

just as, finally, the ancient Mexicans fell under the power of the Spaniards, the country winning enormously in this change of rule but the old masters being laid low—so also the present inhabitants will be destroyed, and, without even receiving the compassion that their predecessors were shown, what a celebrated Latin poet said of one of the most famous persons in Roman history will be applied to the Mexican nation of our days: *Sic magni nominis umbra*. "Only the shadow remains of the name celebrated in other times."⁴³

May the Almighty—in whose hand the fate of nations lies, who by ways hidden to our eyes brings them down or raises them up according to the design of His Providence—grant to our nation the protection with which He so many times has deigned to preserve it from the dangers to which it has been exposed!

Juan Bautista Alberdi (Argentina)

Juan Bautista Alberdi (1810–1884), is widely regarded as Argentina's most important philosopher of law; he is considered the father of the Argentine Constitution. Alberdi was born in San Miguel del Tucumán to Salvador de Alberdi, a wealthy merchant, and Josefa de Aráoz, who was from a traditional aristocratic northeastern Argentine family. Alberdi studied at the Colegio de Ciencias Morales, where he read French Enlightenment philosophers. At university he studied law, though he was also much attracted to music. He wrote several works on the aesthetics of music and its performance, and he was a pianist and composer.

In his early days as a student, Alberdi was attracted to literary salons, but as he matured he became increasingly involved in student clubs whose primary focus was the discussion of political philosophy, history, and the future of the American peoples. He was deeply influenced by the British liberal tradition, particularly Locke and Bentham, as well as the Scottish moral sense tradition. He shared his fellow Latin American intellectuals' admiration of Auguste Comte's positivism, which he believed to be key to understanding how Spanish America might rapidly improve its political and economic standing. He admired the ability of the United States to, as he saw it, civilize itself and accommodate emerging political realities. Finally, along with Esteban Echeverría and Domingo Faustino Sarmiento, Alberdi was a member of the "Generation of 1837" and, more particularly, the Association of May, a group dedicated to republicanism in government, free trade, individual freedoms, and material progress, all policies opposed to Argentine dictator Juan Manuel de Rosas's political inclinations.

By 1837, Alberdi had begun to establish his literary presence and position, publishing *El fragmento preliminar al estudio del derecho* and founding and editing *La Moda*, a periodical devoted to customs, music, and art. He left Argentina in 1838, unhappy with Rosas's government, to practice law and journalism in Montevideo, Uruguay. While there, he wrote for several literary and political journals, including *El Nacional*, *El Grito Argentino*, and *El Iniciador*; he also was cofounder of *La Revista del Plata*. After a brief visit in 1843 to Europe, he went to Chile, where he remained until 1855 working as a lawyer, journalist, and writer of essays and literature.

With the fall of Rosas in 1852, Alberdi saw a unique opportunity for Argentina to reflect on the challenges it faced and move forward on the basis of a rational analysis of the strategies through which reform might be effected. He thus undertook the writing, in 1853, of his most influential book, *Bases y puntos de partida para la organización política de la República Argentina* (translated as Foundations and Points of Departure for the Political Organization of the Republic of Argentina), which provides the model for what he saw—and what was finally adopted—as Argentina's future organization. The selection that follows is from this work. The following year he published *Elementos del derecho*

43. Lucan, *Pharsalia*, [Book I, line 135] speaking of Pompey. [Alamán's note.]

público provincial Argentino, a statement of his ideas about public law for provincial institutions, and applied them to the constitution of Mendoza province. In 1854 he published the *Sistema económico y rentístico de la Confederación Argentina*, según la constitución de 1853, which articulates the relationship between law and economy and explains what a nation must do to achieve economic liberty. These three works, along with *El fragmento preliminar* (1837) are generally regarded as the basis for Argentine law and civil life.

When General Justo José Luis Urquiza became president of Argentina he named Alberdi, still living in Chile, a traveling diplomat to represent Argentina to the governments of various European nations and the United States, a role in which he served from 1855 to 1862. When Bartolomé Mitre became president of the republic, he relieved Alberdi of his diplomatic mission. Alberdi responded in 1869 with a series of pamphlets denouncing Mitre's war in league with Brazil against Paraguay, collected under the title *El Imperio del Brazil*. Much later, when Mitre was no longer president, Alberdi tried his hand at politics. He was elected deputy to the national Congress for Tucumán, returning to Argentina after a forty-year absence in 1879 to take up that post. He left Argentina again, this time for France, in 1881, and died there three years later. His remains were repatriated in 1889.

Further Reading

Academia Nacional de Derecho y Ciencias Sociales. *Homenaje a Juan Bautista Alberdi: Sesquicentenario de las bases (1852–2002)*. Córdoba: Academia Nacional de Derecho y Ciencias Sociales de Córdoba, 2002.

Aguirre, Gisela. *Juan Bautista Alberdi*. Buenos Aires: Planeta, 1999.

Alberdi, Juan Bautista. *Obras completas*. 8 vols. Buenos Aires: La Tribuna Nacional, 1886.

———. *Escritos póstumos de Juan Bautista Alberdi*. 16 vols. Buenos Aires: Universidad Nacional de Quilmes, 2002. (Originally published Buenos Aires: Imprenta Europea, 1895–1901.)

Ghirardi, Olsen A. *La filosofía en Alberdi*. Córdoba: Academia Nacional de Derecho y Ciencias Sociales de Córdoba, 2000.

Halperín Donghi, Tulio. *Alberdi, Sarmiento y Mitre: Tres proyectos de futuro para la era constitucional*. Santa Fe, Argentina: Universidad Nacional del Litoral, 2004.

Katza, William H. *The Argentine Generation of 1837: Echeverría, Alberdi, Sarmiento, Mitre*. Madison, N.J.: Fairleigh Dickinson University Press, 1996.

Lannes, Federico A. M. *El pensamiento económico de Alberdi*. San Miguel de Tucumán: Universidad Nacional de Tucumán, Ediciones del Rectorado, 2003.

Lucas Verdú, Pablo. *Alberdi, su vigencia y modernidad constitucional*. Buenos Aires: Ciudad Argentina, 1998.

Thonnis, Luis. *Estrado y ficción en Juan Bautista Alberdi*. Buenos Aires: Paradiso, 2001.

