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# Practical Arguments on the Constitutional Ideal: An Approach to Rodó's Rhetoric<sup>1</sup>

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## **Abstract**

This article seeks to correct the recurrent tendency to dissociate the thought of José E. Rodó (Montevideo 1871 – Palermo, Italy 1917) from the political-institutional sphere. Situating him in a republican tradition and considering the importance of rhetoric in this context, the analysis centers upon the author's participation in successive parliamentary debates on the reform of the constitution. Rodó's conception of juridical practice leads him to engage in a form of practical reasoning that distinguishes him from rationalists who promote a formal juridical logic and attempt to eliminate languages that do not correspond to a theory of demonstrative proof. In the framework of a political system that lacks legitimacy, Rodó's rhetorical proposition redefines the terms of hegemony and discovers the need to submit universal normative principles to the demands of contingency.

## **Resumen**

Este trabajo busca corregir una lectura común que disocia el pensamiento de José E. Rodó (Montevideo 1871 – Palermo, Italia 1917) del dominio político-institucional. Situándolo en una tradición republicana y recordando la gravitación que tiene la retórica dentro de ésta, se analiza aquí la participación del autor en los sucesivos debates parlamentarios sobre la reforma de la Constitución. Su concepto de la práctica jurídica lo lleva a privilegiar un razonamiento práctico que lo distingue de aquellas posturas racionalistas que propugnan una lógica jurídica formal y buscan expulsar todo lenguaje que no corresponda a una teoría de la prueba demostrativa. En el marco de un sistema político que presenta un déficit de legitimidad, la propuesta retórica de Rodó redefine los términos de la hegemonía, advirtiendo acerca de la necesidad de someter los principios normativos, de carácter universal, a la prueba de la contingencia.

<sup>1</sup> This essay was translated into English by Karen Neese. A previous and substantially different version of it was published in Spanish under the title of 'Argumentos prácticos en torno al ideal constitucional. Aproximación a la retórica parlamentaria de Rodó', October/December 2002 issue of *Revista La Torre*, University of Puerto Rico.

Quisiera ahora para mi palabra la más suave y persuasiva unción que ella haya tenido jamás.

José E. Rodó, *Ariel*

On the centennial of the birth of José Enrique Rodó (1871–1917), the Uruguayan Senate ordered the publication of his complete parliamentary works (Rodó 1972). The volume includes the bills and amendments presented by Rodó, in addition to the addresses pronounced by him during the three legislatures (1902–04, 1908–10, 1911–13) in which he acted as representative for the city of Montevideo. In the introductory study, the editor Jorge A. Silva Cencio lamented that his political and legislative activity had been largely ignored (1972: 7). This lack of interest is symptomatic of the relatively common view that Rodó's doctrine is wanting in intellectual rigor and of scant relevance to political action. Carlos Real de Azúa, for example, situates Rodó among the *fading* descendants of a doctrinaire liberalism with an individualist and conservative bias (1965: lx–lxii). He discards the value of his political thought and his capabilities as a 'planificador institucional' emphasizing only 'la acuñación de fórmulas' through which Rodó expresses, not without ambiguity, the defense of an aesthetic-cultural ideal that sees itself threatened by the rise of mass democracy and the consolidation of the bourgeois order (lxiv).

Rodó has been criticized on stylistic grounds, for an excessive faith in the power of beauty and a lack of clarity in the transmission of ideas.<sup>2</sup> In the majority of cases, such criticisms exclude rhetoric from the domain of knowledge. Contrarily, I sustain that Rodó's political thought is endowed with a clarity of purpose and an effectiveness, which become patent when it is analyzed within the *realm of argumentation*.<sup>3</sup> The rhetorical model that Rodó establishes in his first essays presents a form of practical reasoning which questions the foundations of the positivist rationalism that dominated state politics.

The title *La vida nueva* under which Rodó published these early essays is revealing. Like Dante, who unites prose and poetry in *La vita nuova*, Rodó sets out to combine a conceptual language with a symbolic one, emphasizing the importance of the senses to communication. Seeking to transcend the limitations of an analytic language founded exclusively on reason — a formal logic that would be supported by demonstrative proofs — Rodó employs aesthetic parameters with political-persuasive purpose.

2 Rodó is commonly associated with modernist writing which is deemed stylistically outdated (characterized by contemplative evasion, a taste for the exquisite, and the profusion of images and symbols). According to Real de Azúa, Rodó's writing violates 'normas que, en la literatura de ideas, resultan universales' (Real de Azúa 1965: ci). Primarily, he objects to 'la voluntad de "vestir" las ideas y alcanzar "fortísimos" expresivos mediante símbolos y comparaciones [...] su firmísima creencia en su *aptitud para transformar en imagen toda idea*' (cii). In an analogous direction, see Carlos Fuentes (1988), Roberto González Echeverría (1985), and Gordon Brotherston (1967).

