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The Unfaithful Translation of Bentham for Gran Colombia and the Hispanic World

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Benthamite Conspiracies in Gran Colombia

On September 25, 1828, Simón Bolívar, the president and liberator of Gran Colombia, found himself in a precarious position. He had returned to the palace of San Carlos to rest for the night in the company of his lover, Manuela Sáenz.[1] After a long bath he went to sleep, only to be ambushed at midnight by conspirators intent on his death. The conspiracy failed in capturing Bolívar and in instigating a broader rebellion in Bogotá. The culprits included military officers and political opponents, but also a curious assortment of professors and students who were all convinced of Bolívar's danger to the republic.[2] Despite the failure of these would-be assassins and intelligentsia, their attempt on Bolívar's life reveals a dangerous, emergent form of activism.

Shortly after the conspiracy, the Colombian government issued a statement of concern for the unfortunate "young university students" and the honorable parents who "deplore the very notable corruption of the youth."[3] It added that Bolívar,

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> meditating philosophically on the plan of studies, has believed to find the origin of the evil in the political sciences that have been taught to students, . . . when they still do not have sufficient judgment to modify principles required by circumstances peculiar to each nation. Evil has also grown greatly due to the authors who were chosen for the study of the principles of legislation, such as Bentham, and others who, along with luminous maxims, contain many that are opposed to religion, morality, and the tranquility of the people, of what we have already received painful first fruits.[4]

This official statement signals two major concerns: first, that Jeremy Bentham's and other philosophical doctrines supply universal approaches that neglect the specific circumstances and needs of particular political communities; second, that Benthem represents a further acute threat, since his utilitarian philosophy challenged traditional religious and moral precepts. To remedy the situation, Bolívar implemented educational reform and suspended classes on universal legislation requiring Bentham's writing as the standard text.

Inspired by the political philosophy of Jeremy Benthem, this episode points to a powerful link between political theory and political action within Gran Colombia. Bentham supporters considered his principles of utilitarianism to be the most advanced theory of legislation, and they wanted their country to imbibe its lessons to be on an equal footing with Europe and the United States. Although Bentham's ideas had not gained significant currency in his native home in Great Britain, the age of revolutions in the Americas brought new opportunities for him to be recognized as a global legislator. Bentham believed the world might finally give way to reason and to the claim of universality within his utilitarian formula of pursuing the greatest happiness for the greatest number. Through active correspondence and personal meetings with statesman and political operators, he cultivated relationships that provided a hearing for his ideas and that he hoped would lead to their eventual implementation.

Gran Colombia, a newly independent country that encompassed modern-day Colombia, Venezuela, Ecuador, and Panama, became a site of contestation between Bentham's newly converted disciples and other political perspectives. Bentham captured the attention of two of the country's leading statesman, Simón Bolívar and Francisco de Paula Santander. Both men fought in the wars of independence and served during the first administration of Gran Colombia in the country's highest offices, the presidency and vice presidency, respectively. Although for a while they worked in lockstep, their friendship and alliance began to break because of their diverging opinions on the direction of the country. One point of contention centered on the status of higher education in Gran Colombia. As vice president, Santander decreed the plan of studies that set a uniform tone and curricula for education at all levels, from universities to primary schools, and that stipulated that Jeremy Bentham's *Treatises of Civil and Penal Legislation* be the standard for legislative education.

Bentham enthusiasts were eager to shed the last vestiges of their colonial past and to embrace what they perceived to be the most advanced theories of the modern world. This paper examines how Colombian intellectuals advanced the writings of such an iconoclastic thinker in a country with a strong Catholic heritage and a church subordinated to the state. In particular, this paper underscores the efforts of his translator, Ramón Salas (1754–1827), and the methods he deployed to integrate and adapt Bentham for a Hispanic context.[5] I argue that Bentham's supporters promoted him by suggesting points of convergence with certain natural rights philosophies and religious precepts. Such arguments did not disavow Bentham's explicit claims against natural rights doctrines and critiques on religion. They did, however, provide inroads to reassure some, but not all, on the merits of abiding by utilitarian principles.

This paper proceeds by explaining Bentham's outreach in the Americas and the introduction of his thought in Gran Colombia. It provides a brief introduction to utilitarianism and then follows with an analysis of Ramón Salas's translation of Bentham's *Treatises on*

Civil and Penal Legislation.[6] I demonstrate how Salas chose varying strategies to integrate and normalize Bentham's work ranging from the selection of religious figures and natural rights teachings to compare favorably with Bentham's dictums to dismissing the irreligious comments and implicit hostility toward Catholicism as irrelevant. I conclude by evaluating the impact of these efforts and how local Colombian intellectuals embraced similar strategies to disseminate Bentham's utilitarianism within Gran Colombia.

Bentham and His Outreach to Latin America

At the turn of the nineteenth century, Jeremy Bentham hoped that the ruling European powers would draw from his writings and principles to reform their countries.[7] Although no European sovereigns took on Bentham or his works in any significant way, Latin America presented a land of opportunity for his intellectual ambitions. Bentham's interest in the area began as early as 1808, when he considered immigrating to Mexico.[8] The embers of Latin American revolutions put an end to the dream of living in Mexico, though not to his interest in the region. He initially made strong appeals to Spanish officials to give up their overseas possessions.[9] However, those Spanish colonies would eventually liberate themselves, and they would soon demand new constitutional foundations that Bentham believed only he could provide.

