

# OLD CONSTITUTIONS AND ANCIENT INDIAN EMPIRES. JUAN PABLO VISCARDO AND THE LANGUAGES OF REVOLUTION IN SPANISH AMERICA

*Anthony Pagden*

(King's College, Cambridge)

## I

In 1801 a French translation of a short Spanish treatise entitled, *Carta dirigida a los Espanoles americanos* (Letter addressed to the Spanish Americans) was printed in London by the Venezuelan revolutionary – and former general in the army of the Republic of France – Francisco de Miranda. It was the work of a Peruvian ex Jesuit, Juan Pablo Viscardo who had spent most of his brief and unhappy life in exile, first in Italy then in London attempting to persuade the British government to finance a Peruvian revolt against Spain.

The *Carta* was an attempt, as popularist revolutionary ideologies tend to be, to legitimate armed insurrection by appeal to a meaningful past. The New World Viscardo argued was a separate cultural entity from the old. « The New World is our patria », he wrote, « its history is our history and it is in the light of that history that we must examine our present situation ». America was the creation of a group of men who had self-knowingly renounced, « the civil protection which was due to them » from their native land, and who had endured unimaginable suffering in order to create a new society. Their part in this enterprise had conferred upon them a right, not, Viscardo acknowledged, « the most just », but nevertheless, « better than that which the Goths of Spain had to seize the fruits of their valour and of their labour »<sup>1</sup>.

Like most eighteenth-century criollos Viscardo believed that the *Conquistadores* had been party to a contract with the crown, by the terms of which, they, like all feudal vassals, had been granted, in exchange for the military aid (*auxilium*) they had provided entirely at their own cost, noble status and the right to high executive office (*consilium*). The Crown's supposed violation of this contract – which Servando Teresa de Mier (1763-1827), the first historian of the Mexican Insurgency, and the representative for Nueva Granada at the first *Congreso Constituyente* of Mexico in 1822, later referred to as « our Magna Carta » – became one of the central props

<sup>1</sup> *Carta dirigida a los Espanoles-Americanos por uno de sus compatriotas*. London, 1801 (hereafter, Viscardo, 1801), p. 2-3.

of the revolutionaries's claims against the mother country. Even Simon Bolivar, for whom neither the language used by Viscardo and Mier, nor the political suppositions on which it drew, had much direct appeal, referred to this contract (though significantly cast into quite another idiom) as, « our social contract »<sup>2</sup>. There had never, of course, been any formal agreement between the Crown and its subjects. But as Mier, the Venezuelan revolutionary Manuel Palacio Fajardo<sup>3</sup> and such highly influential foreigner observers as Humboldt, argued its existence could be inferred from the fact that since 1524, the year in which the Council of the Indies was created, the Americas had constituted a Kingdom, in Mier's words, « united to Castile, but preserving its own law codes, representative assembly (*Cortes*), its congress and its own principle of sovereignty »<sup>4</sup>. By the terms of this covenant, Spain and America were, « integral parts of the monarchy, subject to the King, but equal among themselves and without dependence or subordination of the one to the other »<sup>5</sup>. The Americas were not colonies, « in the sense that word has for modern Europe »<sup>6</sup>, as, for instance the English possessions in North America had been, but separate kingdoms, independent crucially as regarded their economic affairs but « dependent upon the Spanish crown only insofar as the Spaniards themselves are dependent »<sup>7</sup>. It was for this reason that, with the exception of Navarre (and he might have added Naples) which was also a fully independent kingdom within the « Empire », the Americas had been ruled by Viceroys, a non-Castilian institution with « the fullest denomination of the *alter ego* »<sup>8</sup>. Into this picture of an ancient constitutional agreement between the Spanish crown and its (racially) Spanish subjects, Mier attempted to insert a number of similar claims on behalf of the Indians, the *mestizos* and even the Blacks. All of these, he argued, had, by reason of their birth acquired (if they were free men, and Mier was in no doubt about the injustice of slavery) the same rights as the descendants of the white settlers. But the Indians, whose cultural identity he was eager to appropriate, were in a special position as the only true possessors of *natural* rights in the Americas. Ferdinand and Isabella,

<sup>2</sup> *Jamaica Letter*, September, 1815, in Simon Bolivar, *Obras Completas*, ed. Vicente Le-cuna. 3 Vols. Havana, Cuba, 1950 (hereafter, Bolivar, 1950), I, p. 166.

<sup>4</sup> Servando Teresa de Mier, *Escritos ineditos de Fray Servando Teresa de Mier*, ed. Hugo Diaz Thome. Mexico, 1944 (hereafter, Mier, 1944), p. 63.

<sup>5</sup> Servando Teresa de Mier, *Historia de la revolucion de Nueva Espana antiguamente Anahuac*. 2 vols., London, 1813 (hereafter Mier, 1813), II, p. 554.

<sup>6</sup> Servando Teresa de Mier, *Carta de un Americano-Espanol sobre su numero XIX*. London, 1811, p. 21. Their true political status might, however, as Viscardo pointed out (see p. 263 below), be thought of as analogous to that of the colonies of the ancient world, which were also self-governing autonomous bodies.

