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Ezequiel Adamovsky

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When it comes to comparing how tensions between equality and inequality may have affected legal systems in Europe and in Latin America, the first and most obvious impulse would be to think of it in terms of success and failure. As the initial call for the Law and Diversity workshop reminds us, the continental European legal system is "based on the principle of equality" and is now facing increasing demands "to take more account of individual and collective special situations". How can this be done without obliterating its egalitarian, liberal core? The underlying assumption here is that, at least until now, the system has been more or less successful in dealing with the diversity of human situations. Latin America has also made "the principle of equality" the core of its legal system. However, by comparison, it would be easy to agree that it was far more difficult to uphold and maintain there. Liberalism seems to have grown in Europe from a local seed, well suited to a balanced and ethnically more homogeneous society. It is the offspring of a long process of historical development that led to modernity. In Latin America, it looks more like an exotic plant, growing fragile in an inhospitable terrain of extreme inequality, ethnic divides and hindering traditions.

Pedro Ribeiro's account of Brazilian intellectuals is a good example of this vision. The authors he analyses "usually highlighted the anomalous, premodern and backward character of Brazil" in comparison with European societies. Resilient "remnants of the past" functioned as impediments to modernisation. Miscegenation, the "affective, irrational, passionate" character of its inhabitants, slavery, the power of landlords in a plantation regime, a "personalist culture", the absence of a middle class, corruption and patron-client relations: all of these elements precluded the formation of a "civil society" or even of a real, amalgamated nation. Liberal principles such as freedom and equality before the law were almost impossible in such an environment. For Brazilian intellectuals they were, however, still valuable goals that needed to be achieved, so the inevitable conclusion was that society had to be transformed in accordance with the European model.

Among the solutions proposed was immigration – both for the educational and biological modifications it would bring to the local population –, moral reform through education and the development of small property and industries, so as to create a local middle class and bourgeoisie. Francisco José de Oliveira Vianna added that, in the absence of enough impulses from society itself, the State needed to play a more active role. There was no room for "naive legalism", at least not at the beginning. In order to make Brazil worthy of liberal ideas, a "temporary authoritarianism" would be needed.

There are plenty of similar conceptualisations in Argentina's intellectual history. The incapacity of the local population for progress due to racial/ethnic issues was pointed out by many liberal-minded figures, from Domingo F. Sarmiento to most of the positivist thinkers of the early 20th century. The positive impact of European immigration and of small property holders was taken as a given by most. While not necessarily from a corporatist standpoint, they all agreed that the State needed to play an active role in reshaping society through education and demographic and economic reforms. Like the rest of his fellows of the *Generación del 37*, who criticised the 'naïve' liberalism of their Rivadavian predecessors, one of the founding fathers of Argentine liberalism, Juan B. Alberdi, also argued that full political citizenship for the lower classes should be postponed for better times. Liberalism was still a goal for all of them, but they acknowledged that society was not ready to embrace it fully. As in Brazil, Europe (and its daughter, the US) was the standard of the good society. The *criollo* land was, on the contrary, a place of absences, obstacles and failure.

1 Out-of-place ideas?

In this style of reasoning, the aspiration to a liberal legal order appears combined with racist assumptions and authoritarian institutional designs, which may seem paradoxical. Intellectuals were attracted to liberalism, as much as they felt sceptical regarding their actual chances of implementing a political organisation based entirely on its principles. In order to understand this ambivalence better, Ribeiro takes on board Roberto Schwarz's famous 1973 notion (updated in 2011) of "out-of-place ideas". According to Schwarz, in its European cradle, liberalism was a more or less accurate description of reality (or, at least, of the tendency of historical development). That said, this correspondence between political horizon and reality is what is missing in

peripheral spaces such as Brazil and Argentina, which in turn explains why intellectuals there were so anxious as to the chance that liberalism would grow in local soil as much as they were eager to find not only recipes for making it happen in the future but also explanations as to why it was not happening at that time. Following Schwarz's train of thought, Ribeiro argues that, rather than descriptions of Brazilian realities, the intellectuals' ideas should be understood as "political projects" that strive to set up a civil sphere and a particular legal system for Brazil. As such, they are strongly normative: Europe is the universal norm to which the local, singular reality needs to adapt. Not surprisingly, as Ribeiro argues, this type of argument relies on identifying "missing elements" as explanation for an actual state of affairs: if Brazil is not "modern" it is because it lacks something that Europe has. Brazil is then imagined as a land of absence, the negative image of the Old Continent.