3 I must acknowledge the importance to my thinking of the work of Chaïm Perelman and the field of study that he initiates with L. Olbrechts-Tyteca in a now classic book, *La nouvelle rhétorique. Traité de l'argumentation*.

I have divided this study into three parts. In the first, I identify the political motives that drive Rodó's rhetoric — his critique of rationalism. Next, I consider the recurrent use of the parable as a narrative form that prescribes an undogmatic approach to the law. Finally, I examine the importance of this non-systematic approach within Rodó's parliamentary activity. A succinct analysis of his participation in the discussions regarding the reform of the 1830 Constitution will allow me to highlight the value given to argumentation in contrast with a formal juridical logic that negates the contingent and excludes all sensory input.<sup>4</sup>

### Rhetorical Objectives and Principles

In the face of the ruling class's incapacity to resolve the conflicts that dominated national political life — primarily, the old enmity between the *Partido Colorado* and the *Partido Blanco (Nacional)*, but also other more recent tensions linked to social issues — Rodó endeavored to promote consensus. Without abandoning a republican, liberal tradition, he called attention to the need to reinterpret the values and norms that constituted the foundation of the political and social organization of his country. This focus explains the recurrence of formulas of compromise in his parliamentary orations that distinguish circumstantial laws from principles of a general order that the legislative exercise must work hard to preserve. In other words, the doctrine that guides the reasoning of the legislator is not a definitive entity and its principles must be adapted, whenever necessary, to the demands of the present. Within this transformative and critical undertaking (one founded on dialectical thought that disputes the evident and univocal character of the law), Rodó finds the key to political legitimacy.

In this respect, Rodó diverges from rationalist thinkers for whom the slightest recognition of a conflict between the values that organize the life of a nation (equality, individual liberty, social justice, etc.) implies the abandonment of a harmonious ideal and a descent into the most 'crude empiricism' (Berlin 1970: 168). Rodó rejects the attachment to a metaphysical truth which does not contemplate particular cases. In legislative practice, as well as in the wider sphere of political discourse, this rationalist faith in the infallibility of the ideal resulted in rigid legal formulas or party slogans that Rodó denounces as demagogic and divisive.

'Thinking well' would be determined by a practical objective. In relation to this purpose, rhetoric is the appropriate tool, given that it allows room for 'creative' responses in diverse political settings. As Rodó warns 'muchos devotos

4 Perelman defines the term *formal juridical logic* and its opposite, *informal logic*, that I use in my analysis. 'La notion de logique juridique ne me semble pouvoir être utilisée dans un sens spécifique indéniable, que si l'on reconnaît, à côté d'une logique formelle, élaborant la théorie de la preuve démonstrative, l'existence d'une logique non-formelle, consacrée à l'étude de l'argumentation, c'est-à-dire de l'ensemble des raisonnements qui viennent appuyer ou combattre une thèse, qui permettent de critiquer et de justifier une décision' (1970: 124).

de lo severo o de lo útil' (Rodó 1957: 217) the search for truth ought not to entail a lack of concern for beauty or for the communication of ideas. All knowledge founded without consideration of the sensory dimensions of political action is considered a vain exercise. Analytic thought, to which Rodó concedes a certain use in moments of crisis, can have little bearing on 'los intereses y las pasiones que entretejen la trama vital de una situación determinada' (1026). The language that synthesizes thought, feeling, and action, the power of idealization, and the just consideration of reality, finds a precedent in the texts of the gospels, and particularly in the preaching of Saint Paul, whom Rodó identifies as 'el judío de la dialéctica torcida y la palabra torpe [que] llevaba consigo el secreto de la regeneración del mundo' (268). Antithetical to philosophical abstraction, Paul's discourse is not defined by a systematic logic.<sup>5</sup> His is a thought that accepts controversy, contradiction, and the existence of passion — in Perelman's words, 'tout ce qui touche à l'action' (1970: 79). Formal logic, on the contrary, expels all sensory information that threatens its need for systematization (Perelman 1970: 80).

