Liberal Thought in Argentina, 1837–1940

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Edited and with an

Introduction by

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Translated from the Spanish

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Introduction

Tulio Halperín Donghi wrote in "Liberalism in a Country Born Liberal" that liberal ideas have had undeniable importance in Argentina since its independence.[1] The origin of the liberal tradition is thus an integral part of the origin of the country, a trait common to the Spanish American nations that came into being during the turbulent period after the fall of the Spanish Empire in America.

By 1810, the writings of such figures representative of liberal thought in the River Plate as Manuel Belgrano, Juan Hipólito Vieytes, and Mariano Moreno already provided precedents. Once the independentist movement was under way, these writers were joined by the likes of Gregorio Funes, Bernardo de Monteagudo, Bernardino Rivadavia, and Valentín Gómez.

Two main features stand out in this set of ideas: first, the combination of classical liberalism in connection with agriculture, trade, and industry, on the one hand, and republicanism after the principle of monarchic legitimacy, on the other, waned in the space of a few years; second, repeated efforts between 1810 and 1830 to translate these ideas into a stable institutional framework and a constitution respected by the armed factions failed. The result was a political system of quasi-independent provinces that formed a primitive confederation without a representative congress that was dominated by the dictatorial regime of Juan Manuel de Rosas. In the province of Buenos Aires, Rosas reserved for himself the management of foreign affairs and tax control of Argentina's only overseas port.

Over this twenty-year period, the liberal opposition to Rosas—most

1. T. Halperín Donghi, "Argentina: Liberalism in a Country Born Liberal," in J. Love and N. Jacobsen, eds., *Guiding the Invisible Hand: Economic Liberalism and the State in Latin American History* (New York: Praeger, 1988). The Chronology at the end of this volume gives important dates.

of its proponents in exile—developed a political philosophy that culminated, between 1853 and 1860, in the approval of a constitution. That constitution, with a succession of reforms, has remained in effect to the present day. Liberal principles from U.S. and European traditions have played a key part in it.

The Constitution marks an important political and intellectual divide in Argentina, and for that reason we have decided to open this anthology of texts at that precise moment. This compilation presents texts, organized chronologically, in five chapters that reflect the stages of the rise, heyday, and decline of liberalism in Argentina.

I. LIBERALISM DURING THE DICTATORSHIP OF ROSAS (1837–1850)

In 1847, Juan Bautista Alberdi published *La República Argentina, 37 años después de su Revolución de Mayo* (The Argentine Republic 37 years after the May Revolution) in Chile.[2] In it, Alberdi developed a strategy for the institutional development of liberal thought in Argentina. This strategy may perhaps be summarized in James Madison's judgment in Federalist No. 51 (1788): "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

Alberdi's analysis in this essay takes account of the fact that the revolution for independence in Argentina immediately turned into a civil war between two irreconcilable camps. Alberdi believed that neither freedom nor the civilization deriving from it could emerge from war. Consequently if the historical process gave rise to a de facto power—the dictatorship of Rosas—that could later be limited by a constitution.

In Alberdi's view, Rosas' power in those years was imposed in response to external aggression and domestic conflict. This perhaps utopian idea referred to the ancient philosopher's dream of the tyrant's passion being restrained by reason. Rosas the dictator emerges from this text as a figure representative of colonial tradition and a symbol of power obtained exclusively by force, while Alberdi presented himself as emblematic of the constitution and of individual liberties. Power with-

2. For a brief account of Alberdi's career and those of other thinkers and politicians featured in this volume, see Short Biographies at the end of this volume.

out a constitution was tyranny, while a constitution without power, as revealed by Alberdi's review of thirty-seven years of Argentine history, was synonymous with anarchy.

This approach reveals a connection between the intentions of the actors and their unforeseeable consequences that resembles many of the theoretical assumptions of the Scottish Enlightenment: for example, the fact that the idea of unity advocated by the centralist faction was imposed by Rosas' federal faction, which defended the opposing project of decentralization. Both parties had contributed to the outcome that power, without which political society and civil freedom are impossible, was to emerge from the war fully formed.

