

# Political transformation in Enrique Dussel and the new right to liberation. *In Memoriam*\*

La transformación política en Enrique Dussel y el nuevo derecho de la liberación. In memoriam

Damián Pachón Soto\*



Received: 03/06/2025

Evaluated: 05/08/2025

Accepted: 28/08/2025

**Cite as:** Pachón Soto, D. (2025). Political Transformation in Enrique Dussel and The New Right to Liberation. In Memoriam. *Cuadernos De Filosofía Latinoamericana*, 46(133), 12-27. <https://doi.org/10.15332/25005375.11251>

## Abstract

Enrique Dussel's philosophy of liberation did not systematically and thoroughly address law in his work, as it did ethics, politics, or economics. However, he did devote some reflections and articles to it throughout his work. In this sense, the present text undertakes the task of articulating what would be a "new law of liberation" or "transmodern law" within the theory of the three constellations of political transformation that Dussel theorized in his *Política de la liberación III* (Politics of Liberation III), published in 2022. In this way, law is incorporated into his political philosophy, while also being articulated with the three normative ethical principles, specifically, the

material, the formal or procedural legitimacy, and feasibility. It also raises some of the demands that law should assume and fulfill for the future, whether it be for political constellation number 3 or the so-called future intercultural and diverse transmodernity.

**Keywords.** philosophy of liberation, constellation, politics, new law, transmodernity

## Resumen

La Filosofía de la liberación de Enrique Dussel no hizo en su obra un tratamiento sistemático y profundo del derecho, tal como si lo hizo de la ética, la política o de la economía. Sin embargo, dedicó a lo largo de su obra algunas reflexiones y artículos sobre el mismo. En ese sentido, el presente texto asume la tarea de articular lo que sería un "nuevo derecho de la liberación" o "derecho transmoderno" al interior de la teoría de las tres constelaciones de la transformación política que teorizó Dussel en su *Política de la liberación III*, publicada en el año 2022. De esta manera, el derecho queda incorporado a su filosofía política, a la vez que se articula con los tres principios éticos normativos, específicamente, con el material, el de legitimidad o procedimental formal y el de factibilidad. También se plantean algunas de las exigencias que debería asumir y cumplir un derecho para los tiempos futuros, ya sea para la constelación política número 3 o la llamada futura transmodernidad intercultural y diversa.

**Keywords.** filosofía de la liberación, constelación, política, nuevo derecho, transmodernidad

\*Research article.

\*\*Universidad Industrial de Santander. Correo: [dpachons@uis.edu.co](mailto:dpachons@uis.edu.co). ORCID: [0000-0003-4809-2365](https://orcid.org/0000-0003-4809-2365). Profesor Visitante Asociado de la Kobe City University of Foreign Studies.

## Introducción

Although the Philosophy of Liberation emerged in the 1970s as a collective project in Argentina (Cerutti, 1983), and as a maturation of the need to create an authentic Latin American philosophy, it is the work of Mexican thinker Enrique Dussel (1934-2023) that drew all the consequences of this demand and brought such philosophy to its most accomplished development (Bautista & Colmenares, 2021). From its inception, the Philosophy of Liberation presented itself as situated thought, conscious of its *locus of enunciation* and its geo-historical determinations, while remaining open to European and global thought. In this sense, Dusselian thought conceived philosophy as *dialogue* and as a mutual and constant enrichment in interaction with other philosophies. This is a relevant aspect because it allows us to overcome the typical *self-absorption* of European thought, which is quite self-referential, as recognized, for example, by the German philosopher Peter Sloterdijk (2004) when he says:

It is regrettable that most German intellectuals, especially philosophy professors, are not at all interested in non-European cultures, reacting with acrimony and arrogance when reminded that there exists a universe as complex as Hindu thought and meditation, a way of thinking that in many respects has been as important as old European thought and, in others, even superior, and with which one is probably obliged to confront oneself if one takes one's work seriously. (p. 17).

In this regard, it must be said that dialogue is constitutive of Dussel's emancipatory project, since what he calls a new age of the world or transmodernity is not possible without intercultural dialogue (Dussel, 2020). This new age is postmodern, going beyond modernity, surpassing it, and implying a new civilization as a *post-capitalist* way of life with a new ethic, new forms of political organization, and a new law. However, in his work, what we might call *the new law of liberation* has not received the same attention or development as, for example, politics and economics.

This article aims *to situate* the reflection on law

in Dussel's corpus, *showing some of its developments and future perspectives*. This task, that of the "world of law and justice," has been, in a way, pending (Casallas, 2021, p. 474). To do so, in the first part, I give a general presentation of Dussel's corpus, of some of the basic concepts for a full understanding of the problem of law; then I explain what the author calls "the three diachronic constellations of politics" (Dussel, 2022, p. 16)<sup>1</sup>, and the concept and role of normative principles. Finally, in the third part, I will offer some notes on what a new transmodern law of liberation would be and what it would entail. These reflections are situated within the current totality (constellation 1), the crisis of that totality and that order (constellation 2), and the construction of a possible future order, either constellation 3 or transmodernity.

## The emergence of the Philosophy of Liberation and its concepts

Dussel's thinking cannot be separated from his biography. As has often been said, philosophy is often just life itself elevated to thoughts, at a high conceptual, categorical, and reflective level. Dussel's departure, in the 1950s, from the colonial periphery to the center, to Spain, Israel, France, and Germany, is at the basis of his Philosophy of Liberation. On that journey, he discovered that colonial reality is not like the center, that we are not totally modern, that there is, as Walter Mignolo (2016) would say, *a colonial difference* (p. 41). This raises the question of who we are as Latin Americans and what our cultural roots are.

This journey is fundamental to understanding his work, as two key books will emerge from that experience: *Hellenic Humanism and Semitic Humanism*. It also meant going to the very sources of Western and Latin American culture that needed to be understood and of which one had to be aware: "to truly understand the human edifice built throughout history, it is necessary to start with the foundations,

<sup>1</sup>In his *Seven Essays on the Philosophy of Liberation* (2020), a work prior to his *Politics of Liberation III*, Dussel does not speak of constellations (in Walter Benjamin's sense), but rather of *configurations* (pp. 13-23). Here I will use the concept of constellation.

in order to decipher the meaning of our present [...] in this case, consciousness will precede history, *guiding it*" (Dussel, 2019, p. 125).

It is this vital experience, the encounter with the thinking of Martin Heidegger, Emmanuel Levinas, Paul Ricœur, Maurice Merleau-Ponty, among others, and the debates in Latin America around an authentic Latin American philosophy, dependency theory, liberation theology and pedagogy, the Cuban Revolution, military dictatorships, etc., that allowed Dussel, after his return to Latin America in 1967, to begin to propose, together with other Argentine philosophers<sup>2</sup>, the Philosophy of Liberation. The idea came up during the Second National Philosophy Congress held in Córdoba in 1971, at a marginal symposium called America as a Problem.

