

Armando P. Ribas

RULE OF LAW:
THE PATH TO
FREEDOM

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stockcero@stockcero.com

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CONTENTS

FOREWORD	7
I. POLITICAL PHILOSOPHY	
1. THE ETHICAL CONDITIONS OF FREEDOM.....	15
2. CIVILIZATION AND RATIONAL BARBARISM	17
3. SOME REFLECTIONS TO FIND THE PATH TO FREEDOM	24
4. ETHICS AND LIBERTY	36
5. THE RULE OF LAW AND TRUE DEMOCRACY IN THE WORLD	47
6. LIBERALISM AND THE NATION	49
7. THE EXCEPTIONALISM OF THE UNITED STATES.....	55
II. ROMAN LAW AND THE RULE OF LAW	
1. NATURAL LAW AND POSITIVE LAW.....	61
2. THE JUDICIARY POWER	66
3. IUS GENTIUM AND CODIFICATION	68
4. THE AMERICAN LEGAL SYSTEM	71
III. SYNDICALISM AND INDIVIDUAL RIGHTS	
1. TYPES OF SYNDICALISM.....	75
2. THE RIGHTS OF ASSOCIATION IN ARGENTINA	76
3. SYNDICALISM IN THE UNITED STATES OF AMERICA	80
4. SOCIALISM, COMMUNISM AND SYNDICATES.....	82
5. SYNDICALISM AND «JUSTICIALISMO»	84
6. THE LEGISLATION IN FORCE AND ITS ANTECEDENTS IN THE LIGHT OF THE CONSTITUTIONAL PRINCIPLES	88
IV. FOREIGN POLICY	
1. WESTERN ETHICS AND THE ENVIRONMENT.....	93
2. INTELLECTUALS AND GLOBALIZATION.....	97
3. MARX AND HUMAN RIGHTS	101
4. OBAMA, THE FOUNDING FATHERS AND THE NEW MAN	105
5. FROM THE COLD WAR TO THE HOT PEACE	110

6. LATIN AMERICAN DEMOCRACIES AT BAY	116
7. THE ROAD TO LIBERATE LATIN AMERICA FROM ITS LIBERATORS	120
8. THE BUSINESS OF BENEVOLENCE AND LATIN AMERICAN FANTASIES	131
9. DRUGS, REVOLUTION AND THE COLOMBIAN PLAN	135
10. THEOCRACY AND RATIOCRACY.....	138
11. BETWEEN COWBOYS AND JACOBINS.....	143
12. THE HUNTINGTON'S CHALLENGE TO CIVILIZATION	149
13. BONJOUR TRISTESE	155
V. ECONOMICS	
1. LIBERALISM AND FINANCIAL CRISIS.....	159
2. CONFERENCE AT THE COUNCIL OF THE AMERICAS	164
3. MORAL HAZARD OR POLITICAL HAZARD	170
4. THE DYNAMICS OF THE DISEQUILIBRIUM.....	173
5. THE NORDIC COUNTRIES	176
6. THE MEXICAN CASE	178
7. THE ARGENTINE DILEMMA	180
8. ARGENTINA ON THE THRESHOLD	185
9. BANKING CRISIS AND THE ARGENTINE EXPERIENCE	189
10. THE WASHINGTON CONSENSUS VS. THE PHILADELPHIA CONSENSUS	206
11. PUBLIC DEBT AND IMF	210
12. SUSTAINABLE DEVELOPMENT AND THE PRECAUTIONARY PRINCIPLE	221

FOREWORD

There is a great confusion in the world and even more in that part of the world that considers itself as representing the Western civilization. This confusion arises in two realms: the semantic one and the conceptual one. The first of these confusions is the result of ignoring the ethical and the political philosophy antithesis between the Anglo-American philosophy and the Franco-German one. As Balint Vazsonyi once wrote, they are as different as day and night.

At the same time, that philosophical confusion to which I refer as the syncretism of Western philosophy is the pretentious nirvana of democracy in the West. Conceptually, democracy may be divided in two antithetical systems: the rule of law and the majority rule. Majority rule is the opposite of the protection of individual rights: to life, liberty, property and the pursuance of happiness.

The apparent right of the majorities is no more than the absolute power of governments in the name of the people, that is, the new deity. In Aristotelian terms, that is demagoguery and that is why democracy fails in Latin America, and so it was in Europe, where Hitler and Mus-

solini represented majority rule as the most common name: reason of the state.

In Europe, since the times of Montesquieu and with the decided influence of Rousseau, democracy has been confused with socialism under the aegis of equality. Equality under the law is the opposite of that sort of equality which in socialism leads to the arbitrariness of government, which appears to be representing the ethics of the society against private interests. The left has taken advantage of monopolizing the ethics of the society against the materialism of private interest. That is, the assumption that private interests are against general interests becomes the excuse for socialism and the violation of the rule of law, that is, the limit of political power.