The notion of "out-of-place ideas" has been rightly criticised on the basis it assumes that ideas may belong within some realities and not (or less so) within others.[1] Liberalism is part and parcel of modernity; in the less (or no) modern peripheries, liberal ideas acquire strange, distorted physiognomies. Yet, many of the elements of the alleged 'modernity' of Europe should also be understood as projects rather than descriptions of reality. Some of the very concepts that configure our perception of modernity convey implicit ideological ambitions. Take for example 'civil society', considered by one of the authors discussed by Ribeiro as non-developed or crushed by the Brazilian State. This notion has received much criticism in postcolonial and subaltern studies. Dipesh Chakrabarty and Rosalind O'Hanlon have challenged the claims to universal validity of liberal categories such as 'citizenship' or 'civil society', on the basis that "they have been deployed in the 'colonial theatre' in aid of dubious projects aimed at 'civilizing' the natives or encouraging their 'development'". Thus, "the native or subaltern, who is incapable of being a sovereign self-legislating subject (because of savagery, traditionalism, inarticulacy, unruliness or poverty) cannot participate in the public political space of *civil* society". In short, liberalism's narratives of citizenship thus have played a part in assimilating to the project of the modern state "all other possibilities of human solidarity".[2] In relation to this, Julia Fieldhouse has

1 See Palti (2014).

2 Chakrabarti (2000) 4 and 45; Ivison (2000) 2026 (quote).

analysed the way in which the idea of civil society was used as a key notion in the making of a European narrative of world history. Civil society, "from its earliest employment by philosophers through to its contemporary usage by social scientists, has been used as a comparative mirror". By means of such a mirror, the narrative of European identity "assimilates the other in the form of a negative image". Thus, philosophers such as Montesquieu, Ferguson, and Hegel constructed the notion of the centrality of civil society in modern (European) societies by using images of non-European peoples, who, by the same token, were excluded from the 'modern' world. The author concludes that contemporary uses of the idea of civil society continue to betray a hidden normative will; in other words, they implicitly establish Western Europe or the United States as the norm of (good) society, to which all other societies should aspire. The alleged failure to pass the test of modernity was (and still is) used to claim the right to control the destinies of such peoples.[3]

Thus, the notion that 'backward' populations are deprived of some of the elements that make Europe 'modern' and are therefore not suited for citizenship is not a discovery of out-of-place intellectuals of the periphery wanting to explain their singular situation: it is also 'at home' at the core of liberalism, and it was there well before anyone in Latin America formulated it in those terms. It is important to note that the exclusionary dimension to such notions applies not only to the 'savages' but also to fellow humans in Europe: 'civil society' was also a disciplinary project for them. Uday Singh Mehta referred to this issue as "liberal strategies of exclusion". According to Mehta, liberalism includes an inherent thrust toward exclusion, stemming from its own theoretical core. In the formative years of the liberal tradition, John Locke made it very clear. Human beings can only be considered part of political society if they are capable of having a 'civil' behaviour. Only someone who is 'owner of himself' – the idea of property is the blueprint here – can participate autonomously in social life. Children, idiots, people not endowed with 'reason' in general, are incapable of their rational consent to be ruled by a political authority. They therefore need to live under the authority of others (or of the political society that others have built). Thus, behind the capacities that liberalism supposedly ascribes to all human beings, "there exist a thicker set of social credentials that constitute the real

3 Fieldhouse (1997) 6, 130, 193 ff., 262, 284–286.

bases of political inclusion". The universalistic reach of liberalism "derives from the capacities it identifies with human nature and from the presumption, which it encourages, that these capacities are sufficient and not merely necessary for an individual's political inclusion". In this fashion, individuals, social groups and peoples presumed, through subtle invocation of social conventions, to lack the 'capacity' for self-determination, become subject to exclusion and/or domination. The usual 19th-century depiction of non-European peoples as being in the 'infancy of civilization' – thus allowing the imposition of paternal guidance – is a good example of this. In narratives of the West and its others, the insufficient development or lack of civil society was often constructed as one of the symptoms of the lack of such 'capacity'.[4]