With these reflections Alberdi began to lay the foundation for an analysis both philosophical and historical which, according to the lessons provided by Montesquieu in *De l'esprit des lois* (1748), had to take into account the particular features of nations, their habits, and their customs.

Such a theoretical view had precedents in the writings of several of Alberdi's contemporaries, including his teacher, Esteban Echeverría, and Domingo Faustino Sarmiento. Echeverría was a romantic poet and political writer who assimilated the ideas that originated in France and Italy (not yet consolidated as a nation) in the 1830s and were presented, with the force of a creed, mainly through four authors: Giuseppe Mazzini, Alexis de Tocqueville, Félicité de Lamennais, and François Guizot.

In 1837, as Rosas began to tighten his iron grip on freedom of opinion, a literary salon was organized in Buenos Aires under the influence of the Mazzini-inspired organization Young Europe:[3] the Asociación de la Joven Generación Argentina (Association of the Young Argentine Generation). Echeverría authored its *Palabras simbólicas* (Symbolic words).

This text uses Tocqueville's idea expounded in the first part of *De la démocratie en Amérique* (1835) as a preamble to a disquisition on the concepts of association, progress, fraternity, equality, liberty, Christianity, and democracy. Echeverría adopted Tocqueville's principle that equality in the modern world is both providential and unavoidable. The function of liberty consists in limiting this force, which is in many respects blind

3. A political association founded by Giuseppe Mazzini (1805–1872) and other European exiles in Berne, Switzerland, with the object of unifying the republican movements (Young Germany, Young Italy, Young Poland). It operated only from 1834 to 1836.

and given to establishing new forms of despotism. In this sense, Echeverría saw the Rosist system, built as it was on state-controlled universal male suffrage, as a Creole version of the Bonapartism in which the process begun by the French Revolution culminated.

Given this point of departure, the effort of "the new generation," as Echeverría called it, should be oriented toward the formation of a democratic regime based on an interpretation of the role of Christianity that flowed from Lamennais' thinking in *De la religion considerée dans ses rapports avec l'ordre politique et social* (1826). This way of conceiving liberal Catholicism in France distinguished the religious from the political sphere and guaranteed freedom of worship. Christianity was for Echeverría a force capable of inbuing civil society with the values of fraternity without the clericalism typical of the Hispanic world.

Acting together, liberty, equality, and fraternity should culminate in the establishment of a political regime founded on a limited concept of sovereignty, or "sovereignty of reason," according to the theory put forward by Guizot in several of his books, especially *Du gouvernement représentatif et de l'état actuel de la France* (1816). In accordance with the sovereignty of reason, democracy entailed the broadest individual and civil freedom, but political freedom was to be exercised only by the sensible, rational part of society. Democracy for Echeverría was not therefore synonymous with the absolute despotism of the masses and the majority. The most ignorant and indigent group of the population had to be prevented from exercising their right to vote. This principle of universal application of civil liberties with a restricted application of political liberties would endure in Argentina long after Echeverría.

Shortly after Echeverría published his *Palabras simbólicas,* Domingo Faustino Sarmiento began his work as a journalist and educator from his exile in Chile. In 1845, after publishing several texts on grammar and pedagogy, Sarmiento serialized the work that would make him famous in the pages of a newspaper. He entitled the work *Civilización y barbarie: Vida de Juan Facundo Quiroga* (Civilization and barbarism: The life of Juan Facundo Quiroga) and presented himself as an emulator of Tocqueville. Rather than being the biography of one of Argentina's more representative caudillos, however, *Civilización y barbarie* is a powerful and convincing sociological, cultural, and political re-creation of Argentina at the time.

