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REVIEW

The concept of freedom in Félix Varela's liberal constitutionalism

La concepción de la libertad en el constitucionalismo liberal de Félix Varela

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ABSTRACT

This paper examines the conception of freedom in the liberal constitutionalist thought of Félix Varela during the Spanish Liberal Triennium (1820-1823). Set against the backdrop of Cuba's socio-economic shift towards a slave-based plantation system, the study highlights how Varela, from his Chair of Constitutional Law, articulated a radical idea of freedom. Grounded in elective philosophy and enlightened naturalism, he asserted freedom as a natural and inalienable right of all individuals. Varela argued that sovereignty resides essentially in the nation, not the monarch, and linked individual liberty to national sovereignty, maintaining that without a constitution there is no freedom, and without freedom there is no homeland. His thought, which foreshadowed anti-slavery sentiments and a project for a Cuban nation, distanced itself from the interests of the slave-owning bourgeoisie and laid the groundwork for subsequent Cuban independence ideology.

Keywords: freedom, sovereignty, constitutionalism, Nation.

RESUMEN

El artículo analiza la concepción de la libertad en el pensamiento constitucionalista liberal de Félix Varela durante el Trienio Liberal español (1820-1823). Partiendo de un contexto cubano marcado por la transformación socioeconómica hacia una plantación esclavista, el trabajo destaca cómo Varela, desde su Cátedra de Derecho Constitucional, articuló una idea de libertad radical. Esta se fundamentaba en la filosofía electiva y el naturalismo ilustrado, afirmando la libertad como un derecho natural e imprescriptible de todos los individuos. Varela defendió que la soberanía reside esencialmente en la nación, no en el monarca, y vinculó la libertad individual a la soberanía nacional, argumentando que sin constitución no hay libertad y sin libertad no hay patria. Su pensamiento, que anticipaba el antiesclavismo y un proyecto de nación cubana, se desmarcaba de los intereses de la burguesía esclavista y sentó las bases para el posterior independentismo cubano.

Palabras clave: libertad, soberanía, constitucionalismo, Nación.

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INTRODUCTION

A society in which individual rights are respected is a society of free men, and this society, possessing an irresistible moral force due to the unity of opinion, and a physical force no less formidable, owing to the courage with which each of its members lends itself to the defense of the homeland?

Félix Varela y Morales

Thinking about the ideas of freedom, sovereignty, individual rights, justice, etc., for Cubans necessarily takes us back to the second half of the 18th century and the beginning of the 19th century, when, owing to a combination of various national factors, the Creole founders began to wonder about their chances of achieving the title of independent people. Among these first Cuban scholars were the priest Félix Varela and Morales.

During the semester of Philosophy and the General Theory of Human Rights, as we moved through thinkers and positions on rights, freedoms, and the possibilities of justice and its philosophical foundations, I thought about the usefulness of recovering that history of emancipatory legal thought for the Cuban nation.

Inevitably, Félix Varela had to be the focus of the study because, in the words of another Cuban thinker who was his disciple, he was "the one who first taught us to think." For Cubans, this does not mean that no one thought before him but rather that through his intellectual, pedagogical, and political activity, he built the foundations for Cuban thought, based on historical conditions and the utopian adversity that his early idea of the homeland developed.

To achieve this goal, given Varela's extensive career and his different political stages, we decided to limit the study to his reflections on freedom within the framework of liberal constitutionalism during the Liberal Triennium (1820–1823) following the restoration of the 1812 Constitution of Cádiz. The liberal openness of this political moment allowed Varela to expound his views on freedom, sovereignty, equality, the specific institutions of the Spanish people, etc. Therefore, we focus our interest on his reflections on freedom (even during his reformist stage as a professor of the Chair of Constitution at the Seminary of San Carlos and San Ambrosio) and sovereignty and the relevance of considering the genealogy of these concepts in the historical development of the Latin American colonial world and Cuba in particular.

To this end, the work is divided into three sections: 1) Félix Varela and his time; 2) philosophical tasks: the liberation of thought; and 3) freedom in the chair of constitutional law. The first section aims to frame the historical moment in which Varela carried out his work. Cuba at the end of the 18th century, the main socioeconomic changes and the contradictions that these brought to Cuban society. The second section is dedicated to explaining the foundations of Varela's philosophical thought and the revolution it represented within Cuban thought up to that point. The relevance of this point lies in relating the development of his philosophical thought and how his ideas are reflected in his reflections on Constitution of 1812. The third section analyzes the text Observations on the Political Constitution of the Spanish Monarchy from 1821 and its passages dedicated to liberty and sovereignty. The essay concludes with a set of conclusions on the relevance of Varela's thinking for the subsequent development of these ideas in Cuban intellectual history.

