular dogma imitating on earth the order and hierarchy of the heavens up above and organizing the multiplicity of the community (and nature) under the rule of the One, an identity of origin and a singular orientation (fate, character, destiny or necessity) expanding into time and space, flattening the geography and the history of the entire planet in its fatal and fated embrace. Succession and the sublime event of liberation (or independence) oppose and remain the answer to, precisely, such ideas of order, dogma, hierarchy, orientation in time and space and planetary expansion or diffusion.

This question of "the community of those who have nothing in common"—other than the renewal of the common—is at the very heart of more or less recent explorations of the figure of Paul as archetype. It serves also as an entry point for arguments concerning the nature of law, order and justice in the global situation. For instance, notice how the opposition set up at the end of the previous paragraph calls for another distinction between two conceptions of order and legality: let us then distinguish between "the law of succession" on the one hand, and "the law of imitation" on the other.

I call "imitation" the procedure by means of which the order of the multiple (e.g. all existing objects and entities) is submitted to a single point of origin, efficiency and finality (e.g. God, dogma, self-correcting progress, or any other figure of necessity). The latter is said to sustain the former, while the former is said to participate in the latter. This paradoxical relation, it is argued, corresponds to the eternally paradoxical existence of the point of origin and singular orientation (or "God" as pure relationship of mastery over creation); normatively, this entails a relation of dependency. Also, the notion that one's given world is merely an inheritance; that it is proper and can be appropriated, but not created anew.

I call "succession" the procedure by means of which the order of the multiple or

the finite is received and organized into actually infinite assemblages, or disassembled from existing ones, thereby adding to reality. Nothing, no law of necessity underpins this process. It isn't a matter of efficient or final causes but rather a matter of structural arrangements and compositions, in which the component elements are never completely absorbed within the resulting composition. Politics is also about entering into and withdrawing from relations without losing our capacity to move on or move out. The commonality which results from our acts of assembling and disassembling is never some all-encompassing whole. Relations within it and against it are not dependent but liberating, in the sense of adding existence and reality. The world as it is can thus be recreated anew, for it isn't submitted to fate or necessity. Similarly, who we are and who we become is not a question of fate or character, but rather, of freedom and responsibility.

It seems to me that Enrique Dussel's conception of the event as *kairós*—as liberating practice that gives meaning to life by bringing new and unexpected configurations out of inexistence and into existence—corresponds precisely to the truth-procedure of succession. As such, it partakes of the most enlightening tradition of critique while decisively renewing it.

BIBLIOGRAPHY

- Budick, Sanford. *Kant and Milton* (Harvard University Press, 2010).
- Beattie, Tina. *The New Atheists: The Twilight of Reason and the War on Religion* (Darton, Longman and Todd, 2007).
- Cavanaugh, William T. *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (Oxford University Press, 2009).
- Compier, D.H., Pui-Lan, K. & Rieger, J. (eds.). *Empire & The Christian Tradition: New Readings of Classical Theologians* (Fortress Press, 2007).
- Cornell, Drucilla. *Moral Images of Freedom. A Future for Critical Theory* (Rowman & Littlefield, 2007).
- De Sousa Santos, Boaventura. 'A Non-Occidental West? Learned Ignorance and Ecology of Knowledge' *26 Theory, Culture & Society* 7/8, 103-125 (2009).
- Dussel, Enrique. "The Liberatory event in Paul of Tarsus", in *Qui Parle: Critical Humanities and Social Sciences*, tans. By George Cicarelo-Maher, vol. 18, no. 1 (Fall/Winter 2009), and "El Evento Liberador en Pablo de Tarso", manuscript on file with the author (2009).
- Dussel, Enrique. *Twenty Theses on Politics* (Duke University Press, 2008).
- Dussel, Enrique. *Política de la Liberación, Volumen II* (Trotta, 2007).
- Esquirol, Jorge. "Writing the Law of Latin America" *40 The George Washington International Law Review*, 693-732 (2009).
- Golder, Ben & Fitzpatrick, Peter. *Foucault's Law* (Routledge, 2009).
- Gordon, Jane Anna & Gordon, Lewis R. *On Divine Warning. Reading Catastrophe in the Modern Age* (Paradigm, 2009).
- Gordon, Lewis R. *Existencia Africana. Understanding Africana Existential Thought* (Routledge, 2000).
- Gray, John. *Black Mass: Apocalyptic Religion and the Death of Utopia* (Penguin, 2007).
- Guardiola-Rivera, Oscar. *Story of a Death Foretold. The Coup Against Salvador Allende, 11 September 1973* (Bloomsbury, 2013).
- Guardiola-Rivera, Oscar. *What If Latin America Ruled the World?* (Bloomsbury, 2010).
- Hinkelammert, Franz. *Hacia Una Crítica de la Razón Mítica: El Laberinto de la Modernidad* (Desde Abajo, 2008)
- Hinkelammert, Franz. *Das Subjekt und das Gesetz: Die Rückkehr des verdrängten Subjekt* (Inst. für Theologie und Pol. 2007).
- Hinkelammert, Franz. *The Cry of the Subject: From the World Theater of the Gospel of John to the Dog Years of Globalization* (Exodus Publishers, 1998 and 2001).
- Kermode, Frank. *The Classic: Literary Images of Permanence and Change* (Harvard University Press, 1983).
- Kirwan, Michael. *Political Theology: A New Introduction* (Augsbrugg Fortress Publ. 2008 and 2009).
- Mahoney, J. & Rueschemeyer, D. *Comparative Historical Analysis in the Social Sciences* (Cambridge University Press, 2003).
- Mendieta, Eduardo. 'The Ethics of (Not) Knowing. Take Care of Ethics and Knowledge Will Come of Its Own Accord', in *Decolo-*

- nizing Epistemologies. *Latino/a Theology and Philosophy* (Fordham University Press, 2012).
- Mendieta, Eduardo. *Global Fragments. Globalizations, Latinamericanisms, and Critical Theory* (State University of New York Press, 2007).
- Ramadan, Tariq. *What I Believe* (Oxford University Press, 2009 and 2010).
- Sutherland, John. 'Fierce Reading', *The Guardian*, Review, 16 (21/08/2010).
- Twining, William. *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009).
- Twining, William. *Human Rights, Southern Voices* (Cambridge University Press, 2009).
- Williams, Rowan. "Introduction", in *Theology and the Political: The New Debate*. Edited by Creston Davis, John Milbank and Slavoj Zizek (Duke University Press, 2005).
- Zizek, Slavoj & Milbank, John. *The Monstrosity of Christ* (The MIT Press, 2009).
- Zizek, Slavoj. *Living in the End Times* (Verso, 2010)
- Zizek, Slavoj. *The Puppet and the Dwarf. The Perverse Core of Christianity* (The MIT Press, 2003).