At the time, there was a *discursive universe of liberation* present in the very practices of decolonization of the misnamed Third World, for example, in Argelia or India, and in the social sciences. The idea of *liberation* appeared everywhere in various discursive fields such as pedagogy, theology, economics, or in the Caribbean thought of Frantz Fanon (2003), who asked: "When can it be said that the situation is ripe for a national liberation movement?" (p. 52). The idea of liberation was linked to other key concepts such as *oppression, the oppressed, dependence, domination, alienation, criticism of development and underdevelopment, the center, the periphery, colonialism, the new man, and the poor*.

Therefore, this key, unifying idea was based "consequently, on an essentially ethical and political concept" (Casallas, 2021, p. 468). And being political referred directly to the historical subject of liberation: *the people*, the other key concept. The hypothesis is that the Latin American philosophy of the time articulated this discursive universe, systematized it, and thus created a new way of thinking, with pretensions of universality, critical, ethical, and political. Added to this was the idea of a crisis of modernity, of its philosophy, and the commitment

to a philosophy beyond the circle of normalized specialists and their repetitive and nostalgic practices.

At the aforementioned philosophy conference in Córdoba, Dussel presented a programmatic text entitled *Metaphysics of the Subject and Liberation*, which may well be considered one of the foundations on which the new philosophical edifice is built. In it, he said:

All this metaphysics of the subject, a thematic expression of the factual experience of European imperial domination over the colonies, is first concretized as a mere universal will to dominate, but realistically and historically as a dialectic of domination-dominated. If there is a will of power, there must be someone who suffers its power. By universalizing their dominant pole, the powerful hides the situation of the oppressed from those who suffer their power, thereby rendering it unreal. (Dussel, 1973, p. 86)

The text is key because it refers to the aforementioned discursive universe and because it introduces themes that will recur throughout Dussel's work: the metaphysics of the subject, initiated by Descartes, understood as *the will to power [Will of Power, es lo correcto] or domination*, an interpretation borrowed from Heidegger; the idea that European colonialism on the periphery was a practical expression of that will to domination, which Dussel later called "ego conquiro" (Dussel, 2011) But the role that the new philosophy must play also appears clearly:

Philosophy, which emerges from praxis and reflects on it, is *postmodern* philosophy when it starts from a praxis that transcends the dialectic of the subject as dominator-dominated [...]. Thus, philosophy comes to play a *historical role in the process of liberation*. The philosopher comes to the people set in motion, to the man of action, to discover the new, the *other*, the one who *challenges* as an ever-beyond and who speaks only to those who have trained their ears: to those who think from oppression so that

<sup>2</sup>Among them were Rodolfo Kusch, Mario Casallas, Osvaldo Ardiles, Carlos Cullen, Arturo Roig, Alberto Parisi, Aníbal Fornari, and the important figure of Juan Carlos Scannone.

philosophy may be born in Latin America.  
(Dussel, 1973, p. 88, *my italics*)

Not only does he speak of a new, postmodern philosophy (later Dussel will use the concept of transmodernity) and its role in the process of liberation (praxis of liberation), but he also articulates Levinas' concept of otherness and that of interpellation by the Other. That is why in the following years, when Dussel composes *Para una ética de la liberación latinoamericana (Towards an Ethics of Latin American Liberation)*, all this will take systematic shape. In 1973, he said:

The face of the dominated poor Indian, the oppressed mestizo, the Latin American people, is the theme of the philosophy of liberation. This is analectic thinking, because it starts from the revelation of the other and thinks its word, which is Latin American philosophy. Unique and new, the first truly postmodern thought overcoming Europeanism. (1973, p. 162)

The ideas matured during these years are what Dussel would present in *Philosophy of Liberation*, written in Mexico after the attack in Argentina and his exile. It was published in 1977. This text is key to the interests of the present article because it shows other categories for thinking about what a transmodern right would be. As mentioned, his theoretical tools were initially the philosophy of Heidegger and Levinas. Here, the reflection was carried out from phenomenology, which accounted for phenomenal expression, for the way in which something hidden *appears*. It was an ontological reflection in which the concept of being appeared linked to that of *world* and *totality*. *Being* is the horizon where the phenomena of the world manifest themselves; the world is, then, a horizon of meaning, the horizon of everyday life in which we live (the world of the neighborhood, of the worker, of the peasant).

The world is “an instrumental totality of meaning” (Dussel, 2011, p. 53); it is a *totality* and a *spatiality* where it borders on other worlds. Internally, in turn, there are subsystems such as the economic, political, cultural, etc. This is what Dussel later called *practical fields*. So, being is the foundation of the world, which is a totality and stands opposite an Other that is relatively outside that totality. That

Other establishes *otherness*, which is beyond being, beyond a certain field of meaning, beyond my world. The world is a *project* and tends to *become totalizing*, to be domineering, to engulf the Other, the otherness, and turn it into something equal; it is the pretension of sameness. This reflection was based on the work *Totality and Infinity* by Levinas, a French author of Lithuanian origin whom Dussel met thanks to Juan Carlos Scannone and who would be fundamental to all his work.

Concepts such as *totality*, world, and exteriority appeared subsumed in his work. *Totality* was Europe. The center appeared as being, and the periphery as non-being. Latin America, Africa, and Asia were located in non-being. They were the *dominated exteriority*. “The center is, the periphery is not” (Dussel, 2011, p. 26), says the philosopher, paraphrasing Parmenides when he said that being is and non-being *is not*. It was Levinas' concept of *infinity* that allowed Dussel to think beyond the European totality of being<sup>3</sup>. It must be said that Latin America, as the other, as exteriority, was not conceived as an absolute “outside” separated from the totality of the center. The periphery is traversed by geohistorical “power relations” that are responsible for dependence and domination. There is no absolute Other outside the relations that compose it.

It is in exteriority that the poor, the excluded, the dominated, the colonized, the marginalized, the enslaved, that is, all those “outside” the prevailing dominant *totality*, dwell. If Marx thought that the proletariat was the *concrete* and *living negation* of the supposed Hegelian universality represented in the State, Dussel understood that the mere presence of the poor, of the damned of the earth, reveals the injustice and lack of goodness of the system. The poor thus become a criterion for judging the injustice of the state, of the system that *excludes*

<sup>3</sup>Dussel has been accused, not without reason, of having a monolithic view of Europe and modernity, as he does not usually highlight the profound differences that also exist within that continent and culture. Therefore, this ontological reading, the European being, the totality, must be understood from the point of view of the hegemonic cultural traits of Western culture, which has developed historically in certain countries such as Greece, Italy, Germany, France, England, etc.

them. For this reason, awareness of this situation of domination is the starting point for a *praxis of liberation* from the hegemonic and dominant totality<sup>4</sup>. It is the Other who challenges the dominator face to face, who says I am thirsty, I am hungry, who stirs the good conscience of the current system. “The Other is metaphysical exteriority, exteriority at the anthropological level, which is primarily social, historical, and popular” (Dussel, 2011, p. 83).

The suffering, miserable Other allows us to diagnose the “pathology of the State” (Dussel, 2011, p. 82). He is also the one who “resists instrumental totality. It is not something, it is someone” (p. 78). The Other is, therefore, the subject who, through the *conscious praxis of liberation, will transform the current totality into a new future totality, into a new world*. The outline of political transformation is thus sketched out.