Foundations and Points of Departure for the Political Organization of the Republic of Argentina (1853)

Only those great means of an economic nature—namely, the nourishing and strength-giving action of material interests—will be able to extract South America from the utterly untenable situation in which it finds itself.

That situation comes from the fact that America has become a republic through governmental law, but the republic is not a reality in its territory.

The republic is not a reality in South America because the people are not prepared to rule themselves under this system, a system that exceeds their ability.

Would returning to the monarchy of another time be the way to give this America a government suitable to its capability? If the republic is not practicable, given the present condition of our people, does it then follow that monarchy would be more practicable?

Decidedly not.

The truth is that we are not sufficiently mature to implement any representative government, be it monarchical or republican. The partisans of monarchy in America are not mistaken when they say we are incapable of being republicans; but they are more mistaken than we republicans if they think we have greater means for being monarchists. The idea of a representative monarchy in Spanish America is most inadequate and foolish; it even lacks common sense, it seems to me, if we concentrate on the present moment and the state to which things have come. The monarchists of our first era could be pardoned for their dynastic plans—the monarchical tradition was only at one step's remove, and there still existed an illusion about the possibility of reorganizing it. But doing so today would not occur to anyone with a sense of what is practical. After an endless war to convert into monarchies what we have changed into republics by a twenty-year war, we would be very happily returning to a monarchy more unsettled than the republic.

Brazil's noble example should not delude us; let us congratulate that country for the good fortune that has come its way, let us respect its form, which knows how to protect civilization, let us learn to co-exist with it and proceed in harmony to the common goal of all forms of government—civilization. But let us refrain from imitating it in its monarchical way. That country has not experienced being a republic for even a single day; its monarchical life has not been interrupted for an hour. It passed from colonial monarchy to independent monarchy without interregnum. But those of us who have practiced republicanism for forty years, although terribly, would be worse monarchists than republicans because today we understand monarchy less than we do the republic.

Would the new elected monarchy take root? It would be something never before seen. By its essence monarchy has tradition as its origin. Would we elect our friends, who are our equals, as counts and marquesses? Would we consent freely to be inferior to our equals? I would like to see the face of the one who considers himself competent to be elected king in republican America. Would

we accept kings and nobles of European extraction? Only after a war of re-conquest. And who would imagine, much less consent to that madness?

The problem of what government is possible in the former Spanish America has only one sensible resolution—it consists in elevating our peoples to the level of that governmental form necessity has imposed on us; in giving them the ability they lack for being republicans; in making them worthy of the republic we have proclaimed, which today we can neither make workable nor abandon; in improving the *government* by improving the *governed*; in improving *society* to secure the improvement of the *government*, which is its expression and direct outcome.

But the road is long, and there is a great deal to anticipate before we come to its end. Would there not be in such a case a suitable and adequate government to move us through this period of preparation and transition? Fortunately, we have one and do not need to leave the republic.

Happily the republic, so rich in forms, permits many stages and lends itself to all the needs of the age and the space. To know how to adapt it to our age is the entire art of constituting it among us.

That solution has a fortunate precedent in the South American republic, and we owe it to the good sense of the Chilean people who have found in the energy of presidential power the public guarantees for order and peace that monarchy offers without giving up the nature of republican government. To Bolívar is attributed this profound and spiritual saying: "The new states of the former Spanish America need kings with the name of presidents." Chile has resolved the problem without dynasties and without military dictatorship through a constitution, monarchical at base and republican in form, law that entwines the tradition of the past with the life of the present. The republic can have no other form when it immediately follows upon monarchy; the new regime must contain something of the old; the last ages of a people do not leap ahead. The French Republic, offspring of monarchy, might have saved itself in that way, but the excesses of radicalism will return it to monarchical rule.¹

How to make, then, democracies in fact of our democracies in name? How to convert our written and nominal liberties into facts? By what means will we manage to elevate the current capacity of our peoples to the level of their written constitutions and proclaimed principles?

By the means I have indicated and everyone knows—by educating the people, working through the civilizing action of Europe, that is to say, by immigration; by a civil, commercial, and maritime legislation with adequate foundations; by constitutions in harmony with our time and our needs; by a system of government that favors those means.

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1. The Revolution of 1848 in France resulted in republics, but by the time Alberdi's book was published in 1853, President Louis-Napoleon Bonaparte had assumed dictatorial powers after a coup; at the end of that year, following a plebiscite, he was crowned Emperor of France.

XIV

The South American republics are products of and living testimony to Europe's activity in America. What we call independent America is nothing other than Europe established in America; and our revolution is nothing other than the dismemberment of a European power into two halves, each of which today manages itself by itself.

On our soil, everything civilized is European; America itself is a European discovery. A Genoese sailor discovered it, and the discovery excited a Spanish sovereign. Cortés, Pizarro, Mendoza, Valdivia,² none of whom were born in America, populated it with the people who today possess it and who certainly are not indigenous.

We do not have a single important city not founded by Europeans. Santiago was founded by a foreigner named Pedro Valdivia and Buenos Aires by another foreigner named Pedro de Mendoza.

All our important cities received European names from their foreign founders. The very name *America* was taken from one of those foreign discoverers—Amerigo Vespucci of Florence.

Even today, with independence, the indigenous person does not figure in or make up the world of our political and civil society.

We who call ourselves Americans are nothing other than Europeans born in America. The shape of our skulls, our blood, color, everything comes from outside.

The indigenous person does us justice; even today he calls us *Spaniards*. I do not know one distinguished person in our societies with a *Pehuenche*³ or *Araucano*⁴ surname. The language we speak is European. To the humiliation of those who abhor its influence, they must curse it in a foreign language. The language of the Spanish is "Spanish."

Our Christian religion has been brought to America by foreigners. If it were not for Europe, America would today be worshipping the sun, the trees, the beasts, burning men in sacrifice, and would not know marriage. The hand of Europe planted the cross of Jesus Christ before the heathen in America. For this alone, blessed be the hand of Europe!

Our former and present laws were handed down by foreign kings, and today, with their aid, we have civil, commercial, and criminal codes. The laws of our fatherland are copies of foreign laws.