DEVELOPMENT

Félix Varela and his time

The second half of the 18th century was a time of substantial change in the socioeconomic and political configuration of the colony of Cuba. This historical period is classified by Cuban historians Manuel Moreno Fraginals and Eduardo Torres Cuevas as Cuba's entry point into capitalist modernity.

From 1759 onward, the island began a process of systematic growth in exportable production for the global capitalist market. The economy, which is based on livestock farming and somewhat marginalized in the global market, began to change rapidly because of a series of events that catalyzed this transformation. Cuban historian Eduardo Torres Cuevas summarized it as follows:

"While in 1760, Cuban sugar production accounted for only 2.68% of the world total, by 1792, it had reached 6.92%. Several international events explain this growing link to the world market: the Seven Years' War, the War of Independence of the Thirteen Colonies of North America, the French Revolution, the English Industrial Revolution, and the Haitian Revolution, among others".

The growth in demand for sugar following these geopolitical changes between 1760 and 1792 highlighted the limitations of Cuba's productive infrastructure in meeting the needs of the global market in its new role as a sugar power. The Creole oligarchy faced several challenges that it had to overcome if it wanted to maintain its dominant role in the global market.

The island's sparse population and the need to increase production at a rapid pace, as well as the harshness of sugarcane work, which made European migrants prefer to engage in other tasks, led to the solution devised to resolve this problem being the intensification of slave labor through the plantation economy, a model that English and French colonialism had implemented in the Caribbean Islands in the previous century, but which, after exhaustion on the English islands and the Haitian Revolution, entered into crisis in the French and Anglo-Saxon world.

Therefore, the productive dynamics that Cuba entered into in the last years of the 18th century were characterized by an increase in world market demand that led to the collapse of small rural producers, who were replaced by more complex productive units that, owing to the technical and demographic limitations of the island, had to resort to direct exploitation through despotism and servitude: slavery.

Slavery became an unavoidable necessity for the Creole oligarchy to meet the growing demand for sugar on the world market and to modernize the island. However, the new slavery regime led to rapid depletion of the workforce (minimal costs for slave survival versus maximum working hours in terms of intensity and time), and the durability of slaves was low because of the intensity of farm work and the lack of industrial technology. Owing to this high need for workforce replacement, the slave trade emerged.

The oligarchy found itself in a dead end created by its own solutions and by the colonial condition. Moreno Fraginals summarized it as follows: "The characteristic feature of the transformation that took place in Cuba with the excessive growth of this cooperation is its quantitative nature. Just as there was no change in the labor regime, there was also no technical mutation. Growth is based on more sugarcane fields, more firewood cutting, more pailas, more hormas, more carts, more oxen, but all this without altering the previous molds, except for the subjugation of blacks to an increasingly brutal way of life, reducing their useful life to incredible limits."

Under these conditions, the capitalist coloniality in which Cuba is inserted as a metropolitan extension introduces two fundamental problems: 1) The contradiction of sugar manufacturing: the development of the means of production is limited by the labor force employed; 2) The demographic problem produces the slave trade as a "solution."

Slave labor is, at the same time, a factor that makes it possible to maintain the productive growth demanded by the world market, but it also condemns sugar manufacturing to stagnation and progressive failure by hindering its industrialization. Sugarcane was a factor of socioeconomic transformation, but it placed Cuban society and its ruling class at that historical moment in a set of insurmountable and unsustainable contradictions in the long term.

This socioeconomic situation reflects a set of problems at the moment when a Cuban national consciousness began to take shape. In this sense, the Cuban national problem is marked by its emergence as a sugar factory at the end of the 18th century, with slavery not only as a concrete economic solution but also as a social sign that would mark Cuban life as a whole. Torres Cuevas will place at the center what slavery represents for the national problem:

"Cuban society at that time was composed of two large social groups: the free population and the slave population. The legal limits imposed by the lack of freedom of one part of the population made mutual relations impossible. In general, a significant part of the island's population considered slaves to be alien to the internal conception of society. For many, the division was much simpler: it was the division between whites and blacks".