This is what allows us to understand why Dussel starts from a material ethic (which addresses the material needs of life, such as thirst and hunger) as his primary philosophy, since solidarity, respect, compassion, helping others, and recognizing others are ethical attitudes. And this becomes political because the need for the praxis of national liberation, liberation from central capitalism, from everything that prevents the realization of the subject, clearly appears. This leads to the need for the “destruction of order” and the opening of another world; it is a *redemption* of the poor, of the oppressed. To carry this out, the victim must *assert* their condition of exclusion from the system and then *deny it* through praxis. This creates a dangerous situation in which even life is at stake: “Every moment of transition is agonizing, and therefore liberation is agony within the old for the fruitful birth of the new, of the just” (Dussel, 2011, p. 108).

In the following years, in the 1980s, Dussel began a detailed study of Marx’s work that would reconfigure his early philosophy of liberation. To the material reading that Dussel had recognized in the first Frankfurt School (Marcuse, Horkheimer,

<sup>4</sup>Metaphysics properly means beyond physis, although in Dussel’s sense, *meta* must be understood as *beyond* the world, beyond self-absorbed, domineering totality. That is why his philosophy is also a *metaphysics* of *otherness*.

Adorno), in the sense that they recognized the need, pain, and suffering of the victims, this deeper reading of Marx will reinforce the problem of the material content of ethics, politics, and economics, and lead him to think of the ecological problem as the limit of capitalism and modernity. He then bases this material content on the thinking of Friedrich Engels when he said in the 1884 preface to *The Origin of the Family*: “According to the materialist interpretation, the moment of *ultimate* determination (*Letzte Instanz*) of history [...] is the production and reproduction of immediate life (*unmittelbarem Lebens*)” (quoted in Dussel, 2016, p. 67). This means that life is the primary reality, the *radical reality*, as Ortega (1923) would say, the source of everything else, and, therefore, institutions, law, actions, etc., are, first and foremost, called upon to maintain, reproduce, and qualify it. This interpretation is also possible based on a careful reading of the 1884 *Manuscripts*, where there is a philosophy of life in Marx, a vitalism, and a “vitalist humanism” (Pachón, 2013, p. 43; 2022a). This material aspect of ethics was noted in Dussel’s theological thinking from the outset, when he was studying Semitic thought. The Bible says:

For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me. (Matthew 25:35)

In reality, Marx only reinforces this original intuition, and from there the *entire* edifice of liberation philosophy will be built<sup>5</sup>.

It is this emphasis on life, which will appear throughout his later work, that allows us to speak of a “liberationist vitalism” (Tovar, 2024, p. 37). However, this foray into Marx will allow him to be better equipped for the famous debates with Karl-Otto Apel that began in 1989. Dussel will recognize that, due to the purely descriptive phenomenological method he used before, he had neglected the dimension of normative principles and the contributions of

<sup>5</sup>In this way, Dussel gave a philosophical tone to his thinking, silencing the suspicion that he was just a theologian, a Latin American priest.

the *linguistic turn*<sup>6</sup>. He therefore agreed with Apel that it is necessary to presuppose a *community of communication*, a linguistic, intersubjective exchange, but that this is also, primarily, a *community of life* (Marx) that produces and seeks to reproduce its life.

Dussel's key argument is that discourse ethics lacks *material* content and is limited to a mere formal discursive dimension, that is, it focuses on the search for a *rational procedural consensus* which, while it allows the decisions made by the participants and debaters in the discussion to be legitimized, omits the material dimension, that is, the fundamental issue under discussion: life, because we do not live to argue, but rather we argue in order to live. Dussel argues that "there will always be differences between the participants in a discussion, which limits the validity of the conclusion (which inevitably cannot be perfect)" (Dussel, 2020, p. 41), which is why he emphasizes the asymmetry that exists between speakers, especially when it comes to a dialogue between those at the center and those on the periphery. Similarly, he points out that the material dimension, for example, the satisfaction of the needs of the political community, also contributes to the *legitimacy* of the political order. Thus, human life "is the *a priori* requirement of argumentation itself" (p. 47). For this reason, liberation ethics ends up subsuming discourse ethics, and dialogue and the search for consensus end up being *mediations* for the supreme goal of producing, reproducing, and qualifying human life.

Thus, *liberationist vitalism* imposes itself in its material dimension and, at the same time, gains legitimacy, since from then on it is clear that life can be enhanced, but always through agreement, consensus, and the legitimacy granted by the political community. Human life must be enhanced in a global, universal dimension, not for a specific ethnic group, people, or culture. So there is no longer any room for the possible objection that the Nazis were also vitalists, since that regime did not respect the

universality of life and generated the serial production of Jewish corpses. Nazism applied, in the strict sense, necropolitics.

The results of these discussions will be collected in the 1998 work *Ethics of Liberation in the Age of Globalization and Exclusion* (Dussel, 2000). This book implies a reformulation of the old Dusselian ethics, while giving full relevance to ethical principles: the material, the formal procedural (which seeks intersubjective validity), and that of feasibility, both in its positive and critical formulation. These principles will henceforth be included in his politics and economics. On the other hand, the text revisits and reformulates Dussel's old concern with the critique of Eurocentrism and the reformulation of universal history, that is, his historical (Dussel, 2007), a theme that became a fundamental part of his philosophical argument. The topic had already been addressed in his book 1492. *The Cover-Up of the Other. Towards the Origin of the Myth of Modernity*, from his Frankfurt lectures of October 1992. There, his critique of modernity appears in full force, as does his suggestive proposal of *transmodernity*, understood as the "negation of the myth of modernity" (Dussel, 1992, p. 209), that is, its *overcoming*, and as a new age of the world to come.

Well into the new millennium, Dussel focused on writing *Política de la liberación (Politics of Liberation)* in three volumes, on economics, on thinking about an *aesthetics of liberation*, and on returning to ethics to show that it is the foundation of and is *subsumed* in any practical field (political, economic, artistic, etc.). He writes: "Ethics has universal normative principles. But ethics does not have its own practical field, since no act can be purely ethical" (Dussel, 2006, pp. 70-71). In other words, there is no ethical act in itself, in the abstract, but rather concrete political, pedagogical, economic, erotic, and *ethical* acts. That is why economics and politics subsume ethical principles and apply them in their respective fields. He argues:

what we wish to propose as a difference from our previous works on ethics is that now, for the first time, we want to indicate that ethics is the general theory of all practical fields, without having any

<sup>6</sup> Although it can be argued that his earlier philosophy contained certain implicit normative principles, such as always defending the life of the oppressed and rejecting any attempt at oppression, as he himself argues in his *Política de la liberación (Politics of Liberation)* in the present millennium.

practical field as such as its own. (Dussel, 2016, p. 19)

In the following section, then, I will focus on the general outline of the political transformation proposed by Dussel (the theory of the three constellations) and then refer to the normative principles.

### The three constellations of politics and normative principles

In early liberation philosophy, that of the 1970s, there were two great totalities: the current dominant one and the future totality. In this sense, through the praxis of liberation, the *passage* from one to the other took place. Here, *politics* would clearly appear, proposed at that time alongside an erotic, economic, and pedagogical relationship. Politics has to do with proximity, where the Western subject/object primacy is replaced by the subject/subject, communal relationship, “which was the original experience of the Semite” (Dussel, 2011, p. 44).