<sup>7</sup> Mier, 1813, II, p. 555, and « Memoria politico instructiva, enviada desde Filadelfia en agosto 1812 a los jefes independientes del Anahuac llamado por los espanoles Nueva Espana », in Mier, *Ideario politico* ed. E. O'Gorman. Caracas, 1978 (hereafter Mier, 1978), p. 204, where he argues that the, by then conventional, comparison between Mexico and the United States was not only inappropriate but also insulting.

he claimed, leaning heavily on an ambiguously worded passage in Solorzano y Pereyra's *Politica indiana* (see pp. 258 above)<sup>9</sup>, had established a separate contract with the Indians which had granted them full political autonomy, with respect to everything except the propagation of the Gospel<sup>10</sup>. Ever since the reign of Philip II, however, this contract, which Mier, transferring the supposed political status of the Indians to the criollos, described as, « the charter of our rights », had been buried beneath, « the refuse... of despotism and Machiavellianism »<sup>11</sup>. It was now, he claimed, the task of the revolutionaries to assume the contractual right and (Mier was an attentive reader of Filangieri), the consequent duties which a succession of tyrannical monarchs had denied both Indian and criollo alike.

Had Mier's « charter » possessed any legal validity, then the « Americans », like the subjects of the crowns of Aragon or Naples, would indeed have had « a natural right to hold appointments of honour and profit ». But as the Americas, though subject (as were the Italian possessions and Aragon) to a separate Royal Council, were in the anomalous position of being a corporate part of the Kingdom of Castile, the « Magna Carta » was little more than a convenient legal fiction.

For Viscardo, however, whose version of this same *these nobiliaire*, owed more to, « that sublime genius »<sup>12</sup>, Montesquieu, than it did to the legalism of Solorzano, the exact juridical status of the Indies was largely irrelevant. Every government, he argued, not matter what its nature, or its historical origins, depends for its legitimacy upon the consent of the governed. Any other arrangement is tyranny. « If the government to be above the duties its owes to the nation », he asked, « what difference is there between it [the nation] and a pack of animals? »<sup>13</sup>. The early Spanish monarchs, he claimed with suitable historical vagueness, had observed these ill-defined « duties » towards their subjects, but by the sixteenth century, they had succeeded in undermining both the tradition of representation, and

<sup>8</sup> Mier, 1813, II, p. 611. Given the wider powers granted to the « people » under the legendary Aragonese constitution, the fact that the Viceroy was an Aragonese institution was not without political significance.

<sup>9</sup> Mier, 1813, II, p. 595. All that Solorzano says is that, « Although the *dominium*, government and protection of all the extended provinces of the New World belong to our Catholic Kings of Spain... it was always the Royal will that those Indian communities (*pueblos*) in which there was some form of polity... should be governed and ruled by the Kings and Captains which they had had in the times of their infidelity ».

<sup>10</sup> Mier, 1813, II, pp. 596-7, « Memoria politico instructiva », Mier, 1978, pp. 215-6. « and the King of Castile could only use title of Emperor of the Indies to protect in them the preaching of the Gospel ».

<sup>11</sup> Mier, 1944, pp. 63-6 and 1813, II, p. 602. The claim that it was the Habsburgs, who had begun the systematic erosion of the power of the Cortes, and hence undermined the ancient « Gothic » contract between King and people is also made by the Constitution of Cadiz of 1812 with which Mier, who refers to it scathingly as little more than an instantiation of Rousseau's *Contract social*, was familiar.

<sup>12</sup> Viscardo, 1801, p. 53.

<sup>13</sup> Viscardo, 1801, p. 27.

those institutions of the Kingdom which had sustained, it, so that, « not even the shadow of the ancient *Cortes* existed any longer »<sup>14</sup>. The just contractual monarchy had thus transformed itself into a despotate in which government by consent was effectively replaced by the arbitrary will of the King and his ministers. Laws, which in the old monarchy had been made in the interest of the people, now reflected merely the will of the king and, « any law which is opposed to the universal good of those for whom it is made, is an act of tyranny, and to demand that it be observed is to force [the people] into slavery »<sup>15</sup>. The Castillian monarchs had effectively destroyed « the natural, civil and religious rights of the Spaniards », and by so doing had forfeited their claims to their vassal's loyalty.

By denying their vassals both executive office and the ancient right to interpret the law, the Habsburgs had « overstepped the limits of the ancient constitutions of Castile and Aragon ». The consequence of this violation of ancient rights had been the immediate and precipitous decline of Spain, which had demonstrated in stark economic terms that, « absolute power, which is always allied with arbitrary power, is the ruin of States »<sup>16</sup>. For, Viscardo claimed, it had been precisely that, « noble spirit of liberty », which only contractual societies are able to encourage, that had provided the « energy which had made our ancestors carry out such great enterprises ». « Under the funereal shadow of a double despotism [the civil and the religious] », he wrote in *La Paix et le bonheur du siecle prochain*,

general prosperity, glory and the ancient and magnificent national character (of Castile), was eclipsed to the point where it had left no trace behind it except in memory. The power and the brilliance of the Spanish monarchy diminished in proportion to the debasement to which it had subjected the people who had sustained it. Liberty, he went on, is the greatest resource of a nation; once that resource has been destroyed, all will crumble away.