Thus, the context posed a series of problems for the Cuban colony and its national possibilities. The first of these was undoubtedly its emergence in dependence on global capitalism through the production of sugar to supply metropolises; the colonial condition permeated Cuban invention and its emergence worldwide. A second problem was the demographic issue, a question that has been transversal throughout Cuban history: How can the country develop without its own labor force?

A third issue was slavery, no less important, given its role not only as a solution to sustain plantation productivity but also as a structuring force of society's subjectivity, legal system, and life itself as a culture as a whole. The existence of slavery produced a slave consciousness and a slave-owning consciousness, and these were the structuring forces of Cuban society at the beginning of the 19th century.

It was under the imperatives of this historical period, summarized in this section, that Félix Varela y Morales was born on November 20, 1788, in Havana. He was descended from Spanish military personnel and an old Havana family and was therefore of a comfortable means. In a very brief biographical summary of the period that interests us here, we can say that he began his studies as a seminarian in 1801, coinciding with a surge of liberalism that continued the enlightened despotism of Charles III. In 1802, the Basque Juan José Díaz de Espada y Fernández de Landa, remembered as the Bishop of Espada, arrived in Cuba and was appointed bishop of Havana.

He studied at the Royal and Pontifical University of Havana and at the Seminary of San Carlos and San Ambrosio, where he earned a bachelor's degree in philosophy or arts, as well as a bachelor's degree in theology and a master's degree in philosophy. By 1811, he had been ordained as a priest by Bishop Espada with a dispensation from age requirements and was commissioned by the bishop to teach philosophy courses at the Seminary of San Carlos and San Ambrosio. From then, he began an arduous battle against the prevailing Creole scholasticism and began to introduce scientific-experimental thinking, as well as other philosophical currents from Europe, and began to think about them from the perspective of colonial Cuban reality. That was, if you will, his first task, which Eduardo Torres Cuevas called the liberation of scholastic thought.

Philosophical tasks: the liberation of thought

For the purposes of this work, it is essential to analyze the transformations in philosophical doctrine introduced by Varela as part of the dispute over nascent Cuban colonial liberalism and his position within it to understand the evolution of his political doctrine and his interpretation of Spanish constitutionalism, as well as his idea of freedom.

In his anthological essay "Ese sol del mundo moral" (That Sun of the Moral World), Cuban poet Cintio Vitier would place this "rebellion" against scholasticism as the main qualitative change of this generation of early Cuban liberals in the field of philosophy:

"The rejection of the scholastic criterion of authority, in effect, a battle horse on the philosophical and educational level, concealed a moral root in those men—notably Caballero, Varela, and Luz—who, not wanting to submit to any intellectual lordship, were laying the foundations in their teaching for rebellion against political lordship and did not project themselves as lords but as servants of the community".

What would this consist of which Professor Torres Cuevas characterized as the "Varelian philosophical revolution?"

As a progressive son of the second half of the 18th century, Varela showed himself to be a clear heir to the French tradition. His evident preference for Locke in matters of epistemology (he was apparently an attentive reader of the English philosopher's Essay Concerning Human Understanding), conceptions that led him to the enlightenment foundation of his political and social criteria.

However, what characterized Varela was the continuation and implementation of what his teacher, José Agustín Caballero, had initiated in Cuban thought: the defense of the elective school against eclecticism and scholasticism. Torres Cuevas summarizes this philosophical position as follows:

"The bourgeois philosophy of emancipation brought the concept of choice to the forefront. Varela's skill lies in taking up this angle. Elective philosophy is nothing more than the procedure by which a particular possibility is taken, made one's own, decided upon, or realized in some way, with preference over others. Therefore, choice becomes one of the fundamental determinations of the concept of freedom".

One of Varela's disciples would later affirm in his aphorisms: "All schools and no school, that is the school". This way of thinking made Varela's thinking extraordinarily operational. Faced with solving the problems afflicting Cuban society, he had to take from philosophy whatever fit the reality he was analyzing. In this sense, scholastic thinking and European philosophies were of little use because they did not allow for a clear glimpse of the specificity of what needed to be thought about from the Cuban reality. "Think as you wish, act as you need" is precisely another of the founding criteria of this operational and foundational philosophy, which, in its attempts to characterize the new, evades the dogma of the old and tries to find a way forward in its way of thinking about reality.