2. Hernán Cortés (1485–1547), Spanish conquistador who defeated the Aztecs in 1521; Francisco Pizarro (c. 1475–1541), Spanish conquistador who defeated the Incan empire; Antonio de Mendoza (1490–1552), first viceroy of New Spain and viceroy of Peru; Pedro de Valdivia (1497–1553), Spanish conquistador who led an expedition into Chile, of which he became governor.

3. The *Pehuenche* were an indigenous people of the southern Andes, whose name derives from their dependence on the piñon nut.

4. The *Araucano* were an indigenous people of the southern Chilean Andes, also known as the Mapuche.

Our administrative system in finance, tax, income, etc., is the work of Europe almost to this very day. And what are our political constitutions if not the adoption of European systems of government? What is our great revolution with respect to ideas if not a phase of the French Revolution?

Enter our universities and show me learning that is not European, into our libraries and show me a useful book that is not foreign.

Observe from head to foot the suit you are wearing; and it will be unusual if even the soles of your shoes are American. What do we call "elegant," if not what is European? Who governs our fashions, our elegant and comfortable manners? When we say *confortable*, convenient, *bien*, *comme il faut*, are we alluding to Araucanian things?

Who knows a gentleman among us who boasts of being a pure Indian? Who would not a thousand times rather see his sister or daughter married to an English shoemaker than to an Araucanian nobleman?

In America everything not European is barbarian. There is no other division than the following: 1. the indigenous, that is to say, the savage; 2. the European, that is to say, we who were born in America and speak Spanish, who believe in Jesus Christ and not in Pillán (god of the indigenous).

There is no other division of American man. The division into man of the city and man of the country is false; it does not exist. It is reminiscent of Niebuhr's studies on the original history of Rome.⁵ Rosas has not ruled with gauchos, but with the city.⁶ The main advocates of centralization were men of the country, such as Martín Rodríguez, the Ramos, the Miguens, the Díaz Valez; on the other hand, the men of Rosas, the Anchorénas, the Medrános, the Dorregos, the Arana, were educated in the cities. The *mazorca*⁷ is not composed of gauchos.

The only subdivision Spanish American man recognizes is *man of the littoral* and *man of the interior or mediterranean*.⁸ This division is real and profound. The first is the fruit of Europe's civilizing activity in this century, which derives from commerce and from immigration into the peoples of the coast. The other is the work of sixteenth-century Europe, of Europe at the time of the conquest, which is preserved intact, as though in a container, among the interior peoples of our continent, where Spain settled it with the intention of keeping it that way.

From Chuquisaca to Valparaíso⁹ there is a distance of three centuries; and it is not Santiago's National Institute¹⁰ that has created this difference in favor of this

city. It is not our poor colleges that have put the South American littoral three hundred years ahead of interior cities. In fact, the littoral lacks universities. The immense progress of its cities relative to the interior cities is a result of the intense activity of present-day Europe in the form of free trade, immigration, and industry in the South American coastal towns.

From the sixteenth century until today, Europe has been the wellspring and origin of this continent's civilization. Under the old regime, Europe played that role through Spain. That nation brought us the highest expression of the Middle Ages and the beginning of the rebirth of civilization in Europe.

With the American Revolution¹¹ the activity of Spanish Europe on this continent ended, but the activity of Anglo-Saxon and French Europe took its place. Today's Americans are Europeans who have changed masters; the Spanish initiative has been followed by the English and French. But it is always Europe that is the producer of our civilization. The means of action has changed, but the product is the same. Official or governmental activity has been followed by social activity—of people, of race. In America present-day Europe does nothing but complete the European task of the Middle Ages, which here remains embryonic, half-formed. Its present means of influence will not be the sword, it will not be conquest. America is already conquered; it is European and for that very reason is unconquerable. The war of conquest supposes rival civilizations, opposing states—e.g., the savage and the European. This antagonism does not exist; the savage is conquered; in America it has neither dominion nor lordship. We, Europeans by race and civilization, are masters of America.

It is time to recognize this law of our American progress and again appeal to Europe for help with our incomplete culture, to that Europe that we have fought and defeated by arms on the battlefield, but that we are far from defeating in the fields of thought and industry.

Feeding circumstantial resentments, there remain those who are alarmed at even the name "Europe"; there remain those who harbor fears of perdition and slavery.

Such sentiments constitute a state of illness in our South American spirit, extremely ominous for our prosperity and, for that very reason, worthy of study.

The kings of Spain taught us to hate, under the name *foreigner*, all who were not *Spanish*. The liberators of 1810, in turn, taught us to detest, under the name *European*, anyone who had not been born in America. Even Spain was included in this hatred. The question of war was set up by these terms—*Europe* and *America*—the old world and the world of Columbus. Hatred of the European was called *loyalty* and the latter in turn *patriotism*. In their time, these hatreds were useful and convenient resources; today they are prejudices tragic for the prosperity of these countries.

The press, instruction, history—prepared for the people—must work to destroy the prejudices against what is foreign, seeing these prejudices as obstacles

5. Barthold Georg Niebuhr (1776–1831), German statesman and historian whose work, *Roman History*, 1812–1828, broke new ground in its subject matter and historiography.

6. Juan Manuel de Rosas (1793–1877), conservative Argentine *caudillo*.

7. Rosas's secret police, often accused of being death squads.

8. In Spanish, literally, "in the midst of the land."

9. Chuquisaca is the ancient name of Sucre, Bolivia, a city of the interior. Valparaíso was Chile's most important port city, located about fifty kilometers from Santiago.

10. Instituto Nacional de Chile, founded in 1813 for the purpose of educating citizens for the Chilean Republic, served as one of Chile's major sources of higher education throughout the nineteenth century and continues to do so up to the present.

11. Alberdi here refers to Spanish-speaking Latin America's revolution against Spain.

to this continent's progress. Aversion to the foreigner is barbarous in other nations; in South American nations it is something more—it is the cause of the ruin and dissolution of a society Spanish in character. We must fight that ruinous tendency with the weapons of the very credulity and vulgar truth that lie within reach of our masses. The press, by way of introducing and promoting the true spirit of progress, must ask the men among our people these questions: Whether they consider themselves indigenous in race; whether they take themselves to be Indians of *pampas* or *pehuenches* origin; whether they believe themselves descendants of savages and heathens rather than descendants of the foreign races that brought the religion of Jesus Christ and the civilization of Europe to this continent, which in an earlier time was the fatherland of heathens.