It was this same liberty which, in Viscardo's own time, had given the English, the Dutch and the North Americans their ascendancy, they, in his account, being the only European powers which had managed, both significantly by force, to preserve their ancient liberties.

The true history of the lethargy of Spain, he concluded, since the discovery of the treasures of the New World, is nothing other than (the history of) its enslavement. Just as the modern history of England, Holland and, more recently and even more remarkably, that of the United States of America, is nothing other than that of the creative and vivifying power of Liberty<sup>17</sup>.

<sup>14</sup> Viscardo, 1801, pp. 24-5.

<sup>15</sup> Viscardo, 1801, p. 4.

<sup>16</sup> Viscardo, 1801, p. 23.

<sup>17</sup> Viscardo, 1797, *La Paix et le bonheur du siecle prochain* (hereafter Viscardo, 1797) in *Los escritos de Juan Pablo Viscardo y Guzman, precursor de la independencia hispano-americana*, ed. Merle Simmons. Caracas, 1983, pp. 291-2. One proof of this, in Viscardo's

None of the subjects of the Castilian crown had suffered more, and more continuously, from the desecration of their ancient privileges, than those Viscardo was now calling, « Spanish Americans ». The Castilian Crown's perfidy had begun with Columbus, whose descendants had been deprived of the rights which the Discoverer had, in this case quite literally, contracted with the crown; and it had continued in Viscardo's own day with the betrayal and gruesome execution of the rebel Inca, Tupac Amaru. « For three centuries », he wrote in a phrase which was to be echoed by later Insurgents, « our history can be expressed by four words: *ingratitude, injustice, servitude and desolation* »<sup>18</sup>.

But, oppressed though they were, the Spanish Americans, were now the sole bearers of the Iberian contractual tradition – all vestige of which had finally been eradicated in the Mother Country by the Napoleonic invasion. The time, claimed Viscardo, was now ripe to revive an old legacy of resistance. In 1520, the communes of the cities of Castile had risen against Charles V in response to the earliest Habsburg attempt to override local privilege. The *Comuneros* had taken up arms in protest against Charles V's attempt to force the Cortes to provide extra revenue to help pay for his coronation as Holy Roman Emperor. But their grievances against the crown were based on a long-standing resentment against Charles's foreign courtiers, persistent attempts to undermine the authority of the Cortes, and the, not unjustified, belief that the wealth of Castile was being used to sustain other Habsburg possessions. The Revolt of the *Comuneros*, although it had achieved little in the long run, nevertheless, remained part of the mythology of resistance to royal absolutism. The *Comuneros* had risen first, « for fear that the wealth of Spain would pass to another county, although one which belonged to the same crown ». « What difference », asked Viscardo, « is there between that situation in which the Spaniards then momentarily found themselves and the one in which we have been for three centuries? ». « Deprived », he continued, « of all the advantages of government, we have experienced only the most horrible disorders and greatest vices »<sup>19</sup>. Spanish rule was had hinted, now largely indistinguishable from that of the hated Turk. Whatever motives of, « persuasion, prudence or irony » had compelled Montesquieu to declare that despotism could not exist under Christian rule, a reading of the *tableau du despotisme* provided in *De l'esprit des lois*, would make it clear that the « Christian government in America » (in particular which applied to the Indians) met all the necessary conditions of an Oriental despotate<sup>20</sup>.

opinion, was the relative economic prosperity of the Basque country, « that corner of Spain where the survivors of ancient liberty had taken refuge ». *Ibid*, p. 321. Viscardo was himself of Basque origin.

<sup>18</sup> Viscardo, 1801, p. 2.

<sup>19</sup> Viscardo, 1801, pp. 8-9.

<sup>20</sup> Viscardo, 1797, p. 388.

Rebellion against such a government was clearly legitimate, and in 1781 a predominantly anti-fiscal uprising in New Granada had revived the name *Comuneros* together with many of the more radical demands of the sixteenth-century rebels. It, too, had been defeated. But since, or so Viscardo informed the British government, « one of the remarkable characteristics of this insurrection was the hatred for European Spaniards », for having obliged them « to suffer the humiliations and the pains which they themselves had inflicted upon the poor Indian »<sup>21</sup>, it had struck, « the first sparks of indignation »<sup>22</sup> which would finally put an end to Spanish sovereignty in America. Similarly Mier and even Bolivar, in search of legitimating analogues for their own revolutionary ambitions refer to the *Comunero* uprising of 1781 as the beginning of the struggle for Independence.