Here, people appear as a historical subject, and the current political system is defined as an “institutional system, a whole structured by parts that fulfill functions” (2011, p. 118), which performs a task. That whole is *political-practical*; it is, in the strict sense, a *field*. And, as such, it can enter crisis when it does not respond to the needs of the people, when it loses legitimacy, or when “it no longer responds to the demands of a new historical age” (p. 118).

This structure has changed in recent years, since 2017, as it was necessary to differentiate between the passage from one totality to another, including a new moment, the *critical negative*, precisely the *hinge* that allows that passage from an old order to a new one. Thus, three configurations appeared, or, as Dussel calls them, following Walter Benjamin, *constellations*. A constellation can be understood as a configuration, a certain articulation or assembly of a current or future political totality, or of the passage, which is not entirely stable and can mutate. It is a specific historical composition that evolves, subject to the impulses provided by social praxis (Benjamin, 2018). For Dussel, it is therefore a *theoretical tool* that allows him to describe and show a possible transition to a future world.

The first constellation (*Gestaltungen*) is the given *positivity*, the current totality, the current social order, with all its imbalances and tensions, but with relative stability. It is the ontological; it is a concrete world. It is the political system as a functional whole. This totality has a *foundational* moment, an origin, with a certain legality or system of law in force, a complex institutional system where it performs, in an articulated (not always harmonious) manner, certain functions or tasks in favor of the maintenance of life. In this system there is what Gramsci called a “historical bloc” in power, that is, a ruling class with its ideology, but one which is articulated with the political and economic structure (Gramsci, 2017, p. 390). In this sense, there is *stability* in the system. However, the ruling class can become a *dominant* class, which means that it resorts to coercion, force, law, and repression to remain in power. When the ruling class loses *legitimacy*, it then loses consensus and acceptance by the people and becomes an authoritarian class. Thus, the system moves from stability to *agony* and decline.

Here it is necessary to emphasize a key element in Dussel’s political thought: his conception of political power. Dussel (2006) starts from the idea, following the tradition of Las Casas and Francisco Suárez, and against Hobbes and liberalism, that it is *the political community* which is the source of political power, that is, that the individual is not the source of the legitimacy of power, of the contract, of society, or of the state. Dussel assumes a *community of life* that is autonomous, free, sovereign, intersubjective, and discursive; a set of plural wills agreed upon<sup>7</sup>, where power exists as *potentia*. This is an *undifferentiated* power, where that community has *the will to live* (in the material sense). However, this power must be specified and institutionalized in order to operate as institutional mediation and thus produce and reproduce the very life of the community. This specific, differentiated, institutionalized power as mediation, is what Dussel calls *potestas*. Thus, the source, the origin of all legitimacy, of all institutions, of power itself, of the current political system, is the political community. It is the holder of power. And to exercise it, it simply *delegates* it, but never *alienates*

<sup>7</sup>For a critique of this position, see Castro-Gómez (2015).

or cedes it, never loses its ownership. Dussel (2009) argues:

Political power is a faculty of the political community (*potentia*) of all its members, and as such, it is inalienable and permanent. For the empirical delegated exercise of this power (*potestas*), its differentiation is necessary, which consists of the institutional separation of the various functions required to ensure survival [...] Every citizen continues to be communally and perpetually the ultimate reference point of power as *potentia*. (p. 201)

This separation allows us to understand how a concrete political system emerges, a system where those who govern do so by obeying the people, the community. That is why it is a *power of obedience*, not a power of domination. Obediential power, an expression taken from Zapatismo (Dussel, 2006), is key because it shows how the government obeys the community, provides a social service to it, and governs by listening to the clamor of the people in such a way that it is not a separate, isolated sphere, irresponsible to the source of its power. These notions are key to understanding the logic of Dusselian politics. So, every existing totality, every social order, every political constellation at this level, has that foundation.

Now, the second constellation is that of messianic *rupture*, the aforementioned hinge. This constellation appeared as a new moment between the old order and the new order. It was no longer possible to maintain that one could simply move from dominant totality A to liberated totality B as if that passage were simple and mechanical. No. It was necessary to take into account that “in order to create a new system, one must first *deconstruct* (or simply) *destroy* the old existing order” (Dussel, 2022, p. 18). This is a *negative* moment:

In which the liberator confronts the state in its fetishistic, bureaucratic, domineering, necrophiliac, even oppressive form [...] It is the moment of George Washington in the United States, Miguel Hidalgo y Costilla in Mexico, Lenin before October 25 against tsarism, Che Guevara

in Latin America, Subcomandante Marcos in the Zapatista National Liberation Army (FZLN) in Mexico since 1994, and the social and communal movements that deeply distrust the state and call for its dissolution. (Dussel, 2022, p. 18)

This is also the time of Paul of Tarsus’ criticism of Roman law, of Pancho Villa and Emiliano Zapata against the Porfiriato in Mexico, which had expropriated and plundered the indigenous and peasant masses. It is, therefore, an agonistic “time of danger,” where the system has produced victims, thus revealing its structural injustice, and where the praxis of liberation and what Dussel calls the people in a “state of rebellion” occur. It is Benjamin’s materialist “now-time” (*Jetzt-Zeit*), where there is an awareness of “blowing up the continuity of history,” which is “characteristic of the revolutionary classes at the moment of their action” (Benjamin, 2018, p. 316)<sup>8</sup>. It is also the time when the utopias of the vanquished, their demands and struggles buried in history, emerge, appear, burst into a revolutionary “now” (*Kairós*): “It is a tiger’s leap into the past. Only this takes place in a circus arena where the ruling class rules” (p. 315).

Messianic revolutionary time<sup>9</sup> appears when the existing totality has become *fetishized*. That is, the state itself, the ruling power, the institutions, the law, have become absolutized. The concept of fetishism is key to understanding why the second constellation begins, that is, the moment when the prevailing totality is called into question and attempts are made to overcome it through the praxis of liberation, the “state of rebellion” of the people, or even a revolution. It was said above that *potestas*, the derived power that makes up the institutional field, has its foundation in the *potentia* of the community. Well, what happens is that, given the relationship between *potentia* and *potestas*, *potestas* separates, isolates, and becomes absolute. In other words, the representative (councilor, mayor, president, senator), the government, the institutions, the law, or the leader disconnect from the political community.

<sup>8</sup>Literally at a moment that is appropriate, opportune, and conducive to disruption or change.

<sup>9</sup>The people as anointed, chosen, in revolutionary, transformative action, just as the role of Christ was thought of in the theological tradition.



The relationship between *potentia* (the foundation) and *potestas* (the phenomenon) is broken. *Potestas* becomes a “god” separated from the ordinary citizen who delegated their power to it, to whom it is beholden, whom it must obey.