The title of the work posits a dualist interpretation of society that,

according to French eclectic philosophy as expounded among others by Victor Cousin (*Cours de l'histoire de la philosophie moderne,* 1829) and François Guizot (*Histoire générale de la civilisation en Europe,* 1828), must find its resolution in a transcendent synthesis. Civilization and barbarism are two opposite worlds—the Argentine cities and the hostile countryside surrounding them—that intertwine and, following the rhythm of revolution and war, create new realities. The appeal of this point of view lay not so much in Sarmiento's ability to transfer the romantic myth of barbarism to the Argentine plains, but in his revelation of the presence of caudillos contesting the established society of urban patricians. Revolution thus awakened a previously unknown history.

Sarmiento's account of the revolution breaks down into two stages. The first arises in the cities that inherit the colonial order; the second buries these attempts at civilization and sets rural society in motion. The men of the independence and the first legislators belong to the pioneering phase, and caudillos such as Quiroga to the second phase. Both will be destroyed by the urban tyranny that Rosas establishes in Buenos Aires.

Civilización y barbarie, having taken readers on a tour of Argentina's geography, customs, peoples, and social and political processes at its formative period, ends with a paradox: Rosas is indeed merely repeating the old story of despotism motivated by reciprocal terror. But this despotism, while practicing vice, unwittingly creates the opportunity to restore some virtue.

With the Rosas regime overthrown, Argentina will be ripe for a transforming liberal policy. Barbarous society can be transmuted into civil society through education, immigration, the distribution of agricultural property, and foreign capital investment: this was Sarmiento's program in *Civilización y barbarie.*

It was a program left incomplete, perhaps due to a lack of appropriate models. Also in 1845, Sarmiento embarked on a trip through Europe, Africa, and America commissioned by the Chilean government to study those countries' education systems and immigration policies. Sarmiento collected his observations, written in letter form, in two volumes that were published between 1849 and 1851 under the title *Viajes por Europa, África y América, 1845–1847* (Travels in Europe, Africa, and America, 1845–1847). The letters assemble his critical judgments on the politics and society of France, Spain, Italy, Switzerland, and Prussia. Sarmiento

could not abide the battered legitimacy of regimes unable to find a positive solution to the conflict between tradition and modernity that opened up toward the end of the eighteenth century.

Although it was in many ways exemplary, Sarmiento criticized European culture for its inequality. He was unhappy with this spectacle until he arrived in the United States. Like Tocqueville before him (in the two volumes of *De la démocratie en Amérique,* published in 1835 and 1840), and alongside James Fenimore Cooper (*The American Democrat,* 1838) and George Bancroft (*History of the United States, from the Discovery of the American Continent,* 1838), the American experience opened Sarmiento's eyes to a possible future capable of combining liberty and equality with science and education.

In the United States he saw a society on the move, a representative republic whose popular base was getting broader, that reproduced, in spite of the blemish of slavery, the founding covenant of the New England Pilgrim fathers. These contractual forms were anchored in politics and society. They re-created a civic and private associationism; cleared virgin territories; built towns with churches, newspapers, and schools; and organized businesses that fueled a consumer society. Steamships, railroads, and a market network traversed the nation; advertisements transmitted images of products to the furthest territories in which the Native American populations had been brought to bay or annihilated; and this whole process was crowned by public schools that provided popular instruction.

In the United States, Sarmiento discovered a culture of pioneers and educators such as Horace Mann[4] in which the theoretical principles of knowledge were destroying the rigidity of an aristocratic society and distributing practical rationality, inventions, and technology. Above all, that "*disparate*" (folly), as he termed it, was propounding a convergence of the republic as a form of government and democracy as a form of society. Sarmiento introduced the liberal outlook of the United States to Argentina in opposition to the European liberal tradition, which—

4. Horace Mann (1796–1859), American education reformer, representative, and later senator for Massachusetts; on the creation of the Massachusetts Board of Education he was appointed secretary. He became a friend of Sarmiento on the latter's visit to the United States. His wife, Mary Peabody Mann, published a partial translation of Sarmiento's *Facundo.*

with certain exceptions—had predominated since the beginnings of Independence.