Much of this sounds not unlike the claims of any early-modern – that is to say pre-revolutionary – European revolt. The crown has violated its historical and inviolable contract with its subjects by depriving them of their « natural » rights. It is, therefore, the crown, or its agents, which are the destroyers of order. The rebels are not, in the sense the term came to be used after 1789, « Revolutionaries », since they are not asking for any radical change in the structure of the society to which they belong. They are merely seeking the restitution of the status quo; theirs is a « revolution » in the earliest, most literal, sense of the term. There were also obvious similarities between Viscardo's arguments and those used by the men of 1776, and, like all the advocates of independence for Latin America he was very conscious of the lessons to be learnt from the North-American experience, even if his persistent attempts to secure British military support prevented him from pressing them too far.

## II

But the context and the language of Viscardo's claims differed from those of previous European resistance theorists in two crucial respects. The first is obvious. America is another place. For the Castilian *Comuneros*, despite the claims of the *junta* of Tordesillas to exercise sovereign power in Charles V's absence, independence had been unthinkable. But for the Spanish Americans, it was not merely thinkable it was inescapable. Viewed from a sufficient distance, it could plausibly be said, as one apologist claimed, that the earliest attempts, to create independent kingdoms in America, those by the Pizarro brothers in Peru and by Hernan Cortes's son, Martin in Mexico, demonstrated that, « the project of the independence of America... had been

<sup>21</sup> Viscardo, *Suite de precedent projet et essai historique des troubles de l'Amerique meridionale dans l'an 1780* (hereafter *Viscardo*, 1792) in *Los escritos de Juan Pablo Viscardo y Guzman, precursor de la independencia hispanoamericana*, ed. Merle Simmons. Caracas, 1983, p. 199.

<sup>22</sup> Viscardo, 1801, p. 29.

born with the conquest »<sup>23</sup>. All colonies must eventually become independent, just as all children must eventually become adults. Over the space of nearly three hundred years, time and distance had now made the Spanish Americans « conscious of being a different people ». « Nature », wrote Viscardo, « has separated us from Spain by immense seas. A son who found himself at a similar distance from his father would be, without any doubt, a madman if, in the conduct of his smallest interest, he always waited upon the decision of his father »<sup>24</sup>. Had the Spaniards had the political intelligence to emulate the ancient Greeks, each of whose colonies had been, he claimed in *La Paix et le bonheur du siecle prochain*, like « a favoured child,... but also an emancipated child over which [the metropolis] attempted to retain no authority, nor to exercise any direct jurisdiction..., a new Europe would have flourished in the Western Hemisphere »<sup>25</sup>. But they had not. Instead, for three hundred years, they had subjected America to, « the tyrannical tutelage of the so-called metropolis », until it had become, « nothing other than an immense prison for all its inhabitants, which only the agents of despotism are at liberty to enter or to leave »<sup>26</sup>. Culturally and politically, emancipation was now the only way for the criollos to fulfill what Viscardo described as the, « inescapable obligation to preserve the natural rights bequeathed to us by our forefathers », so that, « the theatre of their glory » should not be reduced to « miserable slavery »<sup>27</sup>.

« Emancipation » was what Viscardo demanded, a word which suggested a release from both slavery and parental restraint. In most previous claims against the tyranny of the crown there had been, as in the *Representacion* made to Charles III by Mexico City in 1771, a distinct, if by now slightly overclouded, image of the concept of a « larger Spain », *Magna Hispaniae*, a federation of quasi-autonomous states, all of whose citizens would enjoy equal rights with all the others. When Charles III attempted to introduce a system to allow criollos to hold office in Spain – which Viscardo contemptuously dismissed as, « the ridiculous system of *union* and *equality* with our masters and tyrants- – he was, in part at least, meeting the criollos on their own theoretical ground. But for Viscardo, as for most criollos, that ground had dropped away. Three hundred years was too long to wait for, « union and equality ». Like Montesquieu, he distrusted large scattered states. No government so remote as the Spanish, could provide, « the advantages that all men has a right to expect from any society of which he is a member »<sup>28</sup>. Universalism could only ever be a mask for tyranny, for the

<sup>23</sup> *Manifiesto al mundo. La justicia y la necesidad de la independencia de la Nueva Espana* (Puebla, 1821), pp. 7-8. Signed « M de B ».

<sup>24</sup> Viscardo, 1801, p. 35.

<sup>25</sup> Viscardo, 1797, p. 342.

<sup>26</sup> Viscardo, 1797, pp. 332-340.

<sup>27</sup> Viscardo, 1801, p. 36.

<sup>28</sup> Viscardo, 1801, p. 34.

inconsistent, usually incompetent, rule of a distant monarch. The rulers of Rome and Castile, he argued, by claiming that the benefits of the New World belonged to them alone had destroyed where they might have built. Universalism was at an end. « All must now », he demanded, « be returned to whom it belongs, and America belongs to its inhabitants as much as Spain, Italy and Portugal belong to theirs »<sup>29</sup>.

Men for Viscardo were, furthermore, citizens – a word which he uses constantly, but which had no place in the vocabulary of the earlier criollo ideologues. And citizens had claims upon the community which went beyond the right to simple protection which is all the Spanish Crown could offer – and then only uncertainly, its large navy been more often used, as Viscardo noted with bitterness, to restrict American commerce than to shield the Americans from foreign invasion.