In 1810 he cultivated a relationship with Franciso de Miranda (1750–1816), the Venezuelan precursor to Bolívar and a lifelong fighter for independence. He wrote to a colleague about Venezuela that "[i]f I go thither, it will be to do a little business in the way of my trade—to draw up a body of laws for the people there, they having, together with a number of the other Spanish American colonies, taken advantage of the times, and shaken off the Spanish yoke, which was a very oppressive one."[10] He added, "[F]or having, by the ignorant and domineering Spaniards, been purposely kept in ignorance, they have the merit of being sensible of it, and disposed to receive instruction from England in general, and from your humble servant in particular. Whatever I give them for laws, they will be prepared to receive as oracles."[11] Bentham was

confident that his legislative proposals and political projects would usher in prosperity and greater utility for the world. Bentham primarily courted Latin American elites to implement his legislative, educational, and social reforms. He corresponded with fighters for independence and future heads of state, an illustrious list that included Antonio Nariño (1765–1823) of New Granada, Bernardino Rivadavia (1780–1845) of Buenos Aires, José del Valle (1780–1834) of Guatemala, and Bernardo O'Higgins (1778–1842) of Chile. [12] As early as 1820 Bentham offered his services to Bolívar, arguing that he often defended the region's interests, even by seeking to dissuade Spanish authorities from holding on to their colonial possessions.[13]

In addition, Bentham promoted a variety of non-legislative agendas. To foster global prosperity, he conceived of the Junctiana proposal in 1822, a plan envisioning the creation of a Nicaraguan canal to lower the costs of global trade and resting on land ceded by both Gran Colombia and Mexico.[14] Through his associates, he attempted to convince Colombian government officials to build and run panopticon prisons.[15] He supported various educational programs, including the Joseph Lancaster method of education and the Hazelwood School that pioneered teaching student government, as well as the "Panopticon polychreston," a school architecturally designed to turn the panopticon's gaze toward learning.[16]

None had more lasting impact than Bentham's philosophic influence as his texts were translated and disseminated, especially in Gran Colombia.[17] The Englishman's reputation began to reach the public of New Granada as early as 1811 in the *Bagatela*, a newspaper run by Antonio Nariño. But Bentham's impact exponentially increased with Ramón Salas's Spanish translation, which began to be called "El Bentham" in Bogotá. Although Vice President Santander had no direct contact with Bentham, in the 1820s he had received enough exposure to his works to become convinced of its merits.[18] In 1826 Santander proceeded to sign three decrees designed to shape education, articulating what would be the plan of studies for the country.[19] The most important of these was the last decree signed on October 3, 1826, which named the main

subjects to be taught at universities and the foundational books for classes.[20]

Universities were to cover five literary subjects: literature and fine arts; philosophy or natural sciences; medicine; jurisprudence; and theology.[21] Not all the subjects and courses broke completely with the past, especially considering that theology remained a crucial educational pillar and philosophy included the teaching of moral and natural right.[22] Jurisprudence in particular required different types of coursework, some of which was considerably modern when juxtaposed with traditional scholasticism or natural rights teachings.[23] For the subjects of public political law, the constitution, and administrative science, the decree required reading Benjamin Constant, Baron de Montesquieu, Gabriel Bonnot de Mably, Antoine Destutt Tracy, and Albert Fritot, among others. Most importantly, Jeremy Bentham's Treatises on Civil and Penal Legislation were required reading for teaching the principles of universal legislation.[24]

Propagating Bentham's Teachings

Ramón Salas's translation proved pivotal in instantiating Bentham within Santander's educational program. He made Bentham accessible in the Spanish language, yet Salas's role as a translator ought not to be underestimated. Salas embraced the challenging task of adapting Bentham's ideas, both in his translations and in their commentary, to promote their felicitous association with many of the religious and moral ideas that lingered from years of Spanish rule. As José Manuel Restrepo, secretary of the interior, wrote, "Regarding the material of the plan of studies, I repeat what I said in my last speech at congress, . . . it is necessary to make a revolution as complete as those experienced by our political institutions. It is painful to have to forget the major part of what we learned in our colonial education from the Spanish and study something new. But it is necessary to place ourselves on par with the enlightenment of the century and to obtain the rank of which we aspire among the truly civilized nations."[25] Salas's work presented a major opportunity to envision utilitarian ideas not as fully revolutionary but as an

important modern improvement for political life in the emerging republics.

Promoting utilitarianism in the Hispanic world required a keen sensibility to that region's long adherence to natural rights doctrine and Catholicism. The first point of entry to Bentham for many Spanish readers would be the translated works themselves, and here one can already notice the careful steering of the translator. While every translation presents an interpretation to some degree, contemporary translations attempt to preserve the original author's voice as clearly as possible. Salas had no such priority and, indeed, found himself in a situation where he thought a significantly adaptive task to be necessary. Salas writes that he "had much to remove and add, much more to summarize than extend," while including that he had "tried to give a greater extension to the ideas and to make them understood with applications and examples, and that he has taken the license to plant some adornments, although with discretion." He continues, claiming that he "tried to avoid what would have harmed the success of the work, the forms that were extremely scientific, the subdivisions that were excessively multiplied, and the frequent analyses: I have not translated the words but the ideas and in some points I have done a summary and in others a commentary, but always guiding myself by the advice and indications given by the author."[26] The translator, and later local Colombian intellectuals, found common cause to defend Bentham, and they often deployed similar rhetorical strategies to persuade the public of his merits. The first appeal centered on the novelty of the work and how it advanced the science of legislation, all of which would help the country finally arrive among the ranks of civilized nations. The other appeals required either selective omissions and denials of the radical content or curated statements intended to connect aspects of utilitarianism with familiar doctrines and traditions.

Despite his assurances, Salas's creative liberties distorted the original text by either amplifying or contradicting Bentham's statements. Salas draws out and tempers the implicit radical principles of utilitarian philosophy, particularly when it came to the role of

religious doctrines in leading humanity away from reason. For example, although Bentham rejects natural rights doctrines and is a sound critic of religion, Salas recognizes that significant parts of Bentham's utilitarian principles might operate hand in glove with natural rights and religious morality. Rather than amplify Bentham's antipathy, he softens his work to support a harmonious relation between the two. Yet Salas also risks larger changes to Bentham's ideas. In other instances, he alters the meaning of words to render them complementary to Bentham's perspective. These candid moments occur often enough to provide for the reader a register of the rare and unlikely pairing of certain natural rights doctrines with utilitarianism, but also the amenability of religion to such principles. Such amendments made Bentham a more palatable thinker for a region steeped in scholastic and natural rights teachings.

Bentham's Utilitarian Principles

According to Bentham, "Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*."[27] It is from these masters that we can scientifically assess the standards of right and wrong, as well as the chain of cause and effect defining the actions of individuals. The principle of utility recognizes our subjection to pleasure and pain, while also providing a key to reforming society for the sake of the greater happiness of humankind. Bentham writes that "[b]y the principle of utility" he means a "principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question."[28] As for utility, it is defined as that "property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, . . . or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered."[29] The task of the legislator is to rise above the personal calculations of utility and to sum up the interests of all community members, the crucial step toward establishing utility as a moral science.