Our apostolate of civilization must put clearly and in all their material simplicity the following facts of historical evidence before our good people, who are poisoned by prejudice against what makes up their life and progress: Our holy pope, Pius IX, present head of the Catholic Church, is a foreigner, an Italian, just as all those popes who have preceded him have been foreigners and just as all those who follow in the Holy See will be. The saints who are on our altars are foreigners, and everyday our believing people kneel down before those meritorious foreign saints who never set foot on the soil of America, nor spoke, most of them, Castilian.

St. Edward, St. Thomas, St. Gall, St. Ursula, St. Margaret,¹² and many other Catholic saints were English, foreigners to our nation and tongue. If our people heard them speak in English, which was their language, our people would not understand them and would, perhaps, call them *gringos*.

Saint Ramon Nonato was Catalanian, Saint Lawrence, Saint Philip Benecio, Saint Anselm, Saint Sylvester,¹³ were Italians, the same in origin as those foreigners that our people scornfully called *low-class foreigner*; forgetting that we have an infinite number of *low-class foreigners* on our altars—Saint Nicholas was a Swiss, and Saint Casimir was Hungarian.¹⁴

Finally, the Man-God, our lord Jesus Christ, was not born in America but in Asia, in Bethlehem, a small city of Judea, a country twice as distant and foreign to us as Europe. Our people, hearing his divine word, would not have understood it because he did not speak Castilian; they would have called him “foreigner” because, in fact, he was; but does not that divine foreigner—who

12. St. Edward the Martyr, King of England (962–979), died a young, violent death; St. Thomas More (1477–1535), Lord Chancellor of England, writer, author; St. Gall, seventh-century Irish saint; St. Ursula, fourth-century virgin and martyr; St. Margaret, Margaret of Scotland (1050–1093), known for her charitable and pious life.

13. St. Ramon Nonato (the Unborn) (1204–1240), delivered by caesarian section after the death of his mother, is the patron saint of midwives and persons falsely accused of gossip; Saint Lawrence (d. 258), martyred for having distributed the Church's wealth to the poor; St. Philip Benicio (d. 1285); St. Anselm of Canterbury (1033–1109), born in Lombardy, known for his doctrine of “faith seeking understanding”; St. Sylvester (1177–1267), founder of the Sylvestrine Order.

14. Blessed Nicholas of Flüi (1417–1487); St. Casimir (1458–1484), patron saint of Poland.

has eliminated borders and made a family of brothers of all the earth's peoples—consecrate and ennoble, so to speak, the condition of the foreigner by the fact that he is one himself?

Let us remind our people that the fatherland is not the soil. We have had the soil for three centuries, and we have had the fatherland only since 1810. The fatherland is liberty; it is order, wealth, civilization organized on native soil, under its flag and in its name. Well then, this has been brought to us by Europe, that is to say, Europe has brought us the notion of order, knowledge of liberty, the art of wealth, the principles of Christian civilization. Europe, then, has brought us the fatherland, if we add that it even brought us the population that makes up the people and body of the fatherland.

The patriots of our first era are not the ones with accurate ideas for how to make this America prosper, as much as they are the ones who, with such accuracy, knew how to remove the Spanish power. Notions of patriotism—the contrivance of a purely American cause which they used as a means to a war appropriate for that time—dominate and possess them still. Thus, up to 1826 we saw Bolívar agitating for alliances to contain a Europe that sought nothing, and in 1844 we saw General San Martín applauding the resistance of Rosas to the casual claims of some European states. Having been agents for a real and great need of the America of that time, they are today somewhat ignorant of this continent's new requirements. The military glory that absorbed their life still preoccupies them more than does progress.

Nonetheless, the need for profit and amenities has succeeded the need for glory, and warrior heroism is no longer the tool appropriate for the prosaic needs of commerce and industry that constitute the present life of these countries.

Enamored of their work, the patriots of the first era are frightened of everything they believe compromises it.

But we—more focused on the work of civilization than on the work of a certain era's patriotism—we are not fearful in the face of all that America can produce in great deeds. Having understood that America's current situation is in transition, that its future destiny is as great as it is unknown, nothing frightens us, and in everything we have lofty hopes of improvement. America is not well; it is uninhabited, solitary, poor. It begs population, prosperity.

From where will this come in the future? From where it came in the past—Europe.

XV

In the future, how, in what form, will the life-giving spirit of European civilization come to our land? As it came in every other era—Europe will bring us its new spirit, its habits of industry, its practices of civilization in the immigrations it sends us.

With his habits, every European who comes to our shores brings us more civilization—which he then communicates to our inhabitants—than do many books of philosophy. Perfection not seen, touched, or felt is poorly understood. The most instructive catechism is an industrious man.

Do we wish to plant and acclimate in America English liberty, French culture, the industriousness of the man from Europe and the United States? Let us bring living pieces of them in their inhabitants' practices, and let those practices take root here.

Do we want the habits of order, discipline, and industriousness to thrive in our America? Let us fill our America with people who possess those habits inherently. Those habits are contagious; by the side of the European industrialist the American industrialist is immediately formed. The plant of civilization does not spread by seeds. It is like the grape vine; it requires grafting.

This is the only method by which America, today uninhabited, might in a short time come to be a world of abundance. By itself reproduction is the very slowest method.

If we wish to see our states grow larger in a short time, let us bring their elements from outside, already formed and ready.

Lacking large populations there is no development of culture, there is no considerable progress, everything is petty and small. Nations of one-half million inhabitants can have these latter characteristics throughout their territory; throughout their district will be provinces, villages; and all their affairs will always carry the petty stamp of "provincial."

Important warning to the men of the South American State—primary schools, high schools, universities, are, by themselves, very poor means for progress without great productive enterprises, which are the offspring of large numbers of men.

Population—the South American need that symbolizes all the others—is the accurate measure of our governments' capability. The minister of state who does not double the census of these peoples every ten years has wasted his time in bagatelles and excessive detail.