It is the bureaucrat who does not fulfill his function, the corrupt politician, the senator who does not render accounts or legislates in pursuit of his own interests; it is the president who favors transnational corporations to the detriment of national interests, it is the law that becomes fetishized, it is the “apotheosis of the state” that Nietzsche denounced against Hegel (Pachón, 2022b, p. 16). In reality, it is a *reversal*, where now the *will* is that of the delegate, the ruler, not that of the people: fetishism arises when *potestas* “asserts itself as the seat, as the foundation, as the being, as political power itself” (Dussel, 2006, p. 42). In this case, political power becomes self-referential and turns into *domination*, and the ruling class becomes authoritarian, fascist, militaristic, or coercive; it ceases to be a ruling class and becomes a dominant class, in the sense indicated by Gramsci.

Therefore, if the current totality loses consensus, it becomes unjust; if in the first constellation the system becomes fetishized and generates victims, excluded and marginalized people, that is, if there is general dissent, the time, the *kairos*, may come for the emergence of the people, for their rebellion. What does Dussel mean by “the people in a state of rebellion”? This requires several further conceptual clarifications. Behind the fetishism of the prevailing totality appear the oppressed of various kinds, who can organize themselves as a “social bloc of the oppressed.” Here the people are set in motion, social movements are articulated, different sectors, with their demands, make their voices heard.

Therefore, the people are not a substantial reality but mainly a political category. Just as it is formed, it can be dismantled; it is therefore contingent, but it also is the historical subject of change. The people are a subject articulated against the totalizing dominant system; they are the other who, being denied, want to deny their denial and burst forth from a “certain exteriority” that codifies them as disposable, expendable, or, to quote Hannah Arendt (2004), *superfluous*. It rightly claims its *will to live*, for the struggle to maintain the life denied by the system

appears imperative. This is when the people cease to be subjects and become *collective actors*. They are a people, like *the plebs*, seeking to build a *new populus*.

This articulation, this dissent, demands disagreement with the system, which will declare its action illegal and illegitimate. But the people, in their demands for justice, from their position of refusal, and seeking an expansion of rights for all, oppose the current illegitimate and unjust legality. This opposition implies a “critical consensus of the people” (Dussel, 2006, p. 96), a discursive, intersubjective consensus that confronts the “fetishized constellation.” In this praxis or process of conscious liberation, the power of the people is *hyperpotentia*. It is no longer an original *potentia* that establishes an order, but a new, stronger (hyper) *potentia* that destroys a violent and oppressive order. As Dussel puts it: Is the power of the people, the sovereignty and authority of the people [...] that emerges in the creative moments of history to inaugurate great transformations or radical revolutions. It is Walter Benjamin’s messianic now-time (Dussel, 2006, p. 97).

When, in this second constellation, the messianic one, “*hyperpotentia* appears, phenomenologically, in the light of day, a people in a state of rebellion has been formed” (Dussel, 2006, p. 98). Here, the fetishized “rule of law” of the existing order (legal but illegitimate) is challenged and confronted; the “state of emergency,” usually decreed to control crisis situations and usher a return to normality and the hegemonic order, is also suspended (Cf. Schmitt, 2009; Agamben, 2014). What example can be given of this? Dussel cites the example of the Argentine people’s rebellion in 2001, when they succeeded in overthrowing the government of Fernando de la Rúa, who had declared a “state of emergency” to prevent demonstrations. It was a struggle against the disastrous policies of the World Bank and the International Monetary Fund. We would say, then, that the “state of rebellion” is a radical anti-hegemonic praxis.

Before moving on to the third constellation, it should be noted that Dussel does not assign rebellion the exclusive form of social or political change. Faced with the old debate between reform and revolution, where the former refers to cosmetic changes that,

in essence, leave the existing order as it is, with its imbalances, and revolution as a radical, rapid, violent change of structures that reformats the codes of distribution and the frameworks of a society's functioning, the philosopher argues that the real opposition is between *reform* and *transformation*. The concept of reform remains in the classical sense, but that of transformation is different, as it implies two possibilities: either partial or total. In partial transformations, an institution is changed, implying a different way of exercising *power*. Here, unlike in reform, new popular demands are addressed.

In contrast, in total transformations, which Dussel *calls revolutions*, the entire institutional system changes. Therefore, to be clear: "revolution is a *radical* mode of transformation" (Dussel, 2006, p. 127), it is a "moment" that may arise rarely in history and which requires its time (*Kairós*), its conditions of feasibility, and which does not obey the voluntarism of biographies, that is, they are not events at the request of a leader. Nor is there a subject *a priori*, a destined, anointed subject of the revolution, for the people are circumstantial, plural, and diverse. Examples of revolutions include the Russian, French, American, and, most notably, the Haitian, as the latter completed what the French Revolution lacked to be truly universal, making it an example of *situated universality*, as conceived by Mario Casalla (2021).

Now, the third constellation of politics appears. Here we are already in an organizational moment, full of tensions, with opposing forces (as in the passage itself, since politics is agonistic), where a "real strategic process" must operate beyond the *utopia* that marked or illuminated the process in the second constellation. This is a "*positive* constructive praxis" (Dussel, 2020, p. 20). It is the positive or *creative* moment of a new state. Here, the messianic spirit of the second constellation is maintained, but the construction of the new order is fully embraced while maintaining a critical spirit. The foundation of this constellation will be the political power of the community in the *quest to produce and reproduce life* through delegated obediential power and other institutions. This new political order cannot be foreseen; it is not *perfect* given human fallibility, finite being and thought, and the very complexity of reality. There are no totally perfect orders or institutions;

that is impossible because it implies foreseeing everything, planning everything, and having absolute knowledge of reality, as Hegel demanded, all of which are unachievable. Thus, there will necessarily be an *imperfect* state, law, and institutional complex, better than in the first constellation, but *perfectible*. In this way, feasible actions and institutions are considered, but without attempting to override contingency or uncertainty. Dussel adds that this is precisely an "ethical, normative, critical, and realistic conception of politics" (p. 21), a fundamental statement for understanding his proposal, since his thinking is not only about this *diachronic* process of politics, but also about a *sufficient, non-reductive* conception of it, as complete as possible. It is here that further conceptual clarifications are necessary.

### The normative principles of politics

Dussel's politics, his architecture, has three fundamental pillars: level A or strategic action, level B or institutions, and level C or "normative principles" (Dussel, 2006, p. 48). Without these three components, in his view, it is not possible to think in a minimal, necessary, or sufficient way about the field of politics with its subjects, institutions, practices, discourses, ends, etc. Politics is not, then, mere strategic action, as common sense might suggest, but rather it involves creating institutions (to give functional *stability* to the political system) and requires normative principles that ground, operate, and legitimize action and decisions. If these three levels are not taken into account, one ends up with a *reductionist conception* of politics.

Dussel acknowledges the current debate between *foundationalists* and anti-foundationalists or post-foundationalists, between those who demand normative principles for politics and those who reject them due to the contingency, randomness, and plurality of society and visions of the good life (Quintana & Pachón, 2023). He places authors such as John Rawls and Habermas in the first group and Ernesto Laclau, Chantal Mouffe, and Richard Rorty in the second. However, for him, the issue is poorly framed, since "universal principles and uncertainty in political decision-making are not opposed" (Dussel, 2009, p. 16). Nor should we "confuse the uncertainty inherent in all inevitable strategic-political action—

due to the finitude of the human condition—with the existence of a universal normativity that legitimizes political action or institutions before actors, legal institutions, and history” (Dussel, 2009, p. 16).