Salas affirms Bentham's principle of utility, which provided a common currency for understanding morality, a means by which to

make sense of the variety of moral standards conjectured by philosophers and ethicists.[30] After a long history of modern inquiry and development, Bentham arrived at the summit and end of philosophy as the clearest articulation of the truth. This "true philosophy" originated with John Locke, developed further with Cesare Beccaria, and culminated with Bentham's own system.[31] The Bentham translation makes clear that we should no longer rely on past philosophic endeavors and metaphysics: "nothing of subtlety, nothing of metaphysics—it is not necessary to consult Plato, nor Aristotle; pain and pleasure, is what all feel, the worker as much as the prince, the ignorant man like the philosopher."[32] These materialist foundations of utilitarianism support the claim that "[t]he moral good is not a good unless it has a tendency to produce physical goods, and moral evil is not evil unless it has a tendency to produce physical evils."[33]

Bentham recognized that there were obstacles to achieving the greatest happiness for the greatest number. Societies and individuals were often animated by other organizing principles besides that of utility. The translation lists the principles of sympathy and antipathy, and of asceticism. The former principles are those of personal affection and aversion to various objects and actions, but not a rational principle like that of utility. The principle of ascetism, a much rarer occurrence, required self-abnegation and denial of pleasures.[34]

According to Bentham, natural law and natural right are two species of fictions or metaphors, primarily animated by the principles of sympathy and antipathy.[35] Put differently, the language of natural law and natural rights is a means of justifying one's personal endearment or aversion to certain positions without a rational basis. Salas, in an added commentary, seems to go along with this position by pointing out the existence of different and at times contradictory accounts of natural law doctrines. He writes, "Indeed, if this law existed, it would exist to serve as a rule of conduct for all men, and consequently everyone should know it and everyone would agree on what it commands and prohibits, which is very far from being the case: well, what one people believes in accordance

with natural law, another thinks it is contrary, and the same thing even happens between many individuals of the same people."[36] However, he argues that there might be other salutary natural law doctrines amenable to utilitarianism.

Sociability as a Common Link between Some Natural Rights Doctrines and Utility

While Bentham thought that utility and natural law could not but stand in opposition with each other, Salas surveyed a richer landscape of thinkers, some who challenged this stark divide. Salas begins by correcting Bentham, stating that "one cannot speak with truth and justice that the partisans of natural law only reason with the false principle of antipathy and sympathy."[37] He then goes on to argue, "I say even more: the most famous among them appreciate the morality of actions for a principle that, if not that of utility, is very similar to it."[38] In other words, certain defenders of natural law in fact follow closely to the principle of utility. Salas singles out Samuel von Pufendorf, a modern philosopher and natural law proponent, and his argument for man's natural sociability: "If nature, then, has destined man to live in society, it wants as a necessary consequence that he abstain from all actions harmful to society, that is, to the individuals that compose it, and do what benefits them."[39] Killing, for instance, is against natural law because it is against the principle of sociability. Salas then reasons that "[t]o say then that an action is in accordance or contrary to natural law, is to say that it is in accordance or contrary to the social nature of man. And isn't this the same as saying that it is useful or harmful to society or to the man who lives in it?"[40] In other words, Pufendorf's conception of natural law is not that far off from the principle of utility, or at least it is not antagonistic to it. Sociability is foundational in defining the parameters of natural law and providing common ground with the principle of utility, even though the latter has greater advantages in terms of clarity and simplicity.[41] This position does not completely dismiss Bentham's rejection of all natural right and law doctrines, but it finds one with a point of convergence.

The connection with sociability is touched on later by Salas. In a section devoted to natural law and right, Salas provides a commentary to once again correct Bentham on the subject. Salas notes, "An imaginary law is not a reason either, Bentham concludes; and although we have already spoken perhaps even of the society of natural law, of the right of nature, whose existence here the author returns to combat, I nevertheless believe that it will not be wasted time to spend showing the weakness of the arguments of which is now served."[42] In this instance, Salas fundamentally agrees with the premise that natural law and rights are false. His efforts are, not to dismiss this point by Bentham, but to provide a more authoritative, complete, and rational explanation for their faults.

Salas first remarked that no one understood nature as a personified being as Bentham claimed, at least those who have written on natural right as a complete system. Those thinkers instead believe that natural law is an expression of the will of God as legislator.[43] These thinkers see natural law and ethical codes as etched in the heart of humankind, "but since in this code there are so many variants depending on the various editions that have been made of it in different nations, each of which reads it in a different way, and from this results a multitude of systems of natural legislation, not only diverse but contrary to each other."[44] The problem lay in sifting through the many opposed positions to find the true will of nature's legislator. Salas then offers a thread to connect the truth with utilitarianism by arguing that adherence to the principle of sociability is the same as following that of utility.[45] In other words, only those natural law and rights thinkers that conform to the principle of sociability "have perceived the truth."[46]

Redefining Bentham's Words on Politics and Morality

Past thinkers would distinguish between politics and morality, the former referring to the principle of utility and the other to justice.[47] Politics directs the operations of government, while justice regulates the actions of individuals. However, Bentham suggests that both spheres maintain the common object of happiness and that what is politically good cannot be morally bad. The individual who

pursues his own happiness may assume that he is following the principle of utility, but he may deceive himself: he might indulge in pleasures that harm others, or he might give excessive value to some good without awareness of the consequences. Every man is the judge of utility for himself, but this does not mean that he will forsake obligations to others. "Obligation which holds men to their engagements, is nothing but the sense of an interest of a higher class which prevails over a subordinate interest."[48] For Bentham, the distinction between politics and morality is one of degree, where the former perspective takes into account how personal utility is affected and dependent on the good of the community.