Make the *roto*, the *gaucho*, the *cholo*¹⁵—fundamental unit of our popular masses—go through all the transformations of the best system of instruction; in a hundred years you will not have in him an English worker, who works, consumes, lives well and comfortably. Place the one million inhabitants, which form the average population of these republics, on the best educational foundation possible, as well-instructed as the Canton of Geneva in Switzerland, as the most cultured province of France—will that give you a large and flourishing state? Certainly not—a million men in a territory that can easily accommodate fifty million, is it anything other than a paltry population?

The argument that is made is this: by educating our masses, we will have order; having order, population will come from outside.

I will reply to you that you are reversing the true means to progress. You will have neither order nor popular education except with the influx of masses who have those deeply rooted habits of order and good education.

15. *Roto* is a term for a "lower-class person"; *gaucho* is a South American cowboy; and *cholo* is a derogatory name for a person of mixed race.

Increase conscientious populations and you will see those foolish agitators with their plans for frivolous revolts become unsuccessful and isolated in the middle of a world that is absorbed by serious occupations.

How to achieve all this? More easily than by wasting millions in endless petty attempts at improvements.

Foreign Treaties.—Sign treaties with the foreigner giving him guarantees that his natural rights of property, civil liberty, security, acquisition, and transit will be respected. Those treaties will be the most precious part of the constitution—the external part, which is key to progress for those countries called to receive their growth from outside. To make this branch of public law inviolable and lasting, sign treaties for an indefinite or very extended term. Do not be afraid to chain yourselves to order and culture.

To fear perpetual treaties is to fear that individual guarantees will endure in our land. The Argentine treaty with Great Britain has prevented Rosas from turning Buenos Aires into another Paraguay.¹⁶

Do not fear giving away our industry's distant future to civilization if there is a risk that internal barbarism or tyranny will seize it. Fear of treaties is left over from the first warlike era of our revolution. It is an old and out-of-date principle, or an unwise and poorly-carried-over imitation of the foreign policy [George] Washington counseled to the United States under circumstances and for reasons totally different from those facing us.

Treaties of friendship and trade are honorable means of placing South America on civilization under the protection of the world's civilization. Would you not want our constitutions and all the guarantees of industry, of property and civil liberty confirmed by them, to exist inviolable under the armed protection of all peoples without diminishing our own nationality? Then consign the rights and civil guarantees that those constitutions bestow on your inhabitants to treaties of friendship, of trade, of navigation with the foreigner. Maintaining—having the foreigner maintain the treaties—will only serve to maintain our constitution. The more guarantees you give the foreigner, the more secured rights you will have in your own country.

Treat with all nations, not with a few; concede to all the same guarantees so that none can subjugate you and so that some serve as obstacles to the aspirations of the others. If in the *Rio Plata*¹⁷ France had had a treaty like England's, there would not have existed this secret desire for equality under the cloak of an

16. "In 1824 . . . Britain conferred diplomatic recognition on the United Provinces. Under the Treaty of Friendship, Navigation, and Commerce, the two countries gave each other the status of most-favored nation in trade, along with security of property for each others' residents, freedom of religion and exemption from military service" (David Rock, *Argentina: 1516-1987* [Berkeley and Los Angeles, Calif.: University of California Press, 1985], p. 100).

17. The *Rio Plata* is the River Plate (River of Silver), which forms the boundary between Argentina and Uruguay and drains nearly one-fifth of the South American continent. The term also refers to the land mass constituted as the Viceroyalty of la Plata, which included Bolivia, Paraguay, Uruguay, and Argentina.

alliance that for ten years has kept affairs uneasy along the *Río Plata*, half working and always with an eye to conserving exclusive and partial advantages.

Immigration Plan.—Voluntary immigration is the true and great immigration. Our governments must bring it about, not making themselves impresarios, not for petty concessions of plots of land habitable by bears, in deceptive and usurious contracts more harmful to the citizenry than to the settler, not by a small handful of men, through typical side agreements to provide business for some influential speculator—that is the lie, the farce of fruitful immigration—but by the great, generous, and disinterested system that in four years has given birth to California, by lavish liberty, by grants that make the foreigner forget his condition, persuading him that he is living in his fatherland, facilitating, without method or rule, all legitimate aims, all useful tendencies.

The United States is so advanced as a people because it is composed and has been continually composed of European elements. In all eras it has received an extraordinarily abundant European immigration. Those who believe that immigration dates only from the era of independence are mistaken. Lawmakers in individual states were very wisely inclined toward immigration; and one reason for perpetual disagreement with the metropolis was the barrier or hindrance that England wished to put on this immigration, which was imperceptibly converting its colonies into a colossus. That reason for disagreement is invoked in the act of the Declaration of Independence of the United States itself.¹⁸ In light of this, consider whether the gathering of foreigners prevented the United States from winning its independence and creating a great and powerful nation.

Religious Tolerance.—If you want moral and religious settlers, do not encourage atheism. If you want families that form private mores, respect every creed at your altar. Spanish America, reduced to Catholicism and excluding every other religion, is like a solitary and silent convent of monks. The dilemma is unfortunate—either exclusively Catholic and unpopulated, or populated and prosperous and tolerant in the matter of religion. Appealing to the Anglo-Saxon race and the populations of Germany, Sweden, and Switzerland, and denying them the practice of their religion, is the same as appealing to them only as a formality, as a hypocrisy of liberalism.

This is literally true—to exclude dissenting religions from South America is to exclude the English, the Germans, the Swiss, the North Americans who are not Catholic, that is to say, the populations of which this continent is most in need. To bring them without their religion is to bring them without the agent that makes them who they are; whoever lives without religion becomes atheist.

Some desires lack common sense, and one such is to want population, families, habits and at the same time surround the matrimony of the dissenting settler with barriers—it is to try to ally morality and prostitution. If you cannot

18. In the Declaration of Independence, one charge listed against the King of England is that "He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands."

destroy the unconquerable affinity of the sexes, what are you doing robbing natural unions of their legitimacy? You are increasing the number of concubines rather than wives; condemning our American women to the mockery of foreigners; making Americans begin their lives tarnished; filling all of our America with gauchos, prostitutes, sick people—in a word, ungodliness. That cannot be undertaken in the name of Catholicism without insulting the magnificence of this noble church, so capable of being associated with all human progress.