It is therefore possible to speak of universality at level C, and of *contingency* and *uncertainty* at levels A and B of politics. It is clear that *uncertainty* intervenes in *strategic action* (level A), without this meaning absolute disorder, chaos, or indeterminacy, and that institutions (level B) are not imperfect, as already noted. There is no harmonious political system that can prevent eventual harm to one or more actors in the political system. A political decision may benefit some and harm others. That is why a perfect political system is impossible.

For the Mexican philosopher, there are three *universal* principles: material (M), formal procedural legitimacy (L), and feasibility (F). These are present in his ethics, economics, and politics. The first refers to the material aspect (mentioned above), to the imperative of production, reproduction, and qualitative improvement of life (in current times and also for future generations); the second refers to a *consensual* principle that gives legitimacy to the decisions made, to what is decided by the people involved and who will be affected by political decisions. This is where the aspect of granting oneself a right and laws, as an institutional expression of the people, comes in. The third principle refers to everything that is possible and feasible to do, as opposed, for example, to impossible or unachievable projects. A dose of realism is therefore required for strategic action and for the institutions themselves, while the principles dialogue with each other, as they are interdependent and “co-determine” each other (Dussel, 2022, p. 214). If something is impossible (F), it cannot have consensus (L), nor can it satisfy the material principle of reproducing life (M). If a legal norm, for example, allows injustice that threatens the reproduction of life, it cannot have legitimate consensus.

Now, these normative principles “are *subjective* and simultaneously intersubjective and communal *imperatives, in most cases implicit*, which mobilize liberating praxis and institutional transformation through conviction” (Dussel, 2022, pp. 202-203), whether in constellation 2 or in the positive, critical,

and creative constellation 3 of the new order. “Subjective conviction moves the actor, filling critical political praxis with meaning and value (as well as courage)” (p. 203). Let us examine this point more closely.

Dussel argues that, in reality, politicians operate with principles that they often do not make explicit:

respecting the life of the political antagonist, who is not a total enemy, allows the strategic-political field to remain open to political action. If the antagonist were assassinated (in reference to the first principle) or deprived of their freedom or symmetrical participation (with respect to the second principle) or if an empirically impossible action were attempted [third principle, that of feasibility], the political field would be nullified, closed, or transformed into another type of field; it would be a horizon of totalitarian, authoritarian, actions... that have ceased to be political in the strict sense. (Dussel, 2009, p. 16)

From what has been said, it follows, for the purposes of this text, that *strategic action*, the political praxis of liberation, etc., as well as the institutions that materialize, stabilize, and guarantee what has been gained in the strategic political struggle, will be traversed by the three *normative principles*. Dussel developed his theory on these principles since 1998, and in recent works, he took them to other fields. It is therefore now possible to think about the relationship between politics and law and what a Transmodern Law of Liberation (TLL) would consist of in the *legal field*, understood as a practical field (like the political, economic, and pedagogical fields).

## Towards a new law of liberation

As noted, Dussel did not treat law systematically and in depth in his work, as he did politics or economics, but he did devote some articles to it. The topic also undergoes some important, albeit very abstract, developments in his collective book *Política de la liberación III (Politics of Liberation III)*, where other authors and followers attempt to

develop it (Wolmer & Machado, 2022; Ruiz, 2022). In this text, I will situate the topic of law in his later work, especially within his 2009 architecture and his theory of constellations, revisiting the ideas he put forward in early texts such as “Basic Rights, Capitalism, and Liberation” from 1981 (Dussel, 1983), and “Human Rights and the Ethics of Liberation” and “Transformation of the Legal System” from 2000, the latter two included in *Towards a Critical Political Philosophy* (Dussel, 2001), a preparatory text for his politics of liberation.

Dussel has spoken of the *political field* and various practical fields. A field is a slice of reality, a delimitation of the world (in the ontological sense indicated in the first section of this article), which is at the same time traversed by systems and subsystems, where “concrete acts” occur. The field is historical, agonistic, intersubjective, delimited, and has subjects, agents (who become actors), practices, discourses, and institutions (Dussel, 2009). But there are also *habitus* and the struggle for symbolic goods (Bourdieu, 2019). Every field is related to other fields, they intersect. For example, the economic and political fields are co-determined. A political decision can generate a crisis, and an unfair economic measure can cause the government to lose political legitimacy. Here the vulgar dyad (which is not Marx’s) of *structure* and *superstructure*, where the latter is determined by the former, does not operate. That being the case, we can speak of a *legal field* as a delimitation of the everyday world (although customary law or custom endorsed by positive law would operate in it), with its subjects (judges, lawyers, students) and institutions (prosecutors’ offices, constitutional courts, courts), legal practices, and the struggle for symbolic goods, such as becoming an *honorable* judge of a court as the pinnacle of a jurist’s career. Here, legal laws, norms, and decrees would also be institutions that make up the *legal system*, assumed to be complete (without legal loopholes), coherent, and self-sufficient. That legal system or order would be the law as such (Kelsen, 2005).

Every existing totality has its existing law. In other words, now fully understandable: every constellation 1, or political system, in times of stability, would have an existing, institutionalized,

functioning legal system. The political system would have a “rule of law” with its legal institutions and operators, its application of justice, and its hermeneutic practices. Law as such would be a means of realizing the project of a particular political community. And it was here that, as early as 1981, Dussel (1983) told us, in a Marxist conception of law: “to say that there is a body of existing rights is the same as saying that these are the rights of the group in power. The dominant power imposes its law as the law of the whole society” (Dussel, p. 149). The law of a current system becomes “fetishized law, since mere customary or positive law is elevated to the rank of human, natural, or often even divine” (p. 151). In this early text, law is also considered in geopolitical terms. In it, Dussel already uses key categories in his later politics of liberation, for example, the category of *fetishism* of institutions or power, or, in this case, of law itself. Now

The current legal system governs the conduct of citizens participating in a political community that has historically institutionalized the legitimate framework that allows actions to be legal. (Dussel, 2001, p. 150.)