Together with the right to representation, and to equality before the law, citizens, had the right to free trade. Commerce, argued Viscardo, echoing both Montesquieu and Raynal, was now, for all « the enlightened nations », regarded as « the true measure of power »<sup>30</sup>, and since commerce involved exchange, and exchange required communication, commerce, which in Montesquieu's famous phrase, « made men gentle », was also the sole guarantee of a future peace. For this reason it was crucial that the goods of the whole world should be both the property of those who produced them (otherwise they would possess nothing with which to trade), and accessible, through trade, to all. The occupation, such as that practiced by Spain, by one nation of another's resources, effectively deprived that nation of its ability to enter the world market, and by extension its right to take its place among, « the enlightened nations of the world ». But the Spanish crown, was not enlightened, and even after the Bourbon succession, continued to conceive power merely in terms of its capacity to coerce its subjects and destroy those it took to be its enemies. Wealth, as « the profound Smith »<sup>31</sup> had noted was, in Spain, taken to be simply a question of the accumulation of precious metals, which, as an economic belief had rather less to recommend it than the Tartar assumption that cattle were adequate « instruments of commerce ». In its search for gold the Castilian crown, driven, « by a spirit of unbridled cupidity raised above all then other passions », had first excluded from the Americas, not only all foreigners, « but even Spaniards from the Kingdoms of Aragon and Navarre »<sup>32</sup>, and had then imposed upon the colonies a Castilian monopoly which had prevented them from trading among themselves. This, like all monopolies, deprived, « fellow citizens and brothers »<sup>33</sup> of their natural rights of communication were among the

<sup>29</sup> Viscardo, 1797, p. 343.

<sup>30</sup> Viscardo, 1797, p. 286.

<sup>31</sup> Viscardo, 1797, p. 287. Viscardo's views on the nature of exchange and on the evils of monopolies are derived from *The Wealth of Nations*. See e.g. I. xi. and IV. vii. b.

<sup>32</sup> Viscardo, 1797, p. 290.



most damaging of the instruments of despotism. Since monopolies, in Adam Smith's words, « derange more or less the natural distribution of the stock of society » and, in colonies, clearly run counter to the interest of the colonists, they can only ever be maintained through Draconian legislation, of precisely the type which had determined the relationship between Spanish America and her « mother country »<sup>34</sup>. The entire history of Spanish commercial policy in the Americas had, complained Viscardo, been that of, « a government which is contemptuous of its own true interests, which are those of its people, to the point where it is affronted by the prosperity of others as if it were a personal calamity »<sup>35</sup>.

The rights of all citizens could be summarized, as « Liberty, property, individual security »<sup>36</sup>. These were what he called, « the first element of social union which is the first cause of all government ». The Spaniards instead of fostering such political virtues among its people had, in the Americas, taken their destruction to be its « direct objective »<sup>37</sup>. What Viscardo is claiming — and it is a claim to which Bolivar, was to give even greater force — is that Spain had, in effect, prevented the criollos from ever creating a civil society, or from developing the kind of political culture which might be capable of sustaining such a society.

### III

The second difference which separates Viscardo, and his fellow « Spanish Americans » from any European rebel, or indeed, from the North-American rebels, was the inescapable presence of large indigenous populations. By the end of the eighteenth-century, in the two most powerful Viceroyalties, Mexico and Peru, the histories of the « Aztec » and Inca « Empires » had become a source of pride and of a precarious cultural nationalism for the *criollo* population, as well as, when required, a mirror for their own political fate. For the champions of Spanish-American independence, and, more generally for Enlightened Europeans, the Inca Empire had acquired by the mid eighteenth century, many of the virtues of the ancient republics. Unlike the Aztecs who, even in account, seemed little more than a heroic warrior nation with a number of distinctively un-civil customs, the Inca, whose Kings combined, as Francesco Algarotti, political economist and author of

<sup>33</sup> Viscardo, 1797, p. 307.

<sup>34</sup> Adam Smith, *The Wealth of Nations*, IV. vii. c. Smith also claimed that it was precisely Portugal's neglect of Brazil, because of its poverty in precious metals, which had led to it becoming a « great and powerful colony ». (IV. vii. b.).

<sup>35</sup> Viscardo, 1797, p. 288.

<sup>36</sup> Cf. Miranda, « three centuries of oppression are sufficient to teach us our rights. These are: personal security, liberty and property so essential to men who live in society ». (« Proclama de Miranda ». Undated, in, Francisco de Miranda, *Textos sobre la independencia*. Caracas, 1959, p. 150).

<sup>37</sup> Viscardo, 1797, p. 333.

« Newtonianism for Ladies », put it, « the divinity of Oriental monarchs with the popularity of the European », could easily be cast as the nearly-living representatives of the civic values of Republican Athens and Rome, « true disciples of Plato and Xenophon ». Like Romulus and Lycurgus, the Inca rulers had created a nation by force of language, not arms, and founded an empire by exporting a civilisation. They had known, as Algarotti tellingly remarks, « how to increase the number of [their people's] needs, in order to keep them subject ». Natural wisdom, enthused the great French economist, François Quesnay, had led them to create an agricultural system, « so in accordance with nature itself that it surpasses all the speculations of the philosophers », and a society which, like the physiocratic France of his imagination had, « neither idlers nor paupers, nor thieves, nor beggars [for] the natural law had dictated the laws of the State, and it had been allowed to regulate the *rights* and *duties* of the sovereign and of his subjects ».