Salas responds that "I only fear that Bentham, who so firmly denies the existence of natural law, is not accordingly defending the existence of a morality different from legislation, a morality, whose rules he implores at every step of his work; because in reality what is called morality, and what is called natural law, are the same thing: natural law is the speculative part, the theory of morality, and morality is the practical part, the application of natural law, and so these two so-called sciences are confused; but it is not yet time to deal with this at length."[49] Salas alleges that Bentham provides a version of natural law from his own thoughts on morality. To clarify this point, he adds that "[m]orality, then, and natural law are identically the same thing, and the question is reduced to a dispute of words unworthy of occupying the time and talent of a man who announced himself as the creator of the science of laws, and whom it is credible that posterity preserves this name."[50]

Following Bentham, Salas acknowledges that if there were a natural law, it would be the same every place and at every time, but that never happens to be the case. Upon making this connection, he then immediately reminds the reader of the principle of utility. In Salas's rendering, seeking pleasure and avoiding pain implies what he calls a "right" born from the natural desire for happiness. He qualifies this word, indicating to the reader that rights can come only from positive law, "but to understand ourselves, let's call right the faculty that man must act as he sees fit." [51] Reconsidering semantics and the meaning of words become a tactic to remain partially tethered to natural rights tradition.[52]

Wearing the Mask of Religion and Natural Rights

Unlike Bentham, Salas finds opportune moments in which to defend the use of natural rights language when it aligns with utilitarianism. This approach is not an embrace of scholasticism or modern natural rights doctrines, but it provides a small bridge to other traditions that Bentham never built. In other instances, Salas is open to embrace natural law despite his agreement with Bentham that it is chimerical. He writes, "I would prefer to adopt the chimera of natural law; because at least it presents man with reasons to act on the penalties and rewards, whether of this life or of another; and it matters little whether these motives are true or imaginary, since some influence the will in the same way."[53] Salas shows a greater willingness and openness to selectively use incorrect doctrines if they can further utilitarian ends.

Like natural law and right doctrines, revealed religion can also play the role of furthering utilitarianism. Bentham's translation briefly mentions the principle of religion, which refers to taking the will of God as the only rule of good and evil.[54] However, this principle of religion is nothing other than God's presumed will, especially since God does not explain himself to us by immediate acts or particular revelation. In other words, the principle of religion can best be explained by the other principles, be they that of utility, sympathy, antipathy, or ascetism. As a source of knowledge, Bentham argued, revelation was not universal and was a system neither of politics nor of morals.[55]According to Bentham, the force of the sanction of religion is more unequal, more variable according to the times and individuals, more subject to dangerous errors.[56]

Despite agreeing with Bentham's view on religion, Salas is far more willing to assess the balance of its harms and benefits. He writes that "[i]t is necessary to be impartial and in good faith when seeking the truth," asserting that religion has created many misfortunes, but it has also provided happiness for many people. [57] Salas does not explicitly embrace Catholicism, but like Bentham he sees religion in general as useful as long as it is subservient to the state by promoting utilitarian tenets.

> I speak of any religion that teaches the existence of God, of a good and just entity that rewards the good and punishes the bad: the immortality of the soul, future penalties and rewards: that virtue is the habit of doing useful acts for men, and vice is the habit of doing harmful acts: that the first of the virtues of the citizen man is obedience and submission to the laws and the magistrate; and that men must love each other like brothers, and tolerate and respect each other like the weak entities that they all are.[58]

Such a list of items is conveniently aligned with Christian practices. Furthermore, Salas also willing reinterprets a doctor of the Catholic Church. In this case, sanitation is in order. He writes that "Saint Thomas Aquinas and the theologians of his school say that law is the regulation of reason sufficiently promulgated by the one who has the care of the community. This definition, stripped of the scholastic crust which gives it an unpleasant appearance, could be translated like this: the law is a precept in accordance with reason, or general utility, solemnly promulgated by the head of the administration of the community."[59] Thus can Thomas Aquinas, the bedrock of Scholasticism, be useful for modern legislation.

Contesting Bentham in Colombia

Colombian intellectuals enamored of Bentham continued to adopt Salas's strategies because they realized the difficulties of overcoming the prevailing opinions dominating society. The main points of contention revolved around the compatibility of natural law and natural rights doctrine, and of religion with Bentham's ideas. The fight over public opinion occurred within the press and in other official documents that debated the merits and faults of utilitarianism.

Some of these individuals did not blanche at critiquing natural law. An anonymous writer contributed to *El Constitucional de Cundinamarca*, a newspaper in Bogotá, the need to use scientific methods for ascertaining moral and legislative truths. To do so required a break with the past: "The natural sciences did not make

progress until after the chains with which the spirit had been bound to the authority of Aristotle and Plato were broken: and the political sciences will not advance or spread until we destroy that sophism, and teach men to walk alone."[60] Pleasure and pain are our guides, and the author repeats that "we have the knowledge that these inclinations are innocent and they could not be a crime in the eyes of the divinity to cede to this impulse."[61] In a similar vein as Salas, this author reinscribes a utilitarian principle as fully acceptable to God and the Catholic faith of his readers.

Like Bentham and Salas, this commentator doubted that natural law could ever be inscribed in the hearts of humanity. And yet, the author would later assuage his readers that "at the core the partisans of natural right and conscience are in perfect agreement with the principle of utility."[62] Both positions in general agreed that to have happiness required good morality and legislation. The true difference between them was found in the "mode of searching, knowing, and explaining that good morality and legislation."[63] Natural law doctrines lacked only the scientific rigor embedded in Bentham's methods. To add further assurances to the public, this writer redefined natural law. This new rendering of natural law, like the principle of utility, explained the calculus of human decisions on the basis of responses to pleasure and pain.[64]

The public feared the immoral and irreligious implications of Bentham's principles, but the author adamantly argued that "they are not and cannot be in opposition to evangelical maxims."[65] Bentham's legislative science based itself on the nature of things, independently of religious beliefs that varied across the globe. To maintain neutrality among all the religious sects, he refused to signal any faith as the true religion. The anonymous author writes that "Bentham provides a collection of seeds of such a nature that will germinate and produce pleasant fruits regardless of the terrain they're planted in."[66] Few around the world would have accepted his reforms if he openly dismissed the validity of their religions. For the most part, the author presumes Christianity to be concerned only with the life to come and thereby cannot have much to say for the reform of secular laws. Still, the author assured his readers that

Catholics pursue "sound doctrine" and that since Bentham's principles are true, they were "not contrary to either Christian morality or revelation."[67] Bentham and his defender recommended using religious sentiments and sanctions to further the felicity of humankind.[68] Other intellectuals sought similar tenuous connections with the religious tradition. Vicente Azuero (1787–1844),[69] a theologian and professor of the Colegio de San Bartolomé, argued that Bentham represented a peak of civilization that also intimately reflected the same lessons of Christianity.[70] Addressing his critics, Azuero asks about the principle of utility: "And what will they say when they realize that the Christian religion rests on it, that it is the soul of evangelical morality?"[71] He tried to prove this point by citing Saint John Chrysostom: "This is the rule of Christianity, this is its exact definition, this is the eminent summit of the entire Catholic edifice: consult the public utility."[72] He even boldly asserts that Jesus taught the same utilitarian principles: "When he said his rule was gentle, he meant that the sacrifices imposed by religion result in greater pleasure than pain."[73]