Does it make sense to wish to promote morality in the customs of life and yet to persecute churches that teach the doctrine of Jesus Christ?

In support of this doctrine, I provide nothing more than praise for one of my country's laws that has received the approval of experience. Since October, 1825, freedom of religion has existed in Buenos Aires, but it is necessary that this provincial grant be extended to the entire Argentine Republic by its constitution as a means of extending European immigration to the interior. It is already so under the treaty with England, and no local interior constitution should be an exception or derogation of the national compromise contained in that treaty of February 2, 1825.

Spain was wise to employ Catholic exclusivity as a tactic for monopolizing the power of these countries and for civilizing the indigenous races. For that reason the *Code of the Indies*¹⁹ began guaranteeing the colonies' Catholic faith. But our modern constitutions should not copy the legislation of the Indies in that respect, because to do so is to reestablish the old regime of monopoly that benefited our first Catholic settlers and to damage the broad and noble aims of the new American system.

XVIII

This entire book has been dedicated to expounding goals that the new South American constitutional law should promote; nonetheless, in this chapter we are going to enumerate those goals with greater precision with respect to the constitution of the Argentine Republic.

In the presence of the desert, in the middle of the seas, at the beginning of life's unknown paths and uncertain and great endeavors, man needs to find his support in God and to deliver to His protection half the outcome of his plans.

As in the sixteenth century, religion today must be the first purpose of our fundamental laws. It is to the character of the people what purity of blood is to the health of individuals. In this political writing, we will view it only as a source of social order, as a method of political organization, for, as Montesquieu²⁰ has said, it is admirable that the Christian religion, which distributes the happiness of the other world, also distributes the happiness of this world.

19. Spanish colonial law, compiled as the "Law of the Indies," specified that all Indians were to be treated as minors.

20. Charles-Louis de Secondat, Baron de La Brède et de Montesquieu (1689–1755), French Enlightenment political thinker.

But on this point, as on many others, we must separate our modern constitutional law from Indian or colonial law and from the constitutional law of the first era of the revolution.

On the matter of religion, colonial law was exclusionary, as it was on the matter of commerce, population, industry, etc. Exclusivity was its essence in everything it enacted, for it is sufficient to remember that it was a colonial law, one of exclusion and monopoly. Exclusive religion was employed in the sense of that policy as a state resource. On the other hand, Spain excluded dissident religions from its dominions in exchange for concessions that, in their interest at the time, the popes made to their majesties. But our modern American politics—which, rather than excluding, must lean toward attracting, conceding—cannot ratify and reestablish the colonial system on exclusion of religions without damaging the ends and purposes of the new American system. It must maintain and protect the religion of our fathers as the first need of our social and political order; but it must protect religion through liberty, through toleration, and through all the means that are peculiar and appropriate to the democratic and liberal system and not, like the old Indian law, by exclusions and prohibitions of other Christian religions. In their practices, the United States and England are the most religious nations on earth, and they have arrived at this outcome by the very means we wish to see South America adopt.

In the first days of the American Revolution, our constitutional policy did well to offer Catholicism the respect of its old privileges and exclusions on this continent, because it proceeded with equal discretion, declaring to the Spanish throne that the revolution was advantageous to it. They were tactical concessions required for the success of the enterprise, but America would not be able to continue today with the same constitutional policy without leaving illusory and ineffectual the revolution's goals of progress and liberty. We must confirm Catholicism as the state religion, then, but without excluding the public practice of other Christian religions. Religious liberty is as necessary to the country as the Catholic religion itself. Far from being irreconcilable, they mutually need and complement each other. Religious liberty is the means of populating these countries. The Catholic religion is the means of educating those populations. Fortunately, at this point, the Argentine Republic will have to do nothing other than ratify and extend to all its territory what for twenty-five years has existed in Buenos Aires. For the last twenty years, all the bishops received into the republic have sworn obedience to those laws of freedom of religion. It would now be late for Rome to raise objections on this point regarding the modern constitution of the nation.

As has been shown in this book, the other great goals of the Argentine constitution will not be today what they were in the first period of the revolution.

In that era it was a question of securing independence by arms; today we must try to assure it by our peoples' material and moral growth.

The great goals of that time were political; today, economic goals must especially concern us.

The great constitutional goal of the first era was to move away from Europe, which had held us as slaves; the constitutional goal of our time must be to attract

Europe so that with her populations that continent might civilize us as free people, just as through its governments Europe civilized us as enslaved people.

With scarcely one million inhabitants as the total population in a territory of two hundred thousand leagues, the Argentine Republic has nothing of the nation about it except the name and territory. Its distance from Europe merits its being recognized as an independent nation. The lack of population that prevents it from being a nation also prevents it from acquiring a complete central government.

Accordingly, populating the Argentine Republic, today deserted and solitary, must for many years be its constitution's great and fundamental goal. It must guarantee implementation of all means to attain that vital outcome. I will call these means *public guarantees of progress and growth*. On this point the constitution must not be limited to promises—it must give guarantees of performance and actualization.

Thus, to populate the country, it must guarantee religious liberty and facilitate mixed marriages, without which it will have population, but scarce, impure, and sterile.

It must *lavish* citizenship and domicile on the foreigner without imposing them on him. Lavish, I say, because it is the word that expresses the means required. Some South American constitutions have adopted the conditions under which England and France concede naturalization to foreigners, of whom they have no need, given their already excessive population. It is imitation carried to folly and absurdity.

The constitution must reconcile the civil rights of the foreigner—for whom we have vital need—with the civil rights of the national, without conditions of an impossible, illusory, and absurd reciprocity.

It must give them access to second-level public employment, more in the country's interests than for their own advantage; in that way the country will make use of their aptitude for managing our public affairs and will, through the activity of practical example, facilitate the official education of our citizens, as in the transactions of private industry. This system will be extremely advantageous to the municipal government. A former English or North American councilman, set down in our countries and taken into our municipal or local councils, would be the most enlightening or instructive teacher in this area, where we Spanish Americans ordinarily discharge our duty in a petty and narrow way, as with our policy in our private homes.

Because developing and exploiting the elements of the Argentine Republic's wealth is the principal feature of its growth and the strongest incentive for its necessary foreign immigration, its constitution must recognize as among its great goals the inviolability of property rights and complete freedom of work and industry.