That said, something similar happened at home, where sections of the population were also depicted as not endowed with enough 'reason' to be part of civil life. In this respect, Helmut Kuzmics has examined the idea of civil society in the light of Norbert Elias's account of the "civilising process", that is, the development of the apparatus of self-restraint. Participation in 'civil' life (and therefore in 'civil society') thus appears to be tacitly conditioned to the achievement of "the kinds of self-control involving dignity, tact, and a splendidly polished public front". Un-*civil* social groups are excluded *ex definitione*.[5] It must be remembered that, in Elias's landmark study, the patterns of behaviour associated with the apparatus of self-restraint (that is, 'civilisation') were initially an aristocratic device for distancing the historical nobility from the newly enriched bourgeoisie. Later, the bourgeoisie adopted those patterns to distance itself from the lower classes. This elitist ideal of behaviour was projected onto the whole of society, thus establishing a gradient of 'civility' from the higher ranks to the lower classes. And this is where the idea of civil society and the narrative of civilisation connect with liberalism as class ideology: in the implicit ideological premises of liberalism (if not explicitly in its doctrine), civil society, like civilisation, is not inhabited by all humans alike, but only by those who act within the limits of the acceptable 'civil' (bourgeois) behaviour. This sort of implicit notion often had an institutional transcription. For example, as Pierre Rosanvallon has shown, the French liberal politicians of the mid-19th century (some of whom were also liberal thinkers, such as François Guizot), argued that the

4 Mehta (1999).

5 Kuzmics (1988) 173 (quote).

right to become a citizen was reserved for those who were able to display the 'capacity' for the role, and not all adult human beings were endowed with such intellectual 'capacity'. By default, poor people were assumed to be incapable. For Guizot and his associates, owning property was the best indication that someone was capable, and that is why they were advocates of censitary suffrage and enemies of democracy. When the tide of democracy became unstoppable and censitary suffrage was no longer tenable, they designed other ways to 'domesticate' the citizenry, through education and elitist institutional devices (such as bicameralism).[6]

Summing up, neither the depiction of Brazil as 'lacking' this or that element, nor the combination of ideals of equality with institutional practices of exclusion was something peculiar to Brazilian (or Argentinean) intellectuals. The ideas we are dealing with in this paper were 'out of place' in Europe as well, so to speak. Modernity and liberal arrangements were as much a 'project' in Latin America as they were on the Old Continent, and, as more and more historians have shown in the past years, Europe was a lot less 'modern' than the narrative of modernity would have us believe. Moreover, modernity itself can be described as an intrinsically fractured process.[7] The principle of equality suffered 'local' adaptations and required institutional compromise everywhere.

Among the ideas of the Brazilian intellectuals analysed by Ribeiro, there are other good examples of the inner connection between European narratives of success and the anxieties and ambivalences of the periphery. The topic of the 'absence of a middle class' as an explanation for backwardness is indeed an old one. Again in this case, it was not developed by intellectuals of the periphery looking for answers for their particular situation, but rather by their European counterparts. After the late 18th century, some groups of liberal politicians and intellectuals in France and England proposed a 'juste milieu' moderate political programme, between the extremes of the Ancien Régime and the danger of the new, radical republicanism. It was then that the very expression 'middle class' started to spread, as part of a new narrative according to which the 'miracle' of European civilisation was produced by free trade, cities and the entrepreneurial bourgeoisie. As with the notion of 'civil society', the non-European world was used as the other through which

6 Rosanvallon (1985) 49–50.
7 See Joshi (2001).

this vision would solidify. Thus, after the late 18th century, the idea that backwardness was due to the absence of a 'third estate'/'middle class'/'bourgeoisie' became commonplace. The idea that that shortcoming could be overcome through immigration – by 'implanting' European settlers who would 'educate' the natives by transmitting to them their entrepreneurial values – was already under discussion in European intellectual circles in that century.[8] Moreover, the same applies to the 'solution' that Oliveira Vianna envisioned in the 1930's. The idea that the State should refrain from intervening in social and economic life in modern nations but needs to be very assertive in backward countries so as to remove obstacles and create the preconditions for Progress was already presented by Jeremy Bentham in 1800.[9]

There is nothing 'out of place' in all of these ideas: the tensions between equality and inequality, citizenship and exclusion, freedom and force, are constitutive of the liberal tradition.