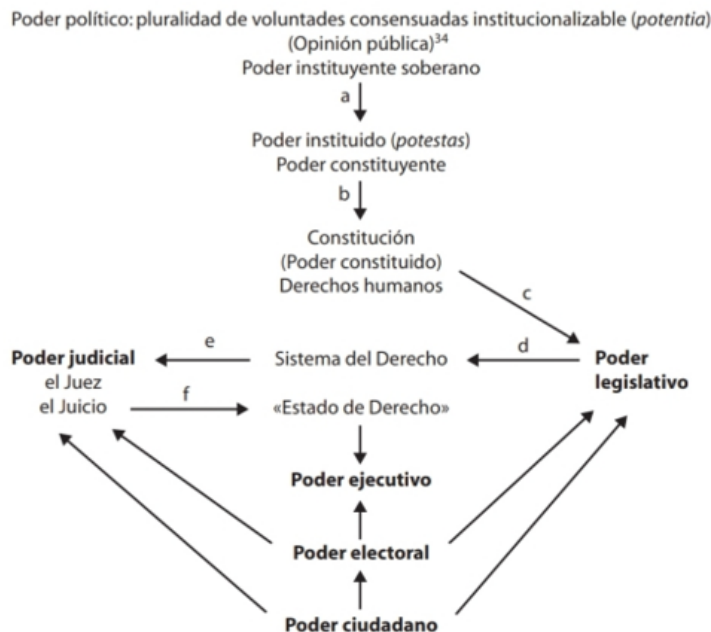
What this means is that a political community (*potentia*) has institutionalized power in institutions (*potestas*), such as the law, but has done so in a participatory manner, that is, in accordance with the principle of formal procedural legitimacy. In this way, it has given itself laws and bound itself to them, thereby granting legitimacy to the current legal system. The aim is to reproduce its life (material principle). In this case, the community could have given itself constituent power (such as a National Constituent Assembly) and then legislative power (a parliament). The current law of a political system could be represented as follows<sup>10</sup>:

Dussel explains this scheme as follows:

- a. Undifferentiated power (*potentia*) decides to determine itself institutionally; b. Power is first determined as instituted power (*potestas*), which, with respect to the Constitution, is constituent power (which takes the form of

<sup>10</sup>Outline taken from Dussel (2009).

**ALGUNOS MOMENTOS DE LOS TEMAS  
QUE DEBEREMOS ABORDAR EN CUANTO  
A LA INSTITUCIONALIDAD DEL ESTADO**



a Constituent Assembly); c. The Constitution (which must positivize human rights) establishes a legislative power; d. The legislative power promulgates the legal system constitutionally; e. The Judiciary interprets the legal system and applies it to individual cases, resolving conflicts that arise in the political community, thereby creating a “rule of law”; f. The Executive Branch acts within the legal framework. The electoral branch determines and judges the validity of all electoral processes of all the other branches and of all institutions (political and civil, if the latter require it). The citizenry is the ultimate supervisory authority of all other branches and institutions. (Dussel, 2009, p. 289)

Well, when the law is fetishized, that is, when the legal system becomes absolute and loses its foundation in the community of life, it becomes *illegitimate* and the weapon of the ruling class, now dominant; it becomes an oppressive, violent law that will seek to sustain the *status quo* and the ruling class, even authorizing or resorting to police,

military, and paramilitary violence, disappearances, murders, torture, and using the “state of emergency” against the oppressed citizenry. Here, the law in force criminalizes the dominated, declaring them illegal, subversive, and a danger to the established order.

This brings us to constellation 2. We thus enter the passage, that is, the messianic, critical, negative, destructive moment. This is when politics and law collide, when the “correlation of forces” appears (Gramsci, 2017, p. 203). Normally, in the *stability* of the current system, the law sets the horizon for political action, but once the system enters an organic crisis, a crisis of hegemony, and the law becomes absolute and clearly illegitimate and unjust, politics can become destructive and then creative of a new law. How does this process occur?

There comes a time when the system generates *victims*, that is, the “disenfranchised,” all those who suffer the effects of the order, such as those oppressed by colonialism, women in the patriarchal system, blacks, indigenous people, or mestizos in a white racial order, the poor in a classist

system, homosexuals in a heteronormative system, immigrants in a colonial and precarious world, the unemployed, the marginalized, the rights of future generations, etc. They are those not included or even the product of unintended effects of the political system. They are the “not-yet-entitled” victims of globalization, of the political, economic, military, and cultural systems, which allow us to diagnose the pathology of the current socio-political order. They are the creators of new *human rights*, based on their historical-critical consciousness. Therefore, the new right is

the result of the critical-political consciousness of groups who suffer in their pain the negative effects of the state of non-law of a human dimension that historical maturity has developed but that the law has not yet included as a requirement that requires public institutionality. Material negativity (misery, pain, humiliation, violence suffered, etc.) points to the lack of rights as a black hole within the legal system. (Dussel, 2001, p. 133)

So it is in an “interim period” or in the “dialectical passage between the current system and the future system” (Dussel, 1983, p. 151), foreshadowing constellation 2, where 1) the current law is *delegitimized*, becoming old law, 2) the new law that emerges at certain moments in history through the critical consciousness of diverse social subjects or movements is legitimized, and 3) certain aspects of the dominant law are repealed due to their inconsistency with the new rights. Thus, some rights are maintained, others are eliminated, and new ones are created. That is why Dussel says that there is not a priori list of natural rights that exist in themselves, but rather that rights are always won in *social struggle*. The dialectic is between the existing law and the rights that he, in 1981, called “utopian rights,” the new, emerging rights that have arisen historically, since, for example, it was not possible to speak of the rights of nature in the 17th century, of the rights of homosexuals in the Middle Ages, or of women in the 15th century. Hence, “those without rights, even when they fight for the recognition of a new right, are the creative, innovative moment in the body of human rights” (Dussel, 2001, p. 152).

In his early 1981 text, Dussel already stated that there was a dialectic between existing law and the new rights of the oppressed. However, drawing on the material content discovered in Semitic thought, Marx, and the Frankfurt School, he also said that: “the future society, which will come after and survive ours, is based on the right to life of the oppressed, a principle that measures all other ethical principles” (Dussel, 1983, p. 153). In this way, *human life itself* is the condition of possibility for all human rights. For this reason, he advocated for the right to work as a way to prolong and maintain life, along with the right to housing, food, clothing, and shelter; these were, therefore, basic rights, all related to what would later become the criterion for the production and reproduction of life on the planet and for *future generations*. Thus appeared the postulate of *perpetual life*, according to which all institutions and actions of public authorities must act as if the future life of the planet itself were possible, forever; that is, the *ecological principle* appeared as a material principle alongside the economic principle. These rights were already opposed, from that time on, to the absolute rights of capital and its abstractions that commanded people to choose, buy, and consume goods.

It is clear that in times of danger, constellation 2 can move towards a *partial transformation* of the law or towards a total transformation. In the first case, demands may be included in the existing order, in relation to which there was inequality, in which case the *logic of distribution* and the structural normative parameters change little, since rights can be included in an unjust order that simply recognizes them as *the same*, while in a revolutionary transformation, something *new* appears, altering and changing the rules of distribution. Here, in constellation 3, the Other is recognized as *Other*, in its singularity and diversity. The case of the American Revolution (although it maintained slavery) is a new order in contrast to the English metropolis, which delegitimized itself and became domineering. In this case, it is the political community, free, autonomous, sovereign, intersubjective, that gives itself its own law, its new rights, its new political order.

## Conclusions and perspectives

Dussel's work emerged in the 1970s, in dialogue with European philosophy and Latin American debates of the time. Since then, it has been proposed as a philosophy of liberation from domination, dependence, and oppression exercised by the center. This liberation was possible as a praxis of liberation that sought to construct a new liberated totality. From that time on, the Argentine-Mexican thinker began the construction of a monumental work, over more than 50 years, which led him to construct an ethic, an economy, a politics, and an aesthetic. Law did not receive the same systematic treatment as these other fields. Still, in his work, he did leave several writings that allow us to articulate his reflection and include it in the great theoretical constructions, specifically in his theory of political transformation in three constellations and in relation to normative ethical principles, later subsumed in specific fields such as politics, economics, ecology, etc.