Unfortunately, the acceptance that democracy is the result of universal suffrage and capitalism is the materialism of the private interest is the cause that the left has done what Rush Limbaugh have called «political cleansing» and monopolize the ethics of society in the name of equality. The United States has helped to this misunderstanding. In the first place, because instead of recognizing its own system as the rule of law it has accepted the legitimacy of democracy as universal suffrage. At the same time, it has devalued the implicit liberalism of *The Federalist Papers* by calling liberals to the socialists. On the other hand, the system of the rule of law had been called «capitalism» by Marx. In that sense, the systems become the realm of materialism through the two Marxist approaches: the alienation and the theory of exploitation. Hence the left appears to be the moral defense of the people violating individual rights.

The history of mankind has been dramatic or even tragic. War was always the reason of states. In such a world ignorance and lack of information was the natural character of societies. So poverty, sloth and barbarism prevailed for more than five thousand years. The very idea of freedom was alien to humanity where work was slavery and trade was despicable until very recently. Our own world as perceived from the past could not be more than a utopia; however, we seem to have a romantic perception of that past at the time that we disqualify the present in ethical terms.

This ethical approach to the past while pretending in a rousseauian way that «our souls have been corrupted in proportion as our sciences and arts have advanced toward perfection» hinders any possibility to understand the world we live in. Notwithstanding that romantic view of the past, we are accepting an image of the so-called Western civilization as a coalition of Christian virtue and the reason of the Enlightenment. Consequently, we are ignoring the deep ethical antagonism prevailing within our own Western society, regardless the antagonism with the Moslem world.

It was Karl Popper who in his essay «The History of Our Time: An Optimist's View» wrote, «I assert that our own free world is by far the best society which has come into existence during the course of human history». There is no doubt that in spite of the present difficulties, the world has improved since that relatively recent time. It is not only important to recognize the wonders of the present world, but it is even more important to understand the actual causes of this historical achievement.

The first thing that we have to admit is that there was not a secular historical advance of the world. The history of mankind shows fairly clear that there was a turning point in time, and from then on the economy and the population started to grow. Let me remind the simple analysis of Simon Kuznets on this subject. In his *Modern Economic Growth*, he wrote, «If per capita product had grown 15 percent per decade for three centuries before the 1960s, per capita product in the 1660s would have been 1/66th of the present level. But a per capita income at even a twentieth of the present levels could not have sustained the population of even the most developed countries; and the assumed rates of growth in per capita product could not have been maintained in most countries for more than two centuries».

It might seem surprising that even Karl Marx agrees with the above conclusion, and so he said in *The Communist Manifesto*, published in 1848, «The bourgeoisie, during its rule of scarcely one hundred years, has created more massive and more colossal productive forces than have all preceding generations together». Hence we may conclude that the economic growth or the perfection of arts and sciences did not start before 1750.

Evidently the causes which determined this advance were not economic as such, but economic growth was the consequence of deep changes in ethical and political ideas. We may say then that the so-called Industrial Revolution actually was a philosophical and ethical revolution, which took into account man frailty as the starting point to organize political society. So David Hume said that given the

fact that human nature was unchangeable, in order to change behavior it was necessary to change circumstances. That was what took place in England after the Glorious Revolution of 1688, under the aegis of Locke's thinking, who discovered that monarchs were also men.

Those principles were carried out even further by the Americans somewhat later, and in that respect allow me to quote Ira Glasser, who wrote, «The early Americans did indeed invent a new form of government. But they did more than that: they declared a new purpose for government. That new purpose was the protection of individual rights. No government had ever before been created primarily for that purpose. Before 1787, the role of government was assumed to be the enforcement of community consensus aimed at making citizen virtuous and moral». In other words, Americans learnt Locke and Hume's approach to human nature in order to organize government accordingly under the Rule of Law. Nothing of that sort ever happened in continental Europe, where the French Revolution and the Enlightenment were the intellectual sources of the totalitarian systems that developed during the twentieth century.

My contention then is that the Anglo-American political philosophy is not the product of any particular religious belief or any race. If Weber's theories respecting the protestant capitalist ethics were right, then the Industrial Revolution should have taken place originally in Germany, which was the cradle of Protestantism, and not England, where the break up with the Pope had sexual and economic connotation rather than theological. It was

not either the result of a racial component, because even after Anglicanism prevailed during the Tudors, Great Britain continued being a poor country, where there was no freedom. David Hume, in his *History of England*, describes the situation in the following way, «The English in that age were so thoroughly subdued that like the Eastern slaves, they were inclined to admire those acts of violence and tyranny, which were exercised over themselves and at their own expense». And with respect to the Cromwell's revolution, he said, «England had never known a more severe and arbitrary government than was generally exercised by the patrons of liberty».