2 Ethnic difference and the principle of equality

The way ethnic difference was dealt with in Argentina is a good example of how legal equality may relate to modernity and backwardness in counter-intuitive ways. In 18th-century colonial Latin America the population was legally divided into 'castes' *(castas)*, a complicated system of ethnic-racial labels associated with differential access to rights and prerogatives. Those considered 'white' were at the top of the social pyramid; access to that condition required a formal certification of 'purity of blood'. Some of the Whites (although only few in the territory of Argentina) were noblemen in addition, which granted them a whole set of immunities and special prerogatives. All those who were not 'pure' were classified in one of the several castes. There were initially five main groups: *Negros*, Indians, and the breed of these two – *Zambos* – and with Whites, – Mulattoes and *Mestizos*. The three possible combinations were later divided into subtypes according to the proportion of their components, which gave way to more labels, such as *tercerón*, *cuarterón*, *mulatoprieto*, among others. The Indians were subject to tribute. As some *Negros* were eventually emancipated, there was also the distinction between those who were free and those who were slaves. The

8 Adamovsky (2005) and (2009).
9 Adamovsky (2010).

castes were the basis of a whole system of legal segregation that, of course, also relied on informal practices. In principle, non-whites were unable to occupy positions of authority, whether in the civilian, religious or military apparatus. There were at times other restrictions, such as on carrying weapons, walking alone at night, receiving education together with Whites and being finely dressed. More importantly, the non-white – with some exceptions, especially in frontier cities – could not be considered "vecinos" (neighbours), who were the only ones who had the right to participate in city politics through the Cabildos. That said, all had the right to seek judicial support if they felt their rights were being violated. Even slaves had that entitlement, which they often used (sometimes winning cases in Court against their masters). Needless to say, this legal arrangement based on ethnic-racial differences was accompanied by a whole set of beliefs and stereotypes regarding the moral attributes of each group, which in turn also affected social relations and access to job opportunities. Those who were at the bottom of the scale of ethnic-racial prestige were usually the most disadvantaged economically. In theory, caste was determined by birth and therefore permanent, but, in practice, there was a certain mobility. Economically successful 'impure' people sometimes managed to pass for White and even to get an official certification of 'purity of blood' (although very dark-skinned people were less likely to benefit from these possibilities). The *Mestizo* condition could also be bred out by repeated intergenerational marriages with Whites (one eight of indigenous blood or less was considered White). Conversely, a very poor person of purely European ancestry was often assimilated into the *Mestizo* classification in social interactions. In sum, ethnic and class categories some extent overlapped.

In Argentina, the revolution of Independence soon abolished this extremely unequal order and adopted instead a republican legal system based on the principle of equality. This happened in no small measure because the lower classes, some indigenous nations and many people of African descent actively participated in the anti-colonial struggle. By 1813, castes, indigenous tributes and the nobility were abolished, a great step toward legal equality for all men, which however did not include slaves: the freedom of wombs was ensured, but the abolition of slavery did not occur until 1853 (or 1860 in the province of Buenos Aires, the stronghold of the liberal élite who would organise the Argentine State). For the indigenous population, equality brought new rights but also the loss of others. Most

pueblos de indios (indigenous towns), which had the right to have their own local authorities, were dissolved, thus depriving them of formal ethnic leadership. As communal rights over the land were not recognised either, many communities lost access to their ancestral territories. Paradoxically, legal equality made them less equal in actual terms. Their legal status as equals, on the other hand, was not always secured: in Jujuy, for example, the old Indian tribute was for some time reestablished under the name of *contribución indigenal*.

Moreover, in 1813, the sovereignty of the people was proclaimed, and, as early as in 1821, the province of Buenos Aires established that all free adult males would have the right to vote, regardless of colour or social condition (however, only propertied men were allowed to run as candidates). It was the first law of male universal suffrage in Latin America, and it was passed at a time when most European countries reserved political citizenship for the wealthier part of society or did not hold elections at all. This early democratic feature of Buenos Aires was soon imitated by the rest of the provinces, except for Córdoba and Tucumán; after the approval of the Argentine Constitution in 1853, universal male suffrage was enforced in all provinces. Elections were far from being transparent at that time, but lower-class voters – including non-white – did participate in relevant numbers. The electoral law of 1912 finally established procedures to ensure truly transparent elections; from that point, universal male suffrage was a reality. At that time, the majority of Latin-American states had restrictive electoral legislation and, even in Great Britain censitary suffrage remained in place until 1918. Some states of the United States demanded literacy tests and/or the payment of a poll tax before authorising prospective voters as late as in the 1960s, an indirect way of excluding racial minorities. In terms of the principle of (male) equality, Argentina was then more 'modern' than nations that are usually considered as such.