"Understanding the peculiarities of Cuban reality means that the scientific and social function of Varela's thinking must necessarily develop an intellectual expression for Cuban culture where only proto-national factors exist; it must free nascent Cuban thought from Creole scholasticism in order to begin the search for a scientific method that expresses and explains the social nature of Cuban reality"

By assuming that elective philosophy was a gateway to breaking the dogmatism of scholasticism, separating the concepts of faith and reason, and making the natural world accessible through scientific methods without contradicting the world of faith, Varela laid the foundation for modern thought in Cuba. His "philosophical revolution," which began with the study of philosophy, delved into the very dispute over the concept of reason, central to the Enlightenment, and placed it in a novel position for Cuban reality, from which a double value is pointed out:

"The concept of reason has a double value in Varela. On the one hand, it is the foundation of a new cognitive attitude; on the other hand, it is the foundation of justice of human action. In both senses, it is a break with the feudal past and the beginning of a new attitude in Cuban intellectual and political life. The close relationship between knowledge of reality and human action makes the latter inexplicable unless it is based on knowledge of reality".

In this sense, Varela developed a conception based on an empiricist epistemology that included, in addition to the inevitable ontology, ethics and political theory. The center of his reflection started from the rational enlightened man and his search for laws and norms that would fit his nature. Therein lay his enlightened naturalism, which Isabel Monal defines as follows:

Following the tradition of the Enlightenment, he started from human sensibility to conclude that man flees from pain and seeks pleasure, which corresponded to his conception of man as a natural being. He believed that both ethics and politics should correspond to the true nature of man. Fully in the spirit of the Encyclopedia and the Enlightenment, he believed that a large portion of the social ills that had characterized human history were because precepts and norms did not correspond to human nature".

His naturalism in understanding man and his place in the world led him to develop a philosophical conception of freedom that would later be echoed in his political texts. In his 1816 work, Elenco focuses on his idea of freedom as follows:

1. Freedom, united with the natural freedom of the soul, is the executive principle of human actions, whose existence we deduce analytically according to the following propositions:

2. We must judge freedom by our innermost feelings.

3. To judge freedom, we must refer to children and rustics [Varela uses this term, which is not derogatory, to refer to people who lack education].

4. That some may argue against it proves nothing against universal consent.

5.- Those who depart from common sense in this area do so out of ignorance and malice, not out of conviction.

However, inner sense, observation of children and rustics, and the consent of men prove freedom, and the contrary opinion and a few ignorant and malicious individuals are not enough to destroy that demonstration.

6.- Therefore, man is free in his actions.

It should be noted that it is a Catholic priest who is affirming these issues. A father of the Church who is striving to advance within the ecclesiastical body itself the ideas of the Enlightenment, which at that time are being disputed in the world undergoing revolutionary expansion. Varela's assertion from the Cuban colony that man is by nature free in his scientific pursuit of knowledge of the world is the origin of a potential burden on what Cuba should be.

Professor Torres Cuevas, in his biography of Father Varela, summarized it as follows: "Here, we have the independence of thought and action that extends from the individual to the collective. It constitutes the basis of his political conception, which must necessarily lead to the freedom of the country and the extinction of slavery".

Freedom in the Chair of Constitutional Law

The French invasion of Spain in 1808 created a power vacuum after Napoleon Bonaparte appointed his brother Joseph as king. This vacuum was filled by the creation of local juntas in each province and a Supreme Central Junta, which convened the Cortes of Cádiz in 1810. These Cortes represented the various tendencies of Spanish society at the time, including absolutists, liberals, and representatives of the clergy, but they were mostly liberal deputies influenced by the Enlightenment ideas and revolutionary movements of the late 18th century in France. They played a fundamental role in the approval of the Constitution on March 19, 1812. After Napoleon's defeat in Spain and the restoration of Ferdinand VII to the throne, he repealed the Constitution and re-established absolutism in 1814.

The absolutist restoration of Ferdinand VII was marked by the persecution of liberal ideas and the reestablishment of the institutions of the Spanish Old Regime. His policies caused great discontent in society but fundamentally in the army, which after 1814 had seen its budget cut and its personnel reduced. This is why, in 1820, Lieutenant Colonel Rafael de Riego, who was in Seville at the head of troops that were to leave for America to quell the independence movements, rose up against the king and demanded the restoration of the 1812 Constitution. The movement spread throughout Spain until, in March of that year, Ferdinand VII was forced to swear allegiance to the Constitution, ushering in the period that was known as the Liberal Triennium.