For Viscardo appropriation of the supposed social and political virtues of the glorious Indian past was made possible by the claim that the final destruction of the great Amerindian empires had been the work not of the Conquistadores, whose ultimate ambition had been to create a single nation of Spaniards and Indians, but of the Viceregal administration. For just as the Crown had consistently violated its contract with the settlers and their descendants, so, too, had it violated its contracts with the indigenes. « That ferocious hypocrite » the Viceroy Francisco de Toledo, argued Viscardo, skipping over most of the details of the conquest, by treacherously executing the last Inca, Tupac Amaru in 1571 had violated the contract made between the first settlers of Peru and the Inca's subjects<sup>38</sup>. It was the agents of the Spanish crown, the hated *Corregidores* in particular, who having first usurped the positions rightfully occupied by criollos, had then devised, « horrors and the violence... for the desolation and the particular ruin of the unfortunate Indians and *mestizos* »<sup>39</sup>. Out of their shared grievances the criollos and the Indians would, so Viscardo believed, be able to agree upon a shared political objective. « Let us », he declared, « re-discover America for all our brothers, the inhabitants of this earth, from which the most insane ingratitude, injustice and avarice has exiled us. The reward will be no less for them than it will be for us »<sup>40</sup>.

Viscardo had begun his career as a political agitator by attempting to secure British aid for the revolt – « if », he said, « one can call it that »<sup>41</sup> – of the self-proclaimed descendant of the last Inca, Jose Gabriel Tupac Amaru in 1781. The revolt, despite its more radical ambitions, had attracted widespread criollo support. « Nothing », as Viscardo pointed out in one of his more sober moments, « demonstrated so clearly the degree of displeasure which

<sup>38</sup> Viscardo, 1801, pp. 11-12.

<sup>39</sup> Viscardo, 1801, p. 7.

<sup>40</sup> Viscardo, 1801, p. 37.

<sup>41</sup> Viscardo, 1792, p. 195.

reigns among Spaniards than that so many of them should have made common cause with the Indians, and have chosen to place themselves under a chieftain of a Nation which they despise»<sup>42</sup>. When Tupac Amaru was executed in 1781 in the *plaza mayor* in Cuzco with a brutality which foreshadowed the brutality of the royalist armies that was to follow, it had marked for Viscardo, and for many like-minded Peruvian criollos, not the end, but the beginning of a joint criollo-Indian struggle against the crown. «The great public events of the last twenty five years», he told the British Government, referring to Tupac Amaru's execution and the French Revolution, «have prepared the spirit of the Spanish Americans to distrust the councils of their government, and to familiarize themselves with ideas of independence».

For the revolutionaries of the early nineteenth century the Indian masses were not merely the heirs of now vanished virtuous *respublicae*; they were also potential allies in a struggle against what men like Viscardo had largely persuaded themselves was a common enemy. When, what Mier described as «the Machiavellian laws» of the Spanish which had created a rigid social hierarchy out of the huge variety of racial mixtures – White, Indian, Black, *mestizo*, *pardo*, and the various combination which made up the *castas* – were finally overthrown, all the American racial groups would unite to form a single nation<sup>43</sup>. The Comuneros of New Granada had enlisted Indians and castas into their armies and employed the image of the political deprived, cruelly-mistreated Indian as a metaphor for their own condition. «The greatest cause for horror», insisted the piece of *comunero* doggerel known as «Our Decree» (*nuestra cedula*), In all these deeds of tyranny

Was to see how, filled with villainy,  
They treated the poor Indians with such rigor,  
That, under the guise of their protector,  
They destroyed them with cruel treachery.

This, and the demands made by the rebels for the reduction in Indian tribute to four pesos per Indian per year, because of their «most deplorable and miserable condition», demonstrated, in Viscardo's opinion, «the real and solid concern for them» shared by all criollos. The racial divisions within Spanish American society, the fact that they, «do not form a single people, but many united, or rather divided, peoples»<sup>44</sup>, which European opponents of Independence claimed would, once the restraining presence of the monarchy was removed, lead to anarchy and civil war, was, Viscardo argued, simply false. Far from being mere collectivities with no common bond, the societies in America were, «more tightly bound by sociability than

<sup>42</sup> Viscardo, 1792, p. 197-8.

<sup>43</sup> Mier, 1812, p. 601.

<sup>44</sup> *Reflexiones sobre el estado actual de la America*. Madrid, 1820, pp. 12-19.

are many of the provinces in some of the monarchies of Europe »<sup>45</sup>. The Indians, he somewhat optimistically informed, John Udney, the English consul in Livorno, now reserved all their loathing for the « European Spaniards ». The criollos, he said, offering the glossiest picture possible,

far from being abhorred were respected and even loved by many of the Indians who called them *Viracocha*, the name of their Inca god. Born among the Indians, suckled by their women, speaking their language, familiar with their customs, and born on the same soil for two and a half centuries, they have become almost the same race<sup>46</sup>.