### 'All can be said in parables'

María Luisa Bastos has noted the importance of the parable as a 'dynamic paradigm' that organizes Rodó's texts and allows one to understand their larger objective — that is to say, as 'algo más que relatos didácticos' (261) or 'moldes prefijados destinados a edificar moralmente' (262). The impulse toward formal beauty or the aesthetic dimension of writing, states Bastos, is 'sometida a un ahondamiento que la [hace] legible sobre todo en profundidad [...] irradiadora de varios estratos de significaciones' (Bastos 1981: 265).

5 Wayne Meeks notes the fundamental importance of St. Paul to the redefinition of a Christian morality, both outside of legal dogma as well as within purely idealistic principles. His rejection of the use of 'the law' (be it Hebraic or Hellenic) as a regulator of conduct is explained by Meeks through a useful comparison with the stoics. 'Both Paul and the Stoics recommend and practice essentially conventional behavior while in principle relativizing the whole ordinary basis for that behavior. Both demand a constant, practiced "testing" of the immediate situation, in order to discover what is the "fitting" response to the ultimate reality that is only indirectly visible in that situation. But for Paul that ultimate reality is not discovered by rational analysis of "what depends upon yourself" (Epictetus). Rather it is determined by the complex of symbols clustering around one central event, the crucifixion and resurrection of God's Messiah' (Meeks 1972: 444). In another passage of his study, Meeks explains Paul's aversion to any system and his capacity to transform himself in the course of the different controversies that shake the heterogeneous world of early Christianity. In this context, the protean nature observed in the apostle reveals his ability to adapt his discourse when faced with diverse audiences, such as his freedom to consider and at times integrate elements of the doctrines that confront the heart of his own dogma. 'Polemics were just as important in Paul's missionary and pastoral methods as were apologetics. He veered from one side to another not only in order to approach different audiences, but in order to resist different points of view that he rejected [...]. We never see pure Pauline thought being developed at leisure by its own inner logic; rather we see Paul always thinking under pressure, usually in the heat of immediate controversy [...] the real Paul is to be found precisely in the dialectic of his apparent inconsistencies. Paul is the Christian Proteus' (438).

Beyond the textual importance of the parable, I would like to reflect on the extraliterary implications of this narrative form. It performs, so to speak, a metapragmatic function that establishes the premises of Rodó's rhetoric and points to the value attributed to argumentation in relation to the law.

Vis-à-vis the development of public opinion that accompanies the rise of new social and political forces, the parable perfectly corresponds to Rodó's model of communication. On the one hand, it presents an alternative to abstract language, infusing it with a communicative (aesthetic) force that does not degenerate into slogan or demagoguery. On the other hand, ensuring a density of content, the parable surpasses the powers of a symbolic language that is attentive only to beauty.

Although Rodó proposes a communication among equals, he is aware of the existence of a larger audience and the obligation to educate it.<sup>6</sup> But as he cautions in 'La despedida de Gorgias' (*Motivos de Proteo*, CXXVII), a parable about parables, such a task is not realized through the imposition of dogma or the revelation of an absolute truth. Although the people must be guided by higher principles, the essence of these principles remains ineffable. What is important above all else is its relation to reality, its immediate effect. The parable clearly divides its audience: it is the task of the elite to understand its final meaning and convert the ideal into an impulse for action.

The selection of this form of communication reveals the larger challenge faced by Rodó's project: that of founding a stable ideal order in a milieu in which intellect and sensoriality have been separated.<sup>7</sup> The parable recognizes this

6 In 'Rumbos nuevos,' commenting on the work *Idola fori* by the Colombian Carlos Arturo Torres, Rodó recognizes the difficulties with which his political oratory is faced: '¿Quién que alguna vez haya participado en esa actividad, en su habitual manifestación de los partidos políticos, no recuerda, si tiene alma un tanto levantada sobre el vulgo, las torturas de la adaptación; la resistencia de su personalidad a las uniformidades de la disciplina; aquella angustia intelectual que produce la imposibilidad de graduar y depurar las ideas en la expresión grosera de las fórmulas inteligibles para las más; las repugnancias del contacto forzoso con lo bajo, con lo torpe, con lo servil; la sensación vivísima de las profundas diferencias de sentir y pensar que cautelaba la unidad falaz de un programa y un nombre? [...] Y, sin embargo, esas organizaciones colectivas, a las que no en vano se tiene por nervio de las democracias, son fatales necesidades de la acción. No pudiendo pensar en suprimirlas, aspiremos, en lo posible, a educarlas' (505).