In Cuba, this news is received with mixed reactions among Spanish residents on the island. The regiments stationed in the Havana garrison do not unanimously support the constitutionalist uprising, but Governor Cagigal, pressured by some of them and to avoid an armed confrontation between constitutionalists and absolutists, agrees to swear allegiance to the Constitution.

From the Cathedral of Havana, Bishop Espada welcomes this as good news and commissions Varela to create a chair of constitutional law to teach the students of the Seminary of San Carlos about the ideas of Spanish liberalism and its constitutional foundations. A chair for the study of the Constitution that Varela, in his inaugural speech, would call "the chair of liberty, of human rights": It was the first time that these categories of law began to be considered on the island of Cuba, and Varela would be the initiator of this tradition within Cuban emancipatory thought.

The importance of this chair lies in clarifying, through the study of concrete politics, the concept of freedom that Father Varela defends in the Constitution. Isabel Monal emphasizes the following: "In Varela's sensualist liberalism, freedom is, as in Spanish liberalism, related to the idea of nation and homeland. In his liberalism, all freedoms merge into the image of the liberal state. In the case of Cuba, and in that of Varela in particular, liberal and enlightenment ideas are inseparable from constitutionalism. Our priest's preaching is intertwined in this case with his teaching for the chair dedicated to the Spanish Constitution of 1812".

Varela's fundamental text for understanding his views on the Constitution of 1812 and his political idea of freedom is his Observations on the Political Constitution of the Spanish Monarchy from 1821. The centrality that Varela gives to The Constitution led him to fully embrace a constitutionalist liberalism that Isabel Monal emphasizes so deeply in her conception that she tied the Constitution to the idea of freedom and freedom to the homeland. In other words, "without a constitution, there was no freedom, and without freedom, there is no homeland." At this reformist moment in his thinking, Varela still referred to the Spanish homeland, but his experience during the Liberal Triennium radicalized his thinking, a process that could be observed in his own elaborations on the Constitution of 1812.

As Eduardo Torres Cuevas points out, the observations are not a repetition of the constitutional text of 1812 but rather an expression of Varela's ideas at the political level. This text constitutes "a true weapon with which to develop an idea that he had been proposing in his philosophical works since 1816." Varela turned the observations into the means "with which to develop the rationality of patriotic sentiment on a solid foundation of principles, both moral and social." It can be said that this was the moment when he poured his philosophical thinking into the foundation of the rights and possibilities of a nation that did not exist but that had to be created: the Cuban nation. In the text, Varela reflects on the programmatic whole of the Constitution; however, for the purposes of this essay, we emphasize the two political concepts that structure his discourse on the foundation of constitutional rights: sovereignty and freedom.

Sovereignty and Freedom

Varela's reflection on sovereignty begins with the axiom of the natural freedom of all men: "By nature, all men have equal rights and freedom" However, he understands that this state cannot preserve peace, which is why he justifies the need for an authority to organize social life and maintain order, since "gathered together in large societies, diversified by their interests and passions, they need leadership, and what is more, an authority that preserves their mutual rights, not allowing society to dissolve, nor its members to harm each other".

Starting from the freedom that is naturally inherent in all individuals and accepting the need for authority to prevent anarchy and harm to other members of the community—which places him in the naturalistic classical liberalism camp—Varela recognizes that kings are the ones who must wield this power for the organization and government of society. However, he is explicit in stating that it is society that, by abandoning a portion of its freedom, places power in the hands of kings. To this end, Varela discusses the sanctity of the power of kings and its divine origin.

For him, there is no natural right to govern. Given that "(...) the first rulers were constituted by election or by the consent of society and that none of them had a natural right to be so" he goes so far as to assert that all sovereignty lies essentially with society.

"These solid foundations underpin the article of the Constitution, which states that sovereignty resides essentially in the nation, and therefore, the right to establish its fundamental laws belongs exclusively to the nation. Nothing could be more reasonable and just; for if it is the people who must voluntarily renounce part of their freedom, and not because of tyrannical violence contrary to all justice and reason, it is exclusively up to them to establish their fundamental laws, which include these renounced rights; this part of freedom that each individual loses in favor of society, and sovereignty essentially resides in them, which is nothing more than the first power and the origin of the others".