These Colombian Benthamites were met with a repeated chorus of opposition in the press, ranging in quality from unreflective zeal to philosophic refutation. Francisco Margallo, a former teacher of Azuero and sacristan of the Parish of Las Nievas in Bogotá, accused his old student of having "been perverted by bad company and bad books."[74] Margallo rested his case on the papal bull *In Coena Domini*, which he claimed explicitly prohibited the reading of Bentham's works.[75] In "El cuchillo de San Bartolomé," a brief pamphlet assumed to have been written by Margallo, Bentham's works are accused of obscuring the glory of religion, undermining the interests of the nation, and perverting the education of the youth. The only right course of action is selecting impartial subjects authorized by the Catholic Church.[76]

An anonymous writer from the *Constitucional de Popayán* was adamant that Bentham's morality is founded over principles that are contrary to universal morality and destroyers of Christian morality.[77] The writer clearly explains that utilitarianism negates natural law

and revelation. And yet, the author acknowledges efforts to equate utilitarianism with natural law and Christianity. He noted that some have argued that if you understand pleasure, pain, and utility well, you will see that they are not contrary to healthy morality, adding,

> If these words and many others that Bentham uses and some of those that he has invented, mean the same as the words moral, good, evil, virtue, reason, prudence, natural law, natural law, justice, injustice, which are those of the universal language of all the moralists of gentility and Christianity, I find no reason to change the words and make a work of questions of voices.

The author then sarcastically concludes, "Well, if every writer took such license, we would find ourselves in an unintelligible confusion like in the Tower of Babel."[78] He even approvingly references how Salas, his partial commentator, denies Bentham's accusations against the moral philosophers who defend natural law.[79]

A different anonymous author pointedly accused Bentham, his editor Étienne Dumont, and the commentator Ramón Salas of planting "Epicurean seeds" germinated with "philosophic maxims which they care to interweave and adorn to conceal their venom."[80] He even writes that Salas warns readers that Bentham's is certainly not a Catholic, but it is "necessary to conceal what he says against this."[81] Salas's "testimony is the most damning and least suspicious," appearing to appeal to reasonable minds capable of sifting through Bentham's errors. However, this author suggests that Salas's true allegiance is to "natural religion" and not Catholicism; the translator is thus a "sectarian of anti-Christian philosophism."[82] These last two different writers acknowledge Salas's unorthodox approach, one positing a critical stance on Bentham and the other suggesting a subversive element in union with utilitarianism. Overall, both anonymous writers did not want utilitarian teachings to supersede those of natural law by making sure that readers were aware of the "varied sophisms of which Bentham's *false terminology* is susceptible to."[83]

Concluding Remarks

Jeremy Bentham was convinced of the universality of his principles and tried to persuade Latin American elites to design utilitarian political projects. All translations entail interpretation, and a book, however useful or universal, must often be rewritten by different hands to reach distant and foreign audiences. However, Bentham did not anticipate that the followers disseminating his ideas would obscure his own words and distort his statements. Ramón Salas's translation of Bentham and commentaries were tailored to persuade a Hispanic audience to accept the radical principles of utilitarianism.

The Salas translation and the local Colombian examples speak to the difficulties of overcoming public opinion and of the obfuscating strategies that are often implemented in pushing forward foreign and radical ideas. A people tutored by centuries of scholasticism and Catholic education required a unique rhetoric to persuade. Redefining words in the familiar garb of natural law and searching for moments of convergence with faith were required to persuade Colombians to accept the new moral sciences emerging from Europe.

It was difficult for utilitarian principles to blossom in Colombia. They faced frequent opposition from conservative and religious voices, and yet with each push back they managed to sprout again. Blurring the lines between tradition and novelty, however disingenuous, eased the struggle with public opinion and convinced many to accept utilitarianism. Bolívar may have banned Bentham in 1828, but the return of Santander from exile brought the controversial author back into the classroom. This reintroduction did not end the controversy over Bentham, as the century-long struggle to exorcise him from universities can attest. The eventual dismantling of Gran Colombia and frequent changes in government allowed Bentham's supporters only brief windows of opportunity to entrench their teachings. While Bentham and utilitarianism would eventually fade from political and legislative consciousness in the decades that followed, Salas's techniques lingered as lessons for adapting old ideas to fit modern times. The last public critique of utilitarianism was written in 1869 by Miguel Antonio Caro as a response to its reemergence.[84] That final attack on Benthamism was a sign, not

only of the longevity of its appeal, but also of how statesman, intellectuals, and university students had become convinced of its truth and need for the republic.

Notes

1. John Lynch, *Simón Bolívar: A Life* (New Haven, CT: Yale University Press, 2006), 240–42.
2. On August 27, 1828, the increasing instability and rebellion within the republic convinced Bolívar to execute a decree declaring him dictator with emergency powers. This act instigated the young intellectuals who were involved in the conspiracy, which included Luis Vargas Tejeda, Pedro Celestino Azuero, Florentino González, Mariano Ospina Rodríguez, Ezequiel Rojas, Wenceslao Zulaibar, and Juan Miguel Acevedo. See Victor Manuel Buitrago González, "La Conspiración Septembrina," *Nueva Época*, no. 50 (June 10, 2019): 207–8, https://doi.org/10.18041/0124-0013/nueva_epoca.50.2018.5309.207–8.
3. José Manuel Restrepo, "Circular (20 de octubre) que reforma parte del plan de estudios," in *Codificación nacional de todas las leyes de Colombia desde el año de 1821, hecha conforme a la ley 13 de 1912, por la Sala de Negocios Generales del Consejo de Estado* (Bogota: Imprenta Nacional, 1925), 3.426, https://catalog.hathitrust.org/Record/100738806.
4. Restrepo, "Circular (20 de octubre)," 427.
5. Salas led a life of some controversy in his native Spain. When Salas was a young man, his uncle brought him to Guatemala, where he studied theology, philosophy, and law at the Royal and Pontifical University of Saint Carlos. He completed his studies of law at the University of Salamanca, where he later held prestigious academic positions that allowed him to attempt educational reforms away from the rigid demands of Scholasticism. He actively supported the creation of the College of Philosophy and the Academy of Practical Forensics, which ostensibly taught political economy. Shifting away from Scholastic teachings would soon prove unsuccessful, given the sway of religious conservatives and the tragic outcomes of the French Revolution that deterred even a cautious embrace of Enlightenment works. A combination of personal attacks and accusations of possessing and teaching forbidden works led to a long investigation from the Holy Office of the Inquisition, beginning in 1786 and culminating on September 25, 1795, with his arrest and removal from all university positions. The Napoleonic invasion brough new opportunities for Salas, who contributed to the new regime by serving as an intendant and later a prefect. These political positions,