7 Evaluating the state of the literary field, Rodó confirms the passing of those 'épocas [...] caracterizadas por una sólida unidad de criterio y la entereza dogmática de las convicciones' (752). He laments the advent of a superficial and fleeting art, hardly open to the complexities of feeling; an art of 'individualidades aisladas' (156) incapable of emitting a unified message. Rodó's judgement against the poetry of his time is categorical: 'Al modernismo americano le matará la falta de vida psíquica. Se piensa poco en él, se siente poco' (847). Poetry that thinks and poetry that feels — a division that brings to mind T. S. Eliot and others nostalgic for an organic language (a language that allows one to feel thought 'as immediately as the odour of a rose' [Eliot 1962: 26]), although Rodó does not aim to resolve matters in the same way. As the recurring use of the parable illustrates, he is not attempting to achieve a purely sensorial language, but rather a complex, *paradoxical* articulation, that unites the symbolic and the conceptual. For a critique of Eliot, see Eagleton (1983: 40–41).

disassociation and, through its dual symbolic-conceptual functioning, achieves an 'estupenda y paradójica armonía' (425). A similar awareness — that accepts the limitations of abstract thought, that identifies different audiences, and questions the univocal character of the law — likewise guides Rodó's parliamentary practices.

### On the Reform of the Constitution

Hace tres cuartos de siglo que por caso único en América, permanecemos inmóviles y estáticos, no en la verdad de una Constitución sino en el culto platónico de una Constitución; y la primera vez que después de largas vacilaciones nos resolvemos a analizarla y reformarla, ¿se nos acusaría de sobradamente veleidosos y sobradamente revolucionarios?

José E. Rodó, parliamentary speech in the Special Session of  
12/23/1904. (1972, 278)

Rodó's constitutional thought contrasts with those theories that, opposed to a modification of the political Charter, regard the word of the law as univocal and deny the incidence of all reasoning outside of formal logic or demonstrative proof. Half a century before, the Argentinean Juan B. Alberdi lobbied for the expulsion of literary language from the political and legislative process, for the sake of clarity and communicative reach. In his *Bases for the Argentine Constitution*, he states:

La política del buen juicio exige formas serias y simples en los discursos y en los actos escritos del gobierno. Estos actos y discursos no son piezas literarias. Nada más opuesto a la seriedad de los negocios, que las flores del estilo y que los adornos del lenguaje ... El mejor orador de una República no es el que más agrada a la academia, sino el que mejor se hace comprender de sus oyentes. (1923: 235)

Such a positivist rationalist stance found more than a few followers in Uruguay and throughout the continent. In *La ciudad letrada* Angel Rama explains how, in the face of *los trastornos de la modernización*, the leading political elite turned to a new ally, philology, in order to pin down the word of the law (to limit the space of interpretation) and give it a traditional function (1984: 81), making the constitutions safe from reformatory impulses.<sup>8</sup> Contrastingly, Rodó sees in reform not only the effective solution to problems that affect the political system in an immediate way (issues above all related to electoral law and forms of representation),<sup>9</sup>

8 Alberdi writes: 'Conservar la Constitución es el secreto de tener Constitución [...]. No la replacéis por otra nueva. La novedad de la ley es una falta que no se compensa por ninguna perfección; porque la novedad excluye el respeto y la costumbre y una ley sin estas bases es un pedazo de papel, un trozo literario' (Alberdi 1923: 232).

9 With respect to the immediate practical effects of reform, according to Rodó, refer to the Special Session of 10/1/1910: 'Yo he sido siempre partidario de que no se demore la reforma constitucional [...] tanto más cuanto que en las presentes circunstancias creo que la reforma constitucional puede ser un medio eficaz para solucionar muchas dificultades y problemas políticos' (Rodó 1972: 520). For a precise assessment of the motives that cause him to favor this act, I refer to a brief passage of his speech in the Special Session of 12/9/1911: 'El señor diputado Varela Acevedo no podía menos de reconocer que

but also the possibility of restoring the symbolic value and the transcendence of the Constitution.

Far from being deemed an infallible product of reason — ‘una forma fija e inmutable de [los] ideales cívicos’ (Rodó 1972: 278), the order that the Constitution proclaims is shown to have been historically inadequate. Its strict observance can only be seen in situations different from those known of to date. ‘Cuando se hacen leyes’, Rodó recalls in the scheduled session of 7/9/1912, ‘no se puede permanecer en la esfera de las abstracciones; hay que tener en cuenta la realidad viviente. No podemos apartar ese dato; no estamos en el caso de hacer una Constitución para un pueblo ideal’ (Rodó 1972: 847). The recognition of this discrepancy between juridical principles and reality would be, for Rodó, the point of departure for a healthy practice that privileges argumentation (that is to say, interpretative liberty and dialectic proof) within political-legislative reasoning.