Varela establishes a contrast between freedom and authority, with freedom being a condition associated with man by birth and authority being the result of the consent of a group of men; under this logic, there is not, there cannot be, natural authority; there is not and cannot be a power that emanates from nature but rather through a social process. The right to rule does not emanate from God but from the men who place it in kings.

Under the argument that God gives royal authority but that this must be distinguished from the royal person, God does not give a specific man the power to rule over others but rather grants that man, anointed by others, the authority to exercise government. He concludes, "Let us therefore give to Caesar what is Caesar's, which boils down to temporal power conferred by the people, and which no individual should disobey. Let us give to God what belongs to God, observing his holy law and the essential duties of justice in any form of society, but let it never be said that a just and merciful God has wanted to deprive men of the rights that he himself gave them by nature and that, by setting up a tyrant, he has made them slaves".

However, Varela's conception of sovereignty is not only disruptive to absolutism but also incompatible with the interests of the Cuban slave-owning bourgeoisie, whose conception of sovereignty was limited to its economic pragmatism and its possibilities for continuing the regime of colonial exploitation. Varela's anti-slavery stance extends freedom and rights to all men, including slaves, so his interpretation of citizens' rights transcends a classist vision and delves into the idea of nationhood. A nation that does not exist but is projected into the future. In the aforementioned biography, Torres Cuevas makes this point clear:

"When analyzing the principles of universal thought, he envisions a freer and fairer future society, although still confined to bourgeois conceptualization. Taking into account the Cuban reality and the factors that prevent its full realization, his ideas do not respond to those of the slave-owning bourgeoisie or to its interests. The latter, with its characteristic economic pragmatism, bases its development project on the slave trade and slavery. For Varela, this is incompatible with the sovereignty of the people, which is based on the freedom of its members".

Therefore, although Varela is in the tradition of situated liberalism, he is not an ideologue of the Cuban ruling class of the early 19th century. Varela sees in the Spanish liberal constitutionalism contained in the 1812 text the possibility of projecting a society of justice and freedom that is incompatible with the slave-owning and slave-trading project of the Creole bourgeoisie. This gives rise to a discursive but also political mismatch in what the law should represent and its scope within Cuban society. Varela is aware of this and, even though he knows that the historical moment of liberation is not possible under the conditions of his present, he raises the issue anyway.

"While the slave-owning bourgeoisie does not accept—nor would it ever accept—a collaboration of interests, Varela places the main emphasis on this, insofar as all men participate in the sovereignty of the people. While for the slave-owning bourgeoisie, its focus is on the enrichment of its class; for Varela, it is on the creation of a nation that does not exist. That is why he projects himself as the ideologue of the nation, beyond the petty and, at times, openly anti-national interests of the ruling class".

Ana Cairo Ballester, in her text "Varela y la educación para la Libertad" (Varela and Education for Freedom), recognized the significance of freedom not only as a natural condition but also as a process of liberation through education. In other words, although men are born free by nature, Varela recognized society's responsibility to educate them to be free. Cairo Ballester summarized this process as follows:

"In Valeriano's thinking, freedom, as a category of politics and ethics, became the central axis of an educational revolution through which the conscious agents of independent social change would be formed. Education for freedom meant the following: First, guiding the formation of a human being capable of self-emancipation; teaching him to be a free man, just, proud of his dignity as such. Second, preparing that free man as a self-conscious agent of personal and collective transformation in defense of justice. Third, the permanent search for moral self-perfection should be guided".

I believe it is necessary to add this nuance to Varela's thinking on freedom to avoid believing that there was only exacerbated or purely legal naturalism in his thinking. With respect to the reflections that gave rise to the idea of freedom in his liberal constitutionalism, Varela associates the concept of freedom with another very significant one for the Enlightenment tradition: happiness.

What freedom will a nation have that does not possess power within itself? What nation can deserve this name if it is not free? When all things have been disrupted and men, through a multitude of relationships, the most embarrassing and inevitable, have come to lose their inalienable rights, unable to claim them except at the cost of their existence; when a small number, forgetting the origin of their power, have become the arbiters of the fate of others, shall we say that this is a happy people, or a group of slaves in whom misfortune has fixed its abode? "

There are no slave nations; nations exist only when they enjoy the freedom to be and to achieve happiness. Achieving freedom is the political process of becoming a nation. In this previous quote, we can not only glimpse the Spanish spirit that Varela still possessed at the time of writing but also understand the power that Cuba can wield as a nation and its colonial status. Can there be happiness in the Cuban colony? Can it be a slave nation? These questions are at the root of Varela's political evolution toward independence after 1823. Here, we find the seeds of his founding ideas.