Argentina's early laws and then the Constitution, Civil Code and electoral legislation made no ethnic-racial distinctions whatsoever, but that applied fully to inhabitants of the pre-existing political units that agreed to submit to them, that is, the provinces. The situation was different beyond the frontier of 'civilization'. After the 1853 Constitution was signed, the territory of the nation almost doubled. The nascent State invaded and incorporated large portions of land in Patagonia and in the Grand Chaco, until then the domain of 'savages', who were not immediately considered citizens.

The indigenous nations of those areas were subject to extreme forms of violence, including the reduction to quasi-slavery of some of those who were captured in the great campaign in Patagonia after 1879. The fundamental civil rights granted by the Constitution and the Civil Code to all inhabitants did not protect them. Universal in the text, they were not actually so in reality, and there was also some ambivalence in legal texts themselves. While the laws granted generous freedoms for the individuals to pursue their own lives the way they wanted, they also mandated the State to 'reduce' indigenous communities to civilisation (even the Constitution, which ensured freedom of religion, indicated that the aboriginal peoples *had* to be educated in the Christian faith).

That said, it is, however, important to note that the differential access to legal protections did not translate into different formal rights according to someone's colour or ethnicity, this not even in the electoral domain. During the long process of emancipation, formerly free Afro-Argentineans enjoyed the same formal rights as Whites. Slaves were often granted the intermediate status of freedmen *(libertos)*, which included similar restrictions of rights as in other countries, but after the process ended, all Afro-Argentineans were acknowledged as citizens with equal rights as Whites (or, to put it more accurately, the law was colour blind). In the 1870s and later, they indeed played an active role in electoral politics, and there was nothing in Argentina comparable to Jim Crow laws in the United States, nor any open system of segregation in the public sphere. Moreover, Afro-Argentineans managed to use the principle of equality before the law to fight private acts of discrimination. That happened for example in an incident in Buenos Aires in 1879, when the owner of a dance venue publicly announced that Blacks and Mullatos would not be allowed. The Afro-Argentinean community mobilised and, with no difficulty, secured the support of the chief of police, who immediately forced the owner to admit customers of any colour on the grounds that racial discrimination was illegal.[10] Needless to say, an informal 'pigmentocracy' remained (and still remains) at work in Argentina, but it relied mostly on private decisions rarely acknowledged publicly. By comparison, then, 19th-century Argentina was far more 'modern' than the United States, where the Supreme Court declared bans on interracial marriage

10 Geler (2010).

unconstitutional as late as in 1967 (Alabama only removed those prohibitions by its laws in 2000).

Equality before the law in late 19th-century Argentina, however, was connected with a particular narrative endorsed by the State. According to this official discourse, Argentina was an exclusively white-European nation. Inhabitants of African or Amerindian descent were not recognised as such or were acknowledged only as tiny remnants of the past with no demographic significance, dissolved into the massive torrent of European immigrants. The first census carried out by the federal State included no questions regarding African or indigenous ancestry, for it was assumed that such a question would be superfluous. Non-whites thus became invisible. The master narrative of the nation revolved around the idea of a 'melting pot', out of which a new, perfectly white and European 'Argentinean race' emerged.[11] The effectiveness of this myth could only be maintained at the cost of a constant 'cultural patrolling' in order to deny or to corner the non-white presences, so as to force them to adapt, remain invisible or perish, which, of course, gave way to new, less visible forms of violence.[12] This fantasy of white homogeneity was intrinsically related to the strength of the principle of equality in Argentina's legal order. The law was radically equal for all, but the cost of that decision was that no actual distinctions could be made among the Argentinean people, which of course left little room for collective demands of the non-white minorities. Individuals of any ethnic backgrounds would be considered equal, provided they underplayed their ethnic difference. This *quid pro quo* helps to explain why the whitening discourses were so successful. The Afro-*porteños*, for example, who were very visible in the public sphere and had their own associations and press, suddenly became invisible in the 1890s. The community still existed, but it no longer published community-specific newspapers or made its views publicly manifest. This happened owing to the whitening pressures of the State, but also because they came together with an actual promise of legal equality which, as Lea Geler has shown, the Afro community decided to embrace.[13]