II. THE FRAMEWORK OF THE NATIONAL CONSTITUTION (1852–1860)

When Alberdi wrote *La República Argentina 37 años después de su Revolución de Mayo,* he did not foresee that five years later an uprising starting in Entre Ríos Province with the backing of the Brazilian Empire would topple Rosas once and for all. The insurrection, led by Justo José de Urquiza, was waged in the name of the constitution that the country needed after four decades of war and dictatorship.

Alberdi published two works between 1852 and 1855 that display a tension between two liberal visions of society: *Bases y puntos de partida para la organización política de la República Argentina* (Bases and starting points for the political organization of the Argentine Republic) and *Sistema económico y rentístico de la Confederación Argentina según su Constitución de 1853* (The economic and revenue system of the Argentine Confederation according to its Constitution of 1853). Against the backdrop of conflicts surrounding the Constituent Congress summoned by Urquiza, Alberdi formulated a theory in which the idea of a society based on immigration, railroads, and industry coexisted with the order born of the spontaneous exercise of individual freedom.

In these two works Alberdi struck up a dialogue between the liberal schools of thought arising out of the tradition of Saint-Simon in France (for example, Michel Chevalier in his *Lettres sur l'Amérique du Nord avec une carte des États-Unis d'Amérique,* 1836) and the classical liberalism of Adam Smith (*An Inquiry into the Nature and Causes of the Wealth of Nations,* 1776) followed up by Jean-Baptiste Say (*Cours complet d'économie politique,* 1828–1829). If, on the one hand, the protagonist of Alberdian society is the individual without obstacles or impediments, the exclusive subject of freedom, the other side of this abstract definition is the European immigrant who brings to Argentina in his knapsack the living matter of industrial civilization, the working practices, and the practical education grounded in his experience.

It is no simple task to accurately gauge the primacy of one view or the other. But reducing the nuances to a pattern, the *Bases* can be seen as a eulogy to mores as creators of liberty, and the *Sistema* as a eulogy to liberty as creator of mores. Along the lines of Montesquieu, Alberdi

wanted to renew, in the far south of America, a special relationship between individual freedom and the customs that offer this human faculty firm ground on which to settle.

But the *Bases* and the *Sistema* were also written to enable Argentina to procure a republican constitution and an economic regime suited to its purposes. This principle of legitimacy was effectively the only way to achieve the ends of European civilization in America. The constitution brought together all that was permanent and necessary (the rule of law, rights and guarantees, the form of government) with an explicit program of civilization. The constitution thus stood for both authority and progress. Although it was addressed to the Republic's inhabitants, for whom the constitution guaranteed the exercise of freedom, *Bases* based these principles on the fertility of the new civilization of immigrants.

Thus conceived, the program aimed not just to transplant populations, but to establish the free action of labor, capital, and property in Argentina. In his *Sistema,* Alberdi adduced that the true reformer had nothing to do with a ruler determined on enacting particular laws, creating monopolies, or satisfying the interests of some inhabitants at the expense of others. He conceived of the constitution as a supreme law that, in order to promote liberty, repealed the mass of laws and regulations constituting past servitude. The reforms he proposed translated an ideal that found repugnant both the privileges of colonial mercantilism and the will of a government that becomes a banker or entrepreneur of industry and communication.

All this called for an overhaul of the federal treasury. Nationalizing the custom house, eliminating the provincial customs offices, became necessary conditions for the development of the state's revenue system. Given such an assumption, the main fiscal resource came from indirect taxation in the form of customs duties on imports, provided these taxes were legislated by a spartan government motivated by the prudent use of public credit.

In order to prosper and gain legitimacy, this ambitious plan had to be based on religious tolerance and a historic pact that, thanks to a mixed formula of government, would reconcile the warring centralist and federal factions. Alberdi was a steadfast defender of the Catholic religion in the liberal manner of Montesquieu and Tocqueville. He believed the dilemma was inevitable: either Argentina practiced intolerant Catholicism and remained a backward, sparsely populated territory, or it became a

prosperous, religiously tolerant nation. Hence, religion was a springboard for the social order as an indirect means to political organization.