After the conquest, « a new order of things, a new system of society began in the New World. The heirs to the rights, or at least to the pretensions, of the Conquistadores had neither the avarice nor the ferocity of their fathers ». Two hundred and sixty years had passed since the conquest, something which foreign authors chose to forget, years which had made the criollos, « more docile before the voice of nature and of religion ». The greater part of them now had Indian mothers, and many, therefore, Indian relatives, « who were distinguished in their own country, and with whom they [the criollos] had, since infancy, established ties of understanding and friendship »<sup>47</sup>. With British assistance, this new race was now in a position to revive the project first muted in a widely diffused form by Garcilaso de la Vega, and repeated by of single state composed of American-born whites, mestizos, and Indians, which would be built upon the ruins of the old Indian Empires by re-creating the political and social values of pre-Habsburg Spain, values which, with a certain amount of manipulation, could also be made compatible those of the ancient Indian world.

Independence for Viscardo was to be an act of restoration, a restoration of the political values of Castile, a restoration of the culture of the ancient Indian world and, in many cases, a restoration of the Garcilassan project for a multi-racial community. But, since no restoration ever wholly duplicates the *status quo ante*, underpinning these objectives was a recognizably more modern idiom, the language of citizenship and of « ancient liberty », the claim, if only implicit, that the community is made and defended by its members, that even monarchies must be societies of citizens, not just of men. This aspect of Viscardo's thought seems, however, to have gone unnoticed by those who read him. The language of citizenship, and with it, of course, of the republicanism which Viscardo was eager to avoid, would only be appropriated some years later by Simon Bolivar.

Viscardo's *Carta* provided a rough ideological charter for many of the subsequent revolutionary movements. The declared political objectives of

<sup>45</sup> Viscardo, 1792, p. 241.

<sup>46</sup> Letter to John Udney from Massacarrara, September 30, 1781, Printed in Miguel Battlori, *El Aabate Viscardo*. Caracas, 1953, p. 206.

<sup>47</sup> Viscardo, 1792, pp. 231-3.

the Mexican Insurgency of 1810, for instance, was, at least in its initial stages to be a restoration of ancient Iberian, and more specifically ancient Indian, political values. In 1813 in the village of Chilpancingo the rebel leader Jose Maria Morelos told his followers (in a speech written for him by the criollo lawyer Carlos Maria Bustamante),

we are about to re-establish the Mexican empire improving its government. Spirits of Moctecuzoma, Cacamatzin, Cuahatomoitozin, Xicontecalt, he continued, to the 12 August 1521 (the day that Mexico City finally fell to Cortes) – there succeeded the 12 September 1813. In that day the chains of our serfdom were fastened in Mexico. In this day in the happy village of Chilpancingo they are broken forever.

« Improving its government », however, was to constitute a major task of restructuration. For underneath whatever still remained of the recoverable Indian past Bustamante, and those like him, were determined to discover a paradigm of ancient republican virtue, of the kind which Quesnay and Algarotti had found in the Inca. For Bustamante, indeed, the link between Indian past and Spanish American present became a specific longing for union. The Texcocans, who had always been seen as the most nearly European, the most truly virtuous, of the Mexican tribes, were for him simply « our fathers ». « You », he told the Republican government of Mexico in 1826, « are the worthy successors in the government of the (Nezahualcoyotl the quasi-legendary fifteenth-century poet-king of Texcoco) who was the adornment of the human race. Enter into his same virtues... ».

#### IV

In all of this, however, there was a distinct and willful vagueness as to what form the new governments of America would take. All of the Insurgents used the language of republicanism, in that all envisaged government by consent of the majority, and equality for all before the law. Most, Viscardo and Miranda in particular, recognised that independent America would be predominantly a commercial society, which by the late eighteenth century had come to be seen as a further characteristic of the *respublica*. Only, Mier, perhaps was explicitly, and consistently, committed to republicanism, as a form of government. But even Mier, the most radical of the ideologues of the insurgency who once declared, that « there is no better academy for the people than a revolution »<sup>48</sup>, although convinced that a republican form of government, « beneath which the rest of South and of North America is constituted » was the one best suited to the nascent Mexican state<sup>49</sup>, and cautiously prepared to endorse even the Terror<sup>50</sup>, as

<sup>48</sup> Mier, 1811, p. 18.

<sup>49</sup> Address to the *Congreso constituyente* July, 15, 1822, in Mier, 1978, p. 238 and, at greater length in, « Memoria politico instructiva », Mier, 1978, p. 209.

<sup>50</sup> « Memoria politico instructiva », Mier, 1978, p. 217.

preferable to a return to absolute monarchy, rejected any notion of absolute popular sovereignty. Rousseau's General Will – of which Bolivar was to make so much – was, he warned the *Congreso constituyente* of Mexico, « a sofism a mere sofism »<sup>51</sup>. Augustin de Iturbide's brief reign as « Emperor of Mexico » in the first months of 1822 had fully demonstrated that « the people have always been the victims of turbulent demagogues ». Only the legislative will was of consequence and that should always be restricted to a small number of those who know how to exercise it<sup>52</sup>.