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Freedom of work and industry as set down in the constitution will be nothing more than a promise unless at the same time the constitution guarantees the

abolition of all the old colonial laws that enslave industry and the sanction of new laws intended to give performance and reality to that industrial freedom set down in the constitution and to do so without undermining those new laws with exceptions.

Of all the known industries, maritime and terrestrial trade is the one that forms the Argentine Republic's particular calling. Argentina derives that calling from the type, productions, and extent of its territory, from its marvelous rivers that make that country the agent of exchange for all South America, and from its situation relative to Europe. Accordingly, freedom and development of domestic and foreign trade, maritime and terrestrial, must figure among the Argentine constitution's first-order goals. But this great goal will remain illusory if the constitution does not at the same time guarantee that it will implement the means for its realization. Freedom of domestic trade will be only a name as long as there are forty internal customs houses that represent forty denials placed on freedom. The customs house should be one and national with respect to producing income; and with respect to its regulatory system, the colonial or fiscal customs, the inquisitorial customs—illiberal and petty of another time—the intolerant customs of monopoly and exclusions must not be the customs of a system of freedom and national growth. We must set out guarantees of reform in this dual regard and solemn promises that fiscal regulations will not undermine freedom of trade and industry.

Freedom of commerce without freedom to navigate the rivers is a contradiction because, all Argentine ports being fluvial, closing the rivers to foreign flags blocks the provinces and cedes all commerce to Buenos Aires.

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The following guarantees, which in that treaty²¹ were established only in favor of the English, should be applied to everyone. Everyone should enjoy *constitutionally*, not necessarily by treaties:

Freedom of trade;

The privilege of coming securely and freely, with their boats and cargoes, to the ports and rivers accessible by law to all foreigners;

The right to lease and occupy properties for purposes of commerce;

Protection from paying differential duties;

The right to negotiate and perform all trade activities in their own name without being required to employ persons of this country for the purpose;

The right to exercise in the republic all the civil rights inherent in citizenship;

Protection from the obligation to perform military service;

Freedom from forced loans, exactions, or military requisitions;

The maintenance in force of all these guarantees despite any possible dispute with the nation of the foreigner residing in the *Plata*;

21. The treaty with England of February 2, 1825.

Enjoyment of complete freedom of conscience and of religion, freedom to build churches and chapels any place in the Argentine Republic.

... Today more than ever the adoption of this system would be useful, calculated as it is to receive those populations which, thrown out of Europe by civil war and industrial crises, now pass through the rich regions of the *Río Plata* to seek in California the fortune they could find more easily here, with fewer risks, and without putting themselves at such a distance from Europe.

Peace and internal order are among the other major goals that the sanction of the Argentine constitution must keep in view, because peace is essential for developing institutions, and without it all efforts made on behalf of the country's prosperity will be vain and sterile. Peace, in and of itself, is so essential to the progress of these countries in formation and development that the constitution that provides only that one benefit would be admirable and fruitful in consequences. Farther on, I will touch on this point of decisive interest for the fate of those republics that march to their disappearance down the road of civil war, by which *Mexico* has already lost the most beautiful half of its territory.

Finally, through its nature and spirit, the new Argentine constitution must be an absorbing, attractive constitution, endowed with such power to assimilate that whatever foreign individual comes to the country makes it his own, a constitution calculated especially and directly to provide in a very few years four or six million inhabitants for the Argentine Republic; a constitution designed to transfer the city of Buenos Aires to a street of San Juan, La Rioja, and de Salta, and to carry these peoples to the fruitful borders of the *Río Plata* by railroad and electric telegraph, which abolish distances; a constitution that in few years makes of Santa Fe, Rosaria, Gualeguaychú, Paraná, and Corrientes so many other Buenos Aireses in population and culture by the same means that has made Buenos Aires great, namely, by immediate contact with civilized and civilizing Europe; a constitution that, attracting European inhabitants and assimilating them to our population, makes our country so populous in a short time that we will never have to fear official Europe.

A constitution that has the power of the fairies who constructed palaces in a single night.

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XXXI

What name will you give a country—what name does a country deserve—that is composed of two hundred thousand leagues of territory and a population of eight hundred thousand inhabitants? A wilderness. What name will you give the constitution of that country? The constitution of a wilderness. Well then, that country is the Argentine Republic, and whatever its constitution might be, for many years it will be nothing other than the constitution of a wilderness.

But what is the most suitable constitution for a wilderness? The one that helps make it disappear—the one that helps make the wilderness cease being a

wilderness in the shortest possible time, converting it into a populated country. So this must be the political goal—and it cannot be any other—of the Argentine constitution and, in general, of all South American constitutions. For now and for many years, the constitutions of unpopulated countries can have no more serious and rational goal than to give the solitary and abandoned territory the population it needs as a fundamental tool for its development and progress.

Independent America is summoned to continue the work begun in its territory and left half done by the Spain of 1450. The colonization, the population of this world, new even today despite the three hundred years that have passed since its discovery, must be achieved by the American states themselves, constituted as independent and sovereign bodies. The work is the same, although the authors are different. In another time Spain populated us; today we populate ourselves. To this primary end we must direct all our constitutions. We need constitutions, we need a policy of creation, of population, of conquest over solitude and wilderness.

American governments as an institution and as persons, have no mission more serious for now than to fashion and develop the population of the territories under their governance, called states before their time.

Population everywhere, and principally in America, forms the substance around which all the phenomena of social economy are realized and developed. By it and for it everything in the world of economic events is stimulated and actualized. The principal tool of production, it yields to its benefit distribution of national wealth. Population is simultaneously the *end* and the *means*. In this sense, economic science, according to the word of one of its great organs, could be taken up again completely in the science of population; at least the science of population constitutes its beginning and end. This has been taught everywhere by an economist admiring of Malthus,²² the enemy of population in countries that have it in surplus and in moments of crisis that result from that excess. With how much more reason will it not be applicable to our poor America, enslaved in the name of liberty and unconstituted for no reason other than absence of population?