Alberdi believed that religious beliefs ought to curb the passions, coinciding, in this case, with the work ethic of the industrial order and with the education given by the example of a life more civilized than that prevailing in Argentina. This kind of spontaneous education, produced by transplanting the most advanced foreign populations, should not be confused with the kind of public instruction that the likes of Sarmiento advocated with an enthusiasm from which he never wavered during his long life. Alberdi accordingly adopted an idea of education through customs and good habits that had to fend off a misunderstood concept of popular instruction based on military hero worship.

Liberators such as José de San Martín and Simón Bolívar, rural caudillos, and warmongering presidents belonged, in Alberdi's mind, to a colonial legacy that spawned violence, charlatanism, and idleness. Tired of orators and rhetoricians, lawyers and theologians, Alberdi dreamed of a society regenerated by engineers, geologists, and naturalists trained in the applied sciences.

The keystone of Alberdi's new policy was the national Constitution, conceived, in his words, as the legal and historical expression of a "possible republic." This proposal was original because it took into account the historical background of the civil war between the centralist and federal factions, and at the same time recognized and valued the dominance of the executive power in Spanish American political culture.

On the first point, Alberdi advanced a theory of federalism different from the one that prevailed in the United States. In the latter experience, the states preceded the organization of the federal union at the Philadelphia Convention in 1787. In Argentina, on the other hand, colonial unity, which survived in the early years of independence, preceded disintegration in several provinces as an effect of the civil wars. For Alberdi, federalism was therefore a concession the legislator had to make when faced with the historical impossibility of establishing a centralist constitution, as several failed attempts demonstrated.

Faced with this reality, Alberdi proposed a transaction between the opposing forces of unity and federation that would extract the best from each and combine them in a mixed formula. Hence, it was necessary to take stock of the two forces' funds of power. The centralist tradition had its source in the colonial political order and had later gained pres-

tige thanks to the collective sacrifice in the Wars of Independence, to the Argentine flag, to shared glories. The word *Argentina* derived from this tradition, seen as a symbol of a common sovereignty, as yet implicit but attractive nevertheless.

Diametrically opposed to what *federalism* meant in the United States, the federal tradition in Argentina was a result of the breakup of the old united territory; the interregnum of isolation; the diversity of the soil, climate, and production; the legacy of municipal governments that dated back to the cabildos; the exercise of power in the provinces during three decades of autonomy; and the enormous and costly distances in a space that lacked roads, canals, and transport. These traditions had engendered political and social habits that had to be merged in order to satisfy both provincial liberties and the prerogatives of the entire nation.

All things considered, this interpretation of federalism was favorable to the national government and to a centralization that—besides historical analyses of the country—had three main sources: the one responding to the federalist side of the U.S. Constitution, as illustrated by Alexander Hamilton in *The Federalist Papers* and Joseph Story in *Commentaries on the Constitution of the United States* (1833); the one deriving from other centralist interpretations of federalism such as those of the constitutionalist Pellegrino Rossi in his classes of constitutional law at the University of Paris (1835–1837); and, finally, the precedent of the Chilean constitution Alberdi experienced while in exile during the 1840s and early 1850s.

The constitutional stability of Chile as against the unstable authoritarianism he saw in Argentina, the distinction between civil liberties common to all inhabitants and political liberties restricted to a small core of citizens, inspired in Alberdi a strong conception of a republican presidential system with monarchic overtones embodied in the predominant figure of the national executive power and of the president holding that office. As Alberdi used to say, the executive must be given all possible power, but only under the rule of a constitution. This tension between liberal ideals about limited power and the risk of presidential hegemony entailed by the centralist traditions pervades these works by Alberdi.