however, would be short lived with the expulsion of the French and Salas's exile in Auch, France. Between 1821 and 1822, Salas produced his most important works: *Lecciones de derecho público constitucional*, the five volumes of his translation (with commentaries) of Bentham's *Treatises of Civil and Penal Legislation*, and a translation of Destutt de Tracy's *Commentary and Review of Montesquieu's "Spirit of the Laws*," including translations of Condorcet and August de la Fontaine. Salas died in 1827. See Ricardo Robledo Hernández, *La universidad española, de Ramón Salas a la Guerra Civil: Ilustración, liberalismo y financiación (1770–1936)*, Estudios de historia (Valladolid, Spain). Valladolid: Junta de Castilla y León, Consejería de Cultura y Turismo, 2014, 110–13, 147–79.

6. It is worth noting that the field of translation studies provides an excellent entry point to the themes of this paper. Translation studies is a burgeoning field with its own varied schools of interpretation and informally long roots predating the firm establishment of the discipline. The perspectives within translation studies vary, from deconstruction, postcolonialism, and cultural cannibalism (an anthropophagic approach) to functionalist and "cultural turn" schools. For our purposes, two approaches within translation studies are important and worth examining: the manipulation school and the *skopos* theory. The manipulation school, though diverse, generally stresses that translation is not a neutral process. Translators may have agendas and ideological commitments that direct their translations and manipulate the source material into new texts. They can omit or embellish information, change the tone of the text, and add their own commentaries. The *skopos* theory of translation is functionalist and stresses the translator's goal for the target culture he is addressing. The *skopos* theory thus emphasizes the translator's goals and the cultural context of both the source material and the target audience. This approach applies to the "process and product of translation"; furthermore, "a distinction is made between the *Translationsskopos* (the translator's intended purpose) and the *Translatskopos* (the function of the translation as seen in the receiving culture)." Hans J. Vermeer sees the act of translation as one of cultural transfer that might entail "dethroning the source-text." Mary Snell-Hornby, *The Turns of Translation Studies: New Paradigms or Shifting Viewpoints?*, Benjamins Translation Library (Amsterdam: J. Benjamin, 2006), 5, 54–62; See also André Lefevere, *Translation, Rewriting, and the Manipulation of Literary Fame* (New York: Routledge, 1992), vii.
7. Bentham did consider other regions to implement his ideas. Before the nineteenth century he envisioned himself as an adviser to Catherine the

Great in Russia, and he even advised France during its revolutionary furor to emancipate their colonies. At home in Britain he convinced Parliament to adopt penal reform according to his vision for the panopticon, but these plans were canceled because of a lack of funding. Miriam Williford, *Jeremy Bentham on Spanish America: An Account of His Letters and Proposals to the New World* (Baton Rouge: Louisiana State University Press, 1980), 2.

8. Williford, *Jeremy Bentham on Spanish America*, ix.
9. Bentham wrote "Emancipation Spanish" and "Rid Yourselves of Ultramaria" as appeals to Spain about the drawbacks of holding overseas possessions. Williford, 32, 46.
10. Bentham, "Bentham to Mulford, 1st November 1810," in *The Works of Jeremy Bentham*, ed. John Bowring, vol. 10 (Edinburgh: W. Tait, 1843), 457, https://catalog.hathitrust.org/Record/001383956.457.
11. Bentham, "Bentham to Mulford," 458.
12. Despite their support for utilitarian principles, many of these figures were not able to permanently anchor Bentham's ideas into constitutions. Rivadavia, who was considered a disciple of Bentham, implemented utilitarian principles in his brief tenure as minister of the government of Buenos Aires in the early 1820s and later as president of the United Provinces of the Rio de la Plata. José del Valle requested Bentham's assistance for drafting his nation's legislation only to receive limited guidance, given the latter's despair of finishing his life's work on codification. O'Higgins was promised codes for Chile, as well as assurances that it was better to receive guidance from a foreigner than a native codifier. Nariño's newspaper, *La Bagatela*, holds the earliest citation of Bentham's works in New Granada. Theodora L. McKennan, "Jeremy Bentham and the Colombian Liberators," *The Americas (Washington, DC: 1944)* 34, no. 4 (1978): 460–75, https://doi.org/10.2307/981160.462; Williford, *Jeremy Bentham on Spanish America*, 20, 23, 27.
13. Bentham's recommendations arrived every few years, providing advice on topics as diverse as the free press, diplomacy, immigration, banking, mining, hospitals, prisons, and education. Of the last theme, Bentham warned that Bolívar and his compatriots would be "burthened, corrupted, opposed, and conspired against, by an Ecclesiastical order" and that universities were "[b]linded and chained down by old established prejudice." He made clear to Bolívar that his constitutional code required sacrificing the interests of the powerful and opulent classes for the sake of the greater happiness of the many. He reminded

Bolívar of a recent assassination attempt in Lima, Peru, only to warn him that "[a]gainst such dangers the most effectual preservative (need I mention it?) is, the giving in act and fact, a real, substantial and consistent basis, to that form of government which in *profession* has the greatest happiness of the greatest number for its end. This being once established, the political enemies of the founder of it will not behold in his destruction any prospect of advantage, capable of counterbalancing the danger and infamy of a murderous attempt." Little came to fruition from Bentham's unsolicited advice beyond acknowledgment, exaggerated flattery, and courteous gratitude. Bolívar never received his works on civil and judicial legislation, or national education, even though Bentham's warning proved to be ominous and prophetic. Stephen Conway, ed., "Jeremy Bentham to Simón Bolívar, 24 December 1820 (Aet 72)," Oxford Scholarly Editions Online (Oxford: Oxford University Press, 1994), https://doi.org/10.1093/oseo/instance.00067021.