A clear example of this implicit relationship between equality, discourses of ethnic homogeneity and invisibility can be found in the way the State

11 Quijada et al. (2000).
12 Segato (2007) 30.
13 Geler (2010).

behaved in the newly conquered lands. By a law of the Congress passed in 1884, those lands were declared *Territorios Nacionales* and put under the administration of the federal government (they would continue with that status until they were transformed into provinces like the rest, which, for most of the *Territorios*, only happened in the 1950s). The practical outcome was that their inhabitants would not have the right to choose their own governors and representatives for the Congress, nor to participate in presidential elections. That said, nowhere in the congressional debate was the issue at stake the intellectual 'capacity' of the indigenous people. There was no intention to exclude anyone politically. If the new territories were deprived of political citizenship, it was purely on the basis of their sparse population – the law actually made provision for locals to have the right to elect their own authorities as soon as the population increased enough to justify it (it had to reach a minimum of 30,000).[14] Even so, when reading through the debate, it becomes obvious that the members of Congress had in mind the white settlers of those areas, otherwise depicted as "*desiertos*" – that is, mostly devoid of inhabitants – which, of course, they were not. There was no need for a differential set of political rights for the 'savages' simply because they became invisible very soon after the occupation of their land was complete (It must be borne in mind that aboriginal individuals from 'civilised' groups in the provinces were considered citizens with equal rights).

By comparison with Argentina, the principle of equality emerged in Brazil much later, and, for some time, it was more restricted. Slavery was abolished in 1888, and the Republic was proclaimed in 1889. Following imperial precedents, large groups of the population were excluded from the right to vote, including the indigenous peoples, illiterates and beggars (and of course women). Some of these limitations remained in place for almost a century: illiterates were only allowed to vote after 1985; at that time, around one fourth of all adults were still in that condition, with great regional variations. As illiteracy was particularly high among ethnic minorities, that restriction meant that a large number of Afro-Brazilians and indigenous people did not enjoy political citizenship, even if there were no legal forms of exclusion on grounds of ethnicity or colour. In addition, the *Estatuto do Índio* (1975) granted equal rights to aboriginal peoples if they were

14 Gallucci (2016).

'civilised' and integrated into Brazilian society, but established formal limitations for those who remained 'isolated'. As in Argentina, in Brazil, the State also endorsed a unifying myth that accompanied the principle of equality before the law. However, in this case, it revolved around the idea of "racial democracy", which was also a fantasy, but at least acknowledged the presence of non-whites.

In both Argentina and Brazil, the principle of equality and discourses of racial homogeneity or racial equality made it more difficult the emergence of special legal provisions to uphold the rights of ethnic minorities. This only started to happen relatively late and was in part due to the influence of the vision of multiculturalism coming from the north. The Brazilian 1988 Constitution included special clauses to help preserve Afro-Brazilian and original people's cultures and lands, thus creating a breach in the principle of equality. After that, other legal dispositions ensued, such as the much-debated racial quotas at federal universities implemented in 2012. Argentina's 1994 Constitution also acknowledged the original inhabitants and provided special rights to protect their cultures and consolidate their lands. On the contrary Afro-Argentineans – a small group in comparison with Afro-Brazilians –, were not mentioned, nor were there any affirmative-action programmes for them.

By comparison, the United States has had stronger and earlier policies of affirmative action for racial minorities. For Afro-Americans, that story starts in the 1960s, whereas, for the indigenous nations, there is an older and more complicated picture of acknowledgments and special provisions regarding communal lands and other ethnic rights. As for political franchise, the Fourteenth Amendment (1868) extended full citizenship to every person born in the United States, but it was interpreted as excluding indigenous peoples. It was only the Indian Citizenship Act of 1924 that extended the right to vote to all native Americans (who, nevertheless, were affected by Jim Crow laws in the South just like Afro-Americans). The fact that policies of affirmative action for ethnic minorities (and, generally speaking, racial politics and the values associated with multiculturalism) arrived later in Brazil and Argentina is often interpreted as a sign of their lagging behind in terms of equality and 'modernity'. In view of the elements discussed in this paper, we should perhaps challenge that assumption.

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