Another concern of Varela in this area has to do with the differentiation between sovereignty and government and the limits of individual freedom over popular sovereignty. In this sense, he subscribes to the liberal tradition. He argued that man has "inalienable rights" that cannot be taken away by the nation without it becoming a tyrant that cannot be taken away by the nation without the nation becoming a tyrant.

Quoting Benjamin Constant, he states that freedom is "practicing what society has no right to prevent" a definition he complements with Montesquieu's definition of "the right to do what the laws allow". However, he adheres to Constant's criterion in pointing out that this definition based on laws leaves room for them to infringe on the freedom of others: "and if these, under the influence of those in power, multiply and attack the rights of citizens, national and individual freedom is destroyed in the most sensitive way; for the people, as sovereign, are forced to exercise tyranny over themselves, like slaves with no means of avoiding this evil, since their representatives are guaranteed by the same sovereignty, and the people do not dare to contravene laws that they themselves have authorized. "

Therefore, Varela defends the limitation of popular sovereignty to protect "individual property, personal freedom, and domestic interests; when they do not disturb the order of society, they are not under the rule of the nation," and categorically states that "attacking these objects is not exercising sovereignty but oppressing the people."

However, Varela's constitutional discourse has no individualistic aspirations; his recurring concern for the nation and its free status is stronger than his comments on individual rights or the protection of freedom. For this reason, he returns to the idea of independence and national sovereignty—at a time when Latin American independence movements are underway—and declares: "National independence and freedom are the offspring of individual freedom, and consist in a nation not recognizing itself as subject to any other, being able to give itself its own laws, without giving influence to a foreign power, and in all its actions consulting only its own will, arranging it solely according to the principles of justice, so as not to infringe on the rights of others".

CONCLUSIONS

Félix Varela's liberal constitutionalist thinking, as a legal theory on how to interpret the Constitution of 1812, stands out in his intellectual career as a remarkable moment in his interpretation of freedom, which starts from individuals and their natural rights but is also articulated in his understanding of society as a whole, as a cultural unit, which he calls a nation.

For Varela, the nation is not merely a geographical space with economic interests. In this sense, he breaks away from the conception of the slave-owning bourgeoisie and distances himself from its pragmatic ideology to embrace a conception that we could describe as utopian for the time in which it occurred (conceiving freedom for all, understanding freedom as a natural right, hinting at anti-slavery, etc.), but one that provides an interpretive framework for the political and social possibilities that a revolutionary movement could assume.

Varela's foundation of sovereignty and freedom, situated as popular rights opposed to authority, allows, if his reflection is read from the Cuban cultural and political context, the production of a framework of legal interpretation that anticipates the possibility of independence constitutionalism in the following decades.

The idea of sovereignty defended by Varela, being decisively influenced by the enlightened liberalism of his time, is introduced into Cuban society and already into Cuban liberating thought, a set of notions about what the nation, freedom, the homeland, and national justice should be.

In 1823, the Cortes decided to vote on the disqualification of Ferdinand VII. Varela voted in favor of the proposal, so when, with the support of the Hundred Thousand Sons of Saint Louis, the king dissolved the Cortes and sentenced to death the deputies who voted against him, the priest had to take refuge in the United States. After these events, he became decidedly radicalized, and his conceptualization of the nation, sovereignty, and freedom, anchored in his liberal constitutionalism, served as a basis for thinking not only about the Spanish nation as a whole but also about the particularity of the Cuban homeland.

The dissolution of the Cortes and the reestablishment of the despotic regime in Cuba made Varela understand that Spain was seen as a nation independent of its colonies. The seeds planted in his observations on freedom and sovereignty would be fertile ground for deepening the idea of Cuban national patriotism.

“Varela, in this sense, does not express his ideas on the basis of what his society has accumulated but rather on its potential. He is convinced that before promoting political action, men must know its foundation. There is no Cuban homeland, but there is a Spanish nation. However, the homeland must be created to the same extent that patriotic national sentiment arises. This sentiment must unite all the components of that person, even based on class collaboration, to achieve their own destiny”.

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