Most Spanish Americans, however, like Viscardo and Miranda, favoured a moderate form of ancient constitutionalism to even the most restricted sovereignty of the legislative – let alone the General – Will. Somewhat disingenuously, perhaps, Viscardo told Pitt, that the peoples of South America all possessed an unbounded enthusiasm for monarchy. The British must send a prince to the Pacific, for only a prince could, « fulfill the heroic role of the liberator ». And once liberation had been gained, such a prince would be able to, « elevate on the most solid basis of a universal oath two great thrones on the two parts of America »<sup>53</sup>.

The most explicit attempt – in that it had both military backing and something resembling a written constitution – to harmonize Iberian and Indian political cultures was the proposal of Francisco de Miranda « that Don Quixote », as Napoleon once called him, to re-establish the Inca Empire, but now so re-structured that it should resemble, as far as was possible, the British Constitution. Miranda's *Projet de constitution pour les colonies hispano-americaïnes* is only a fragment, and a fragment intended to persuade William Pitt of the commercial and political advantages to be had from backing Spanish-American independence<sup>54</sup>. But it combines in one bizarre mixture all the diverse, culturally-incompatible elements on which the inchoate aspirations of the criollo elite then rested. The government of the new empire of « Spanish America » – which was to reach from the Mosquito coast to southern Argentina – was, like all modern European governments, to be mixed « and similar to that of Great Britain ». « It will be composed », Miranda assured Pitt, who seems to have feared that Miranda intended to establish a Jacobin Republic in Venezuela, « of an executive power represented by an Inca with the title of Emperor. This will be hereditary »<sup>55</sup>.

<sup>51</sup> And, for this reason, had no time for Rousseau, « I consider », he wrote, « the "social contract" of [Rousseau], as did Voltaire, to be an *anti-social contract* ». Mier, 1813, II, p. 570.

<sup>52</sup> « Profecia del doctor Mier sobre la fundacion mexicana », delivered on December 13, 1822, in Mier, 1978, p. 292.

<sup>53</sup> Viscardo, *Projet pour rendre l'Amérique independante* (1791) in *Los escritos de Juan Pablo Viscardo y Guzman, precursor de la independencia hispanoamericana*, ed. Merle Simons. Caracas, 1983, pp. 169-70.

<sup>54</sup> See Battlori, « William Pitt y los proyectos constitucionales de Miranda y Viscardo », in Battlori, 1966, pp. 621-5.

<sup>55</sup> In another fragment, the « Esquisse de gouvernement federale » of May 1810, which repeats some of the features of the « Projet », Miranda spoke of *two* Incas, responsible to the

Beneath the new Inca – who was, though Miranda does not say so, to be criollo rather than Amerindian – there came an upper chamber composed of « senators or *caciques* nominated by the Inca ». These would be appointed for life, but, for Miranda, who like Bolivar realised the impossibility of creating a new American aristocracy, would not be hereditary. Beneath this there was to be a second chamber, entitled, appropriately, the « Chamber of the *Comuneros* », modelled in part on the *cabildos* of Castile, in part on the House of Commons. Its members were to be chosen from among the citizens by election, and their term of office was to be limited to five years. Standing guard over the legislature (but apparently not over the executive) were two censors, also elected by « the citizens » whose role was to supervise the « customs of the senators », the morals of the young and the wisdom of the legislators. There was also to be an aedile, whose function was to promote the construction of public monuments and to organise public festivals « in order to edify the mass of the people », and two quaestores to watch over the treasury<sup>56</sup>. Miranda's *Projet* combines what, in the context of any imaginable political reality, would have been an wholly inappropriate Indian monarch, with a « mixed constitution » which, while borrowing features of the British constitution, makes explicit reference to the ancient constitutions of Castile and Aragon. Supporting the whole shaky edifice were three institutions – the aedile, the censors and the quaestores – endowed with near absolute powers and taken from the political arrangements of the Athenian and Roman republics. It was, as Bolivar was later to say of projects like it, a chimera, a beast with too many heads and no body. Miranda may have abandoned his sketch for a constitution because he, too, realised how little chance it had of seeming intelligible to those who were expected to help make it a reality. But it is, in many respects, a programmatic embodiment – if such a thing can be said to possess a body – of the languages used, in differing registers, by Viscardo, Mier, Miranda, by Hidalgo and Morelos, languages which, immediately compelling though they were, could not be made lastingly appealing to any of the main social groups which stood to gain by Independence.

nation for all their actions, and « malgré que leurs personnes soient sacrées et inviolables pendant le temps de la magistrature, ils pourront cependant être recherchés, après par devant la haute cours nationale » (Miranda, 1959, p. 75), which suggests that their role was much closer to that of the presidency of the United States.

<sup>56</sup> « *Projet de constitution por les colonies hispano-americanes* » Public Record Office (London) PRO 30/8/345. Pt. I, p. 147 r-v.