14. Bentham wanted the United States to run this land as a new state. The rationale for ceding the land to the United States was twofold: (1) Mexico and Colombia could not provide the necessary security to protect this major investment; (2) the United States could provide greater security guarantees and the implementation of utilitarian principles. This plan could no longer move forward when Central America broke away from Mexico. Williford, *Jeremy Bentham on Spanish America*, 89–90.
15. Williford, 41.
16. Williford, 99–100.
17. Colombia is exceptional in its emphasis on promoting utilitarianism through education. Other Latin American countries like Argentina and Guatemala attempted to implement utilitarian principles directly in politics.
18. Santander cited Bentham in 1823 in an issue of *El Patriota*, which he was editing anonymously, and he also paraphrased a statement from the *Traites de Legislation* in a message to the senate. McKennan, "Jeremy Bentham and the Colombian Liberators," 472.
19. In 1826 there were three decrees regarding education: one on March 10, 1826; a second on March 18, 1826; and finally, the third on October 3, 1826. The decrees sought to define the moral and political content in schools and delineate practical learning in trades and skills, setting up the agenda for all levels of education, from primary schools to universities. The decrees stipulated the details of school structures, from organizing bureaucracies to hiring practices, but also general rules and the prerogatives for each educational unit.

20. For a thorough history of educational policies in the early Colombian republic, see Báez Osorio, *La educación en los orígenes republicanos de Colombia* (Tunja, Boyacá, Colombia: Impreso en Imprenta y Publicaciones de la Uptc, 2006).
21. October 3, 1826, decree, Chap. XXII, art. 141, Archivo General de la Nación—Colombia, República, Ministerio de Instrucción Pública, Instrucción Pública V2.
22. Natural rights doctrines were informed by the writings of Fortunato Bartolomeo de Félice (October 3, 1826, decree, Chap. XXIV, art. 158, and Chap. XXII, art. 143, Archivo General de la Nación—Colombia, República Ministerio de Instrucción Pública. Instrucción Pública V2).
23. Jurisprudence required the following coursework: principles of universal legislation and civil and penal legislation; public political law, the constitution, and administrative science; history and institutions of civil roman law and the country's law; political economy; international law or of peoples; public ecclesiastical law, canonical institutions, discipline and ecclesiastical history, and sum of councils (October 3, 1826, decree, Chap. XXII, art. 145).
24. October 3, 1826, decree, Chap. XXVI, art. 168, Archivo General de la Nación—Colombia, República, Ministerio de Instrucción Pública, Instrucción Pública V2.
25. Restrepo's statements were quoted in Julio Hoenigsberg, *Santander, el clero y Bentham: En el primer centenario de la muerte del héroe* (Bogota: A B C, 1940), 162.
26. Bentham, *Tratados de legislación civil y penal*, ed. Fermín Villalpando and Etienne Dumont, trans. Ramón Salas, vol. 1 (Madrid: Imprenta de D. Fermin Villapando, 1821), 2–3, https://catalog.hathitrust.org/Record/009649349.1821,
27. Bentham, "An Introduction to the Principles of Morals and Legislation," in *"Utilitarianism" and "On Liberty": Including Mill's "Essay on Bentham" and Selections from the Writings of Jeremy Bentham and John Austin*, ed. Mary Warnock, 2nd ed. (Malden, MA: Blackwell, 2003), 17.
28. Bentham, "Morals and Legislation," 18.
29. Bentham, 18.
30. Bentham, *Tratados de legislación civil y penal*, 1:12.
31. Bentham, 1:15.
32. Bentham, 1:23.
33. Bentham, 1:24.
34. Bentham writes that "[e]nvy leads to asceticism. All men cannot have equal enjoyments given the difference in ages, circumstances and

wealth, but the severity of the deprivation could put them all on the same level. Envy, then, makes us inclined to rigid moral speculations as a means of reducing the rate of pleasures; and it has been rightly said that if a man were born with one organ of pleasure more than the others, he would be persecuted as a monster." According to Bentham, the principle of asceticism never held a direct influence over the operations of government. However, this is a position that Salas disagrees with. In a commentary, Salas writes that the final end of the laws is public happiness, that "liberty, equality, justice, power, wealth, good customs, and even religion are in reality nothing more than subordinated objects, means that are more or less necessary to achieve that end." Salas goes on to correct Bentham: "The principle of asceticism, says Bentham, never had much direct influence in the operations of government; but in my opinion Bentham errs and whoever who takes on the work of going through some legislative codes, without excluding the Roman ones, will see that the principle of asceticism plays a greater role than that of sympathy and antipathy." He adds that "Bentham, when he wrote this chapter, apparently did not keep in mind that the atrocious penalties against heretics, blasphemers, sacrileges, magicians and sorcerers: that the laws that authorize persecutions, religious wars, the inquisition with all its horrors, and that consecrate and sanctify uselessness, all come from the ascetic principle that in some legislative codes dominates with a despotic empire." Bentham, 1:38, 48–49.

35. Bentham, 1:175.
36. Bentham, 1:43–44.
37. Bentham, 1:41.
38. Bentham, 1:41.
39. Bentham, 1:42.
40. Bentham, 1:42.
41. Salas had considered connecting diverse theses on natural rights and sociability when he still worked for the University of Salamanca. Robledo Hernández, *La universidad española*, 125.
42. Bentham, *Tratados de legislación civil y penal*, 1821, 1:194.
43. Bentham, 1:195.
44. Bentham, 1:196.
45. Bentham, 1:196.
46. Bentham, 1:196.
47. Bentham, 1:50.
48. Bentham, 1:52.
49. Bentham, 1:44.