In the passage cited below, (from the 12/23/1904 Session), Rodó relies on a complex argument to defend the necessity of reform:

La Constitución — decía con acierto el diputado señor Vargas — no es un fetiche. La Constitución no es un ídolo pagano. Merece culto sólo en cuanto concreta y consagra los deberes y los derechos de todos; pero si las necesidades de los tiempos y los progresos del espíritu público traen la posibilidad de una forma mejor como expresión de esos deberes y de esos derechos, esta forma nueva será la digna de veneración, porque en ella estará el espíritu y estará la vida, y la forma vieja será sólo letra muerta, venerable también — no lo dudo — pero del modo como lo son las reliquias que se llevan a los museos o las armas que se guardan como recuerdos gloriosos, cuando no sirven para esgrimir las luchas del presente. (Rodó 1972: 270)<sup>10</sup>

The problem illustrated here is the following: how does one reform the Constitution — signal its ‘faults’ or disconnection from reality — without doing away with its ideal dimension, and with it, its moral or socially cohesive force? It is important to note that, although recognized as ‘letra muerta’, the old Constitution continues to be *venerable* and, as is the case with ‘reliquias’ and ‘recuerdos gloriosos’, a memorial is constructed upon which, in time, a ‘forma nueva [también] digna de veneración’ will be raised. The constitutional ideal is placed on high, recognized as a precious legacy, but it is only in relation to a precise historical present that it is invoked. To defend that ideal, to try to maintain the vitality of its original unifying force, does not signify for Rodó the ignorance of the *conditional* and *relative* character of written law, nor of the need to reform it.<sup>11</sup>

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el fundamental defecto del régimen electoral que está hoy en vigencia, es el de privar a la representación de las minorías del carácter de complejidad que debe tener, dando cabida a todas las fuerzas que revistan alguna importancia’ (1972: 657).

10 Speech in the 38th Special Session of 12/23/1904.

11 The fact that Rodó promotes the process of constitutional reform does not imply that he is silent regarding the danger inherent in this process for a country such as Uruguay. He cautions in the Special Session of 12/9/1911: ‘Yo he sido siempre partidario de la reforma constitucional; yo he visto siempre en ella, si no la solución milagrosa de todos los

As such, in 1912, when the representative Varela Acevedo condemned Rodó's vision of the Constitution as a symbol of worship, and saw in his veneration a barrier to the impulses of reform, Rodó reminded him that, in his eyes, the Constitution is not a 'símbolo abstracto' but rather a 'símbolo viviente', and that his respect for it is not only not opposed to a modification of the law, but is rather 'cosa perfectamente conciliable' with such a process. Faithful to these criteria, Rodó also corrects those of his colleagues who affirm the unalterable nature and immobility of the law, limiting the explanation of national instability to a deficient exercise of political authority. He reminds them of the distance that separates constitutional principles from reality. His prioritization of interpretative activity — of the need to judge the applicability of juridical doctrine — signals the importance of argumentation, and, furthermore, of those who possess this wisdom. A political body resting on these foundations, writes Rodó in one of his early essays, would be contrary to 'las especulaciones severas de los constitucionistas' and the 'cálculo habilidoso de los hombres de Estado' (274).

I will conclude, then, with an affirmation of the need to reconsider Rodó's political contribution and reread his work, particularly the cycle *La vida nueva*, as a rhetorical art that reiterates the public virtues of argumentation.

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problemas nacionales, sí el medio de contribuir a resolver algunos de ellos, en la manera condicional y relativa con que puede aspirarse a resolver, por leyes escritas, los problemas de la realidad viviente. Pero esto no me ha impedido nunca reconocer que una reforma constitucional en un país como el nuestro, lleva en sí misma un gran peligro que puede ser evitado, pero que no puede jamás ser olvidado.

'Durante ochenta años, en medio de la confusión y el desconcierto de esta anarquía moral que ha sido a la vez la causa y el efecto de nuestra anarquía política; cuando todo ha dividido a nuestros hombres; cuando ni aún las tradiciones comunes han ofrecido a los partidos un campo de conciliación y de tregua, porque han buscado en la historia más razones para el odio que para la fraternidad; durante ochenta años quizá el único símbolo inmune que se ha impuesto a la veneración de todos es esa vieja Constitución de 1830, no como la expresión de un ideal político perfecto e inmodificable, sino como tradición nacional, como signo de una aspiración generosa de libertad y de organización que las generaciones se han transmitido en herencia, esperando la hora en que una generación más afortunada o más apta que las otras, llegara a convertirla en realidad' (Rodó 1972: 668–69).



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