The goal of constitutional policy and government in America is, then, essentially economic. Thus, in America, to govern is to populate. To define government in any other way is to be ignorant of its South American mission. The government receives this mission from the need that symbolizes and rules all the rest of our America. In economic matters, as in all the rest, we must accommodate our law to the special needs of South America. If these needs are not the same that have inspired a certain system or economic policy in Europe, our law must follow the voice of our need and not the command that expresses different or contrary needs. . . . For example, in the presence of the social crisis that occurred in Europe at the end of the last century from the imbalance between

food and population, economic policy, expressed by the pen of Malthus, protested against population increase, because in such increase he saw the certain or apparent origin of the crisis; but to apply it to our America—for which population constitutes precisely the best remedy for the European ill feared by Malthus—would be like putting an infant weakened by lack of food under the rigor of a Pythagorean diet²³ because of that treatment's having been advised for a body sick from superabundance. The United States, with its practical example in the matter of population, takes precedence over Malthus; with its very rapid increase, it has worked miracles of progress that have made it the surprise and envy of the universe.

XXXII

Without population, and without better population than we have for the practice of representative government, all resolutions will remain illusory and without effect. You will have brilliant constitutions that completely satisfy the country's illusions, but disillusionment will not be long in demanding from you an account of the value of the promises; and then it will be obvious that you play the role of charlatans if not of children, victims of your own illusions.

In effect, constitute the Argentine provinces as you wish; if you do not constitute anything other than what they contain today, you constitute a thing of little value for practical liberty. Combine in every way your current population, you will do nothing other than combine old Spanish colonists. Spaniards to the right or Spaniards to the left, you will always have Spaniards weakened by colonial servitude, not incapable of heroism in victories when the occasion calls for it, but certainly incapable of the virile forbearance, of the immutable vigilance of the man of liberty.

Take, for example, the thirty thousand inhabitants of the province of Jujuy;²⁴ put on top those who are below, or vice versa; raise the good and knock down the bad. What will you accomplish by that? Double the customs income from six to twelve thousand pesos, open twenty schools instead of ten, and some other improvements of that sort. That is what will be accomplished. Well then, that will not prevent Jujuy from remaining for centuries with its thirty thousand inhabitants, its twelve thousand pesos of customs income, and its twenty schools, the most progress it has been able to achieve in its two hundred years of existence.

Something has just occurred in America that puts the truth of what I maintain beyond doubt, namely, that without better population for industry and for independent government, the best political constitution will be ineffective. What has produced California's instantaneous and marvelous regeneration is not necessarily the promulgation of the North American constitutional system. That

22. The Rev. Thomas Robert Malthus (1766–1834), author of *An Essay on the Principle of Population*, predicted that population would outstrip food supply, the former growing geometrically while the latter grew arithmetically.

23. Pythagoras, Greek philosopher of the sixth century BC, was the first prominent vegetarian in the West. "Pythagorean diet" came to mean avoidance of the flesh of slaughtered animals.

24. Jujuy, the extreme northeast province of Argentina.

system has been proclaimed in all of Mexico since 1824 and is still being pro-claimed; and in California, former province of Mexico, it is not as new as is thought. What is new in California—the real origin of the favorable change—is the presence of a people made up of inhabitants capable of industry and a political system that the old Spanish-Mexican inhabitants did not know how to effect. Liberty is a machine that, like the steam engine, requires for its management machinists who are English in origin. Without the cooperation of that race, it is not possible to adapt liberty and material progress anywhere.

Let us cross our people, eastern and poetic in origin, with that English race, and we will give our people the aptitude for progress and practical liberty without losing its character, its language, or its nationality. Doing so will save it from disappearing as a people of Spanish character, with which Mexico is threatened by its intractable, petty, and exclusive policy.

I am not trying to humiliate my own people. Devoid of ambition, with the same disinterest with which I have always written the truth, I am speaking now the practical and complete truth, which bursts illusion. I know the flattery that obtains ready sympathy for ambition; but I will never be the courtier for prejudices that cause attitudes I do not feel, nor of a popularity as ephemeral as the misconception on which it rests.

Let us suppose that the Argentine Republic is made up of men such as I, that is to say, of eight hundred thousand lawyers who know how to write books. That would be the worst population it could have. Lawyers do not build railroads, make navigable and navigate the rivers, work the mines, cultivate the fields, colonize the wilderness; that is to say, we do not give South America what it needs. Well then, the current population of our country serves those ends, more or less, as if it were composed of lawyers. It is an unhappy misconception to believe that primary or university instruction is what can make our people suitable for material progress and the exercise of liberty.

In Chiloe²⁵ and in Paraguay all the men of the town know how to read; and nonetheless they are uncultured and wild next to an English or French worker who many times does not know the letter "o."

It is not the alphabet, it is the hammer, it is the crowbar, it is the plow that the man of the wilderness must possess, that is to say, the man of the South American people. Do you believe that an Araucanian would be incapable of learning to read and write Castilian? And do you think with that alone he could cease being a savage?

I am not so modest as an Argentine citizen to claim that only in my country does the truth I have just written apply. In speaking of it, I describe the situation in South America, for all of which this is the case, as is evident to all who want to see the truth. It is a half-populated and half-civilized wilderness.

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To populate the wilderness, two primary things are necessary—open its gates to let everyone enter, and assure the well-being of those who come; liberty at the gate and liberty within.

If you open the gates and harass within, you will lay a trap rather than organize a state. You will have prisoners, not settlers; you will catch some unwary people, but the rest will flee. The wilderness will remain victorious rather than conquered.

Today the world is completely filled with favorable places so no one needs to be imprisoned by necessity, much less by desire.

If, on the contrary, you create guarantees within, but at the same time close the gates to the country, you will only guarantee solitude and wilderness; you will not constitute a people but a territory without people, or at the most a municipality, a wretchedly founded town, that is to say, a town of eight hundred thousand souls, cut off from each other by hundreds of leagues. Such a country is not a state—it is a political limbo, and its inhabitants are errant souls in the solitude, that is to say, South Americans.

The colors of which I avail myself will be strong; they may be exaggerated but not deceptive. Take several degrees away from the color yellow, and the remaining color will always be pallid. Fewer carats will not alter the strength of the truth, just as they will not alter the nature of gold. One must give exaggerated forms to truths that escape the sight of ordinary eyes.

25. Chiloe is the second largest island in South America after Tierra del Fuego.