50. Bentham, 1:56–57.
51. Bentham, 1:61.
52. A second example of this tactic appears when Salas compares Bentham with Roman jurists: "Then a natural inclination becomes an art, or a science, and perhaps this morality would be better defined as the Roman jurists primarily defined as natural law." Bentham, 1:147–48.
53. Bentham, 1:151.
54. Bentham, 1:54.
55. Bentham, 1:55.
56. Bentham, 1:88.
57. Bentham, *Tratados de legislación civil y penal: Obra extractada de los manuscritos del señor Jeremias Bentham*, ed. Fermín Villalpando and Etienne Dumont, trans. Ramón Salas, vol. 3 (Madrid: Imprenta de D. Fermin Villapando, 1821), 250, https://catalog.hathitrust.org/Record/009649349.
58. Bentham, *Tratados de legislación civil y penal*, 3:252.
59. Bentham, *Tratados de legislación civil y penal*, 1:186.
60. "Jeremias Bentham (continuación)," *El Constitucional de Cundinamarca*, no. 228 (January 31, 1836): 21.
61. "Jeremias Bentham (Remitido)," *El Constitucional de Cundinamarca*, no. 225 (January 10, 1836): 6.
62. "Jeremias Bentham (continuación)," *El Constitucional de Cundinamarca*, no. 226 (January 17, 1836): 10.
63. "Jeremias Bentham (continuación)," 10–11.
64. "It follows from this that to know the natural laws of human actions is to know the way in which they affect man; it is to know if they would produce pleasures or pains, or what is the same, goods or evils, in a word, if they would make him happy or unhappy." "Jeremias Bentham (continuación)," *El Constitucional de Cundinamarca*, no. 227 (January 24, 1836): 17.
65. "Jeremias Bentham (continuación)," 27.
66. "Jeremias Bentham (continuación)," 29.
67. "Jeremias Bentham (continuación)," 30.
68. And, as if to remove all doubt of Bentham's good intentions, the author writes that "[r]egarding the true religion we have nothing to say, because everyone knows that its author proposed to form a society different from the temporal society, and whose end and means are entirely spiritual. He declared that his kingdom was not of this world and that he had not come to abrogate the laws but to observe them. He did not propose to give laws on temporary matters, nor to prescribe rules to legislators to sanction the laws." "Jeremias Bentham (continuación)," 30.

69. Vicente Azuero was a man of letters and of action. He was a doctor in philosophy, theology, and law, and he undertook several civilian and military roles in New Granada during the early battles for independence. The early republican defeats led to his imprisonment by Spanish forces until the entry of Bolívar and the establishment of free government. Azuero, once freed, briefly served as part of the Commission of Kidnappings, and later as general auditor of the war for the Vice Presidency of New Granada, and as functionary of the Tribunal of Appeal. Azuero also served as representative for the provinces of Socorro, Casanare, and Chocó in the general congress for Gran Colombia. In 1821 he accepted the post of attorney general for the First Supreme Court of Justice of the Republic and later was promoted to minister judge of the High Court of Justice of the Republic. Azuero was elected for Congress from 1823 to 1825. He was also a professor of law in San Bartolomé.
    Alongside these government posts, Azuero was also actively involved in journalism, founding the *Gaceta de Colombia*, and contributing to *El Correo de Bogotá*, *La Indicación*, *La Bandera Tricolor*, *El Observador Colombiano*, and *El Conductor*. He often used these outlets to defend Santanderismo and the liberal party. He was closely connected to Franciso de Paula Santander, the vice president of Gran Colombia and eventual rival of Bolívar. A shared comradeship in the wars of independence and Azuero's marriage to Indalecia Ricaurte y Castro Neira, Santander's goddaughter, forged a lasting friendship and enduring political collaboration. He even contributed the liberal constitutional alternative at the Ocaña Convention, which sought to reform the constitution of Gran Colombia. After the 1828 September assassination attempt against Bolívar, Azuero was implicated among the conspirators. He was imprisoned in Cartagena and then forced into exile in Jamaica. After an official government pardon, Azuero returned to Colombia and after the death of Bolívar he continued participating in public service until his death in 1844. Guillermo Hernández de Alba and Fabio Lozano y Lozano, *Documentos sobre el doctor Vicente Azuero*, Biblioteca de Historia Nacional (Bogota: Imprenta Nacional, 1944), xii–xviii.
70. Azuero appealed to the pride and desire of Colombian elites to be at the forefront of modern legislation. He defended Bentham, arguing that "[i]f you persecute the writings of Bentham, it is because of the most shameful ignorance, the stupidest fanaticism, and the most undignified partiality. The most civilized countries in the world, like Portugal, France, Spain, Switzerland, the United States, England, and even Russia,

have rendered Bentham and his works with the warmest tributes and admiration." Armando Rojas, "La batalla de Bentham en Colombia," *Revista de Historia de América*, no. 29 (1950): 43.

71. Guillermo Hernández de Alba and Fabio Lozano y Lozano, "Representación dirigida al Supremo Poder Ejecutivo contra el presbítero doctor Francisco Margallo, por el doctor Vicente Azuero—1826," in *Documentos sobre el doctor Vicente Azuero*, 282–302, Biblioteca de Historia Nacional (Bogota: Imprenta Nacional, 1944), 291.
72. Hernández de Alba and Lozano y Lozano, "Representación dirigida al Supremo Poder Ejecutivo," 291.
73. Hernández de Alba and Lozano y Lozano, 292.
74. Hernández de Alba and Lozano y Lozano, 282.
75. Rojas, "La Batalla de Bentham en Colombia," 41.
76. "El Cuchillo de San Bartolomé," Fondo Pineda 469, folio 511, Biblioteca Nacional de Colombia (Bogota: Imp. de Espinosa, 1827).
77. *El Benthamismo descubierto á la luz de la razón, ó, Documentos importantes para los padres de familia, estractados del Constitucional de Popayán* (Bogota: J. Ayarza, 1836), 6.
78. *El Benthamismo descubierto á la luz*, 7.
79. *El Benthamismo descubierto á la luz*, 7.
80. *Observaciones sobre el decreto del gobierno en la gaceta no. 212 acerca de la enseñanza de los principios de legislación por Jeremías Bentham* (Bogota: Imp. por J. Ayarza, 1836), 20, https://www.bibliotecadigitaldebogota.gov.co/resources/2771196.
81. *Observaciones sobre el decreto del gobierno*, 36.
82. *Observaciones sobre el decreto del gobierno*, 37.
83. *El Benthamismo descubierto á la luz*, 10.
84. Miguel Antonio Caro wrote *Estudios sobre el utilitarismo* in 1869. Rojas, "La batalla de Bentham en Colombia," 65.