By the same token, Germany continued being one of the most backward countries of Europe until the second half of the nineteenth century, where there was not freedom either. In spite of this fact, the world has had to suffer the philosophical influence of the Germans, from Kant, Hegel, Fichte, Herder and Nietzsche to finally Marx and Engels. Hence freedom has been the consequence of ethical and philosophical principles, which are the antithesis of the rationalist and romantic approach which ended up in nationalism and socialism, where the realism of the universals determines the actual violation of individual rights in the name of the common good. The best example of this conclusion is the development of Argentina during the second half of the nineteenth century, when she accepted the validity of those principles.

Then it is obvious that besides the Islamic terrorism, there is a deep ethical antagonism within the West. As Von Mises said in 1952, the problem with socialism is that

even those who oppose it are willing to accept its essential ethical premises. At the same time that the people seem to decry the values which determined the improvement of the world as selfish and materialistic, they pretend to convert the good and the services so created in universal human rights.

Most unfortunately, I can say that the true antagonism in the world is not cultural or religious, but ideological. Socialist values are accepted as such, both by religious beliefs as well as by the romantic rationalism. In order to understand the reality that we are facing in the world today, it is necessary to understand this historical ethical and philosophical antagonism, and to achieve that understanding has been and still is my quest.

I. POLITICAL PHILOSOPHY

I. THE ETHICAL CONDITIONS OF FREEDOM

Since I was forced to leave Cuba, I have considered that my main mission in this world is the fight for freedom. Since 1960 I have written thousands of articles on the subject which have been published in different important newspapers including *The Wall Street Journal*, *La Nación*, *La Prensa*, *El Cronista Comercial*, *El País* (Uruguay), *The Miami Herald* and more lately el *Diario Las Américas*. At the same time, I have published 15 books, among them: *Entre la Libertad y la Servidumbre*, *¿Quién es Occidente?*, *Argentina, un Milagro de la Historia*, *Cuba Entre la Independencia y la Libertad*, and others. In the last fifteen years, I have directed a TV program (*Sin Fronteras*) devoted to defend the main principles of freedom.

It is my understanding that in the world exists an increasing confusion concerning the values that changed the history of mankind. Freedom as it is now known was completely ignored throughout history, while war and oppression were the actual name of the game. It was only in the last 250 years that a change in ethical values produced

a turning point in history. However, the benefits arising from that change in values are more and more being taken for granted, while the principles that changed the world are not only ignored but, worse than that, disqualified as the product of man selfishness, as against generosity and solidarity.

Even Karl Marx recognized that wealth in the world had not started before the eighteenth century. However, it was he who more profoundly disqualified the system that produced it, as the result of the exploitation of the workers by the capitalists. Unfortunately, even after the crumbling of the Berlin Wall, the socialist approach prevails in the majority of the countries on the assumption of the struggle for equality.

The purpose of the work that I am presenting to you is to help to understand the change in values that determined a turning point in the history of mankind. One of the main confusions still prevailing is the ethical assumption of the Western Civilization as the result of the confluence of Greek philosophy and Christian ethics. My main contention is that there is not such a thing as a univocal ethics as the Western Civilization, but, on the contrary, it has been within the West where the two antithetical political philosophies arose, The Anglo-American and the Franco-German. The first produced the reign of freedom while the second produced the totalitarian systems as the rationalization of despotism.

It is my purpose then to try to clarify this confusion in order to save the world for freedom. As Thomas Sowell said, «Dangers to a society may be mortal without being

immediate». And one of the main dangers that is threatening our continent is the belief that majority rule should prevail over individual and minority rights. It is my hope that with this essay I may be able to help to better understand the world we live in in order to save mankind for freedom, which is more and more threatening by the striving for equality. The present antagonism in the world is not racial, cultural or religious but conceptually ethical.

2. CIVILIZATION AND RATIONAL BARBARISM

Those who still believe that the rift between France and Germany on one side and the United States on the other is due to the different approaches of how to deal with Saddam Hussein do not know the history of Europe or the United States. It would be worthwhile to ask ourselves why a country which was born at the end of the eighteenth century could surpass a continent which, according to Hegel, monopolized universal history.

It is understandable, on the other hand, that a continent where war has been the name of the game for centuries and so it has suffered its horrors could be reluctant to face another one. From that point of view, pacifism is not only understandable but also valuable. However, we should remember Clausewitz dictum, «If you wish peace be prepared for war». It is apparent though that the major discrepancy between the two contenders with respect to Iraq is not the objective of disarming Saddam but the «timing».