The first part of the Constitution of the Argentine nation, approved by the General Constituent Congress on May 1, 1853, and amended in 1860 and 1866, reveals these tensions. Although he was not directly involved in this congress, the draft constitution Alberdi appended to the edition of the *Bases* and the role of his colleague and friend Juan María

Gutiérrez in the editorial committee for the final text of the Constitution both suggest Alberdi's decisive influence, though it was by no means the only one, especially after the amendment of 1860, which by its additions brought the text closer to the model of the U.S. Constitution.

In any case, a review of the articles making up the first part of the Constitution at the time allows us to specify its main features in greater detail, both in terms of the goals of progress it stipulates and of the institutional means at its disposal. For one thing, the preamble differs from that of the U.S. Constitution in its invocation to God and its offer of the constitutional guarantees "to all men of the world who wish to dwell on Argentine soil." This universal incitement to immigration is specified in Article 25, by which the federal government must promote European immigration, and Article 20, which bestows full civil rights on foreigners without them having to adopt citizenship or pay any extraordinary compulsory contributions.

These aims are guaranteed by a classical liberal repertoire of individual rights and by a representative government, mentioned specifically in Articles 14, 15, 16, 17, 18, 19, 22, 29, and 32. Nevertheless, two instruments to consolidate national power are explicitly legislated in Article 6, through which the federal government intervenes in the territory of the provinces to defend republican government and repel external invasions or seditious acts, and in Article 23, which gives the federal government the power to declare a state of siege in any portion of the territory affected by internal unrest or external attack. With this precaution the Constitution structurally incorporated the adoption of extraordinary measures that both Alberdi and Sarmiento had observed with approval in Chilean constitutional practices.

With these favorable omens Argentina entered a long period that might be described as the heyday of liberalism.

III. LIBERALISM IN A NEW NATION (1853–1880)

The 1853 Constitution opened a new phase in Argentina's institutional development. Some earlier problems persisted, however, the most serious being the confrontation between the Argentine Confederation and the state of Buenos Aires. This conflict came to an end in 1862, when the federal government began to establish its supremacy. Certain local conflicts continued in the following years, but the process of institutionalization now under way continued advancing with significant

landmarks such as the 1860 constitutional reform; the creation of the Supreme Court of Justice of the nation; and the enacting of the Civil, Commercial, and Criminal codes. This was a time when ideas of liberal origin were highly influential. The contribution of President Bartolomé Mitre (1862–1868) in the formulation and dissemination of these ideas was considerable and significant. Even before taking office, Mitre had outlined a doctrine as governor of Buenos Aires Province that persisted throughout subsequent decades. In 1857, indeed, he proposed continuing a tariff policy protecting wheat cultivation in Buenos Aires while noting its provisional nature in an initial statement of commitment to the principles of free trade. Strictly speaking, this position resurfaced at the national level in 1876, after which time the protection of wheat was shelved as a result of the massive influx of Argentine wheat in international markets.

Other authors later repeated the thesis Mitre defended in 1857, which was none other than that postulated by the German historical school of "infant industry," whereby certain productive activities must be protected in their initial stages and only afterward allowed to compete freely. The protection's temporary nature was always stressed, and it was accompanied, as in Mitre's case, with a statement about the superiority of free trade. Carlos Pellegrini, one of the best-known defenders of the infant industry school, expressed this seemingly paradoxical situation in the Argentine Senate: "We want protection in order to arrive at free trade" (1899).

Mitre clearly stated his adherence to classical liberal principles in three later documents. In the first of these he gave an original analysis of Argentine development up to that time, pointing out that the country was the only one in Latin America that did not owe its wealth to either minerals or tropical produce. In his view, the Río de la Plata had made a meager living from the work of its inhabitants, hampered by the trade monopoly foisted on it by Spain. It was the abolition of this monopoly that encouraged the inhabitants' labor and was therefore the very basis of the region's material development. The work was thus a full-blown eulogy to the role of commercial exchange.

The second document, the "Discurso de Chivilcoy" (Chivilcoy speech), is as original as the first. In it, Mitre criticized politicians who set agriculture above livestock breeding and considered the latter a primi-