From this point of view, law, as a field and more specifically as an institution, must subsume the *material principle*, in the sense that its mission is to contribute to the reproduction of human life, the *principle of legitimacy or formal procedural democratic principle* that articulates the critical consensus of the community of victims and generates, through symmetrical, reasoned participation, a *new law*. It must also subsume the principle of *feasibility* in order to ensure that legal practice is possible and realistic. Here, it is recognized that rights are not definitive, that they are the product of struggle, and that new legal demands may arise in the future which will have to be addressed. Nor is a total long term change in the order ruled out, as this is impossible to predict. It is also understood that no legal decision or institution is perfect, but it is perfectible and, in that sense, maintains its claim to goodness and justice.

From this perspective, it is possible to think of a transmodern right of liberation, a right for transmodernity understood as a new era beyond modernity that embraces some of its emancipatory achievements but rejects its domineering, oppressive side. It is not a question of creating peripheral modernities, nor of completing modernity (as in Habermas), but of pointing to a new age of the

world, which is indeterminate, which is not perfect, where the coexistence of cultures is possible. It is not a question of a universal culture but of an "analogical pluridiversity" (Dussel, 2020) where, through *intercultural dialogue*, progress is made in finding similarities. Dialogue will allow us to increasingly understand the Other, who is not immeasurable, while respecting their differences. These analogical similarities are what we have in common, what we share.

A transmodern or new right of liberation must assume several premises: 1) that it understands that the state is not monocultural, monolithic, but rather plurinational (as recognized today in Bolivia or Ecuador), 2) that law is not reduced to *state law*, as in Kelsen, but that the sources of law are multiple, 3) that it overcomes the *epistemic fetishism* that absolutizes the individual as the source of legitimacy and sovereignty, 4) that it dispenses with the fictitious "state of nature" as a starting point for legitimizing the need for the state, since in reality humans are always historical, communal, and institutional; 4) that accepts diverse rationalities, 6) overcomes the fetishism of the state, the leader, and the law; 7) that allows us to move toward an intercultural reformulation of human rights that recognizes, precisely, what is *similar*, what is common, in that cultural plurality. This also implies 7) setting aside modern ideas such as infinite development and progress, which undermine the ecological principle of seeking perpetual life on the planet.

These points would allow us to think about legal *pluralism* or "plurijuridicity," as a creative intercultural project (Wolmer & Machado, 2022), which, unlike what happens today, would not appear under the control and codification of the state, but rather where the autonomy of communities is respected. In this sense, it is possible to reformulate what *public international law* would be in order to aim for Kant's postulate of perpetual peace, always seeking to ensure that the law is at the service of the production, reproduction, and qualification of human life, and that its norms also allow for the pursuit of perpetual life on the planet. These are the challenges to be considered to continue on the path to liberation.

## References

- Agamben, G. (2014). *Estado de excepción*. Adriana Hidalgo Editora.
- Arendt, H. (2004). *Los orígenes del totalitarismo*. Taurus.
- Benjamin, W. (2018). *Iluminaciones*. Taurus.
- Bourdieu, P. (2019). *Curso de sociología general 1*. Siglo XXI Editores.
- Casallas, M. (2021). *América latina en perspectiva. Dramas del pasado, huellas del presente*. Ediciones Ciccus.
- Castro-Gómez, S. (n.d.). *Revoluciones sin sujeto. Slavoj zizek y la crítica del historicismo posmoderno*. Akal.
- Cerutti, H. (1983). *Filosofía de la liberación latinoamericana*. Fondo de Cultura Económica.
- Dussel, E. (1973). *América latina: Dependencia y liberación*. Fernando García Cambeiro.
- Dussel, E. (1983). *Praxis latinoamericana y filosofía de la liberación*. Nueva América.
- Dussel, E. (1992). *1492. El encubrimiento del otro. Hacia el origen del mito de la modernidad*. Editorial Nueva Utopía.
- Dussel, E. (2000). *Ética de la liberación en la edad de la globalización y la exclusión*. Trotta.
- Dussel, E. (2001). *Hacia una filosofía política crítica*. Desclée de Brouwer.
- Dussel, E. (2006). *20 tesis de política*. Siglo XXI Editores.
- Dussel, E. (2007). *Política de la liberación. Historia mundial y crítica* (Vol. 1). Trotta.
- Dussel, E. (2009). *Política de la liberación. arquitectónica* (Vol. 2). Trotta.
- Dussel, E. (2011). *Filosofía de la liberación*. Fondo de Cultura Económica.
- Dussel, E. (2016). *14 tesis de ética. Hacia la esencia del pensamiento crítico*. Trotta.
- Dussel, E. (2019). *El humanismo helénico. El humanismo semita*. Editorial Las Cuarenta.
- Dussel, E. (2020). *Siete ensayos de filosofía de la liberación. Hacia una fundamentación del giro decolonial*. Trotta.
- Dussel, E. (2021). Introducción. Claves para interpretar el pensamiento crítico de Enrique Dussel. In *Filosofía de la liberación. Una antología* (pp. 5–54). Akal.
- Dussel, E. (2022). *Política de la liberación. Crítica creadora* (Vol. 3). Trotta.
- Fanon, F. (2003). *Los condenados de la tierra*. Fondo de Cultura Económica.
- Gramsci, A. (2017). *Escritos. antología*. Alianza Editorial.
- Kelsen, H. (2005). *Teoría pura del derecho*. Eudeba.
- Mignolo, W. (2016). *Hacer, pensar y vivir la descolonialidad*. Ediciones Navarra.
- Ortega y Gasset, J. (2023). *El tema de nuestro tiempo*. Calpe.
- Pachón, D. (2013). Los manuscritos de Marx de 1844 y las filosofías de la vida. *Revista Aquelarre*, 23, 31–46.
- Pachón, D. (2022a). *El monstruo frío y el populacho. Estado, democracia y voluntad de poder en nietzsche*.
- Pachón, D. (2022b). *Política para profanos*. Universidad Industrial de Santander.
- Quintana, L., & Pachón, D. (2023). *Espacios afectivos. Instituciones, conflicto, emancipación*. Herder.
- Ruiz, M. (2022). De la crítica del sistema del derecho. El principio formal negativo de legitimidad política. In E. Dussel (Ed.), *Política de la liberación. Crítica creadora* (Vol. 3, pp. 267–290). Trotta.
- Schmitt, C. (2009). *Teología política*. Trotta.
- Sloterdijk, P. (2004). *El sol y la muerte*. Siruela.
- Tovar, L. (2024). Enrique Dussel, filósofo de la liberación. In memoriam. *Le Monde Diplomatique*, 240, 36–37.
- Wolmer, A., & Machado, L. (2022). El sistema de derecho y la nueva legalidad. In E. Dussel (Ed.), *Política de la liberación. Crítica creadora* (Vol. 3, pp. 584–636). Trotta.

## Article details

This article is part of the project "Revolution, reform, and Latin American social work: A philosophical perspective," funded by the Industrial University of Santander.