



## THE EDGE OF POLITICS: THE CAUDILLOS IN LATIN AMERICA AND THE QUESTION OF SOVEREIGNTY

Italia Maria CANNATARO\*

Para citar este artículo puede utilizarse el siguiente formato:

**Italia Maria Cannataro** (2013): "The edge of politics: the Caudillos in Latin America and the question of sovereignty", en *Revista europea de historia de las ideas políticas y de las instituciones públicas*, n.º 6 (noviembre 2013), pp. 141-155. En línea: <http://www.eumed.net/rev/rehipip/05/imc.pdf>

ABSTRACT: The observation of Latin American policy of the 19<sup>th</sup> century gives us the image of anarchy and irrationality of the new republics. This view survived until the end of the century and contributed to build a new historical version of the independence: the emancipating movement had been betrayed by a new political actor, the *caudillo*, whose power, arbitrary and personal, used to limit the sovereignty of the laws. For the liberal imaginary of the end of the century, therefore, the independence of Spain had allowed the birth of a national sovereignty and a new freedom, but their development will be obstructed by the political personalism. This interpretation brought the idea of an historical failure of the liberalism in the Hispanic America. However it wasn't an involucional process, or a violent break with the history of the continent. All the process that goes from the imperial crisis to the birth of the independent republics has got its own logic and rationality: the informality of political life of Latin American States and the institutional "disorder" which characterized them was the fruit of the survival of political structures typical of the colonial age and, moreover, of the crisis of the empire. The violence of the regime was, therefore, a political formality, a receptacle of new liberal ideas. The absolutly "horizontal" relationship among the followers and the leader was the most evident sign. The single participant to the new popular unity, established by the wideness of the suffrage, felt fully sharer of the life of the new populations, so that the verticality and the gerarchy joined and confused with horizontality and with the belonging to the group without, in this way, any sensation of prevarication and moral and political violence. Therefore the liberalism didn't "get out" from the past and the war became expression of a political area, where violence was a service given to the tradition and continuity.

KEY WORDS: Latinamerica, Caudillos, Liberalism, Crisis, Modernity.

RIASSUNTO: L'osservazione della politica latinoamericana del XIX secolo ci regala l'immagine dell'anarchia e dell'irrazionalità delle nuove repubbliche. Questa visione sopravvisse sino alla fine del secolo e contribuì a costruire una nuova versione storica dell'indipendenza: il movimento emancipatore era stato tradito da un nuovo attore politico, il *caudillo*, il cui potere, arbitrario e personale, limitava la sovranità della legge. Per l'immaginario liberale di fine secolo, dunque, l'indipendenza dalla Spagna aveva permesso la nascita di

\* Ricercatore di Storia delle dottrine politiche, Università di Messina (Italia).

una sovranità nazionale e di una nuova libertà, ma il loro sviluppo sarebbe stato ostacolato dal personalismo politico. Questa interpretazione finì per generare l'idea di un fallimento storico del liberalismo nell'America ispanica. In realtà non si trattava di un processo involutivo, né di una frattura violenta con la storia del continente. Tutto il processo che va dalla crisi imperiale fino alla nascita delle repubbliche indipendenti ha una sua logica e una sua razionalità: l'informalità della vita politica degli Stati latinoamericani e il "disordine" istituzionale che le caratterizzava era il frutto della sopravvivenza di strutture politiche tipiche dell'età coloniale e, più ancora, della crisi dell'impero. La violenza dei regimi era, dunque, una formalità politica, un contenitore per le nuove idee liberali. Il rapporto assolutamente "orizzontale" tra i gregari e il capo ne era il segno più evidente. Il singolo partecipe della nuova unità popolare, sancita dall'ampiezza del suffragio, si sentiva a pieno titolo partecipe della vita dei nuovi popoli, cosicché la verticalità, e quindi la gerarchia, si fondeva e confondeva con l'orizzontalità e l'appartenenza al gruppo senza, così, alcuna sensazione di prevaricazione e di violenza morale e politica. Il liberalismo non si "liberava" perciò del passato e la guerra diventava espressione di un ambito della politica, quello in cui la violenza era un servizio reso alla tradizione e alla continuità.

PAROLE CHIAVE: Latinoamerica, Caudillos, Liberalismo, Crisi, Modernità.

### 1. Introduction

The examination of the way of doing politics in Latin America during the colonial time, the independence wars and the building of the nation States, let us believe that the related changes in the formal organization of the authority didn't suppose any real transformation in the working politic system. This work aims to analyze the peculiar elements of this fact starting from the general behaviour of the actors in the political field and in the process which led to the creation of the institutions and social structures where the forms of practices of power are placed. In this context the *Caudillo's* figure assumes a central perspective for the analysis of the concept of authority in Latin America.

This article develops through three parts: the first one is about the birth of the caudillism phenomenon and the worry related to the inability to steady the development of a liberal system suitable to the necessity to create a "modern" articulation between the States and their respective society through the national identification.

In its second part the "traditional" elements and the "incidental" ones are examined in the definition of citizenship and nationality in those areas. Its third part realizes a parallel between the two historic elements involved in the management of the public soil of the continent: the caudillos and the system of patronage.

The aim is to establish a conclusion where the informality of the political life in the Latin American Countries during the 19<sup>th</sup> century comes out and, at the same time, the definition of the *caudillo's* figure through the composition of the sovereignty in the age of independence is underlined.

## 2. The illusion of the liberal project

In Latin America neither the independent plans, nor the years of the liberal revolutions generated a deep change in the society: the transfer of authority from the old to new political systems couldn't overcome the formal aspect and, in this sense, a breaking with the last regime didn't happen.

The independence wars, as Stoetzer writes, weren't a conflict between Spanish and American people, but they took the character of a civil war. Only around the year 1820, with the reintroduction of the Cadiz's Constitution, a final breaking with Europe occurred.

Till that moment it was about a war for the achievement of a major administrative autonomy inside the Hispanic world<sup>1</sup>.

During the empire crisis, unleashed in 1808 by the abdications of the Spanish royal family in favor of Bonaparte, and during the first years of independence, the conditions for the creation of Nation States didn't emerge. The rising Latin-American liberalism adopted a conception of sovereignty and of State, which was very similar to the French revolutionary one.

Nevertheless, this choice contrasted with the Habsburg tradition that, at the time of the imperial crisis, was highly rooted in the American territories and it had, between the 17<sup>th</sup> and the 18<sup>th</sup> century, favoured the development of an Empire of federal type.

In the middle of the eighteenth century, an attempt to impose an administrative monarchy in the French style was done thanks to the Bourbon reforms.

The operations of economic sort obtained encouraging results; the political ones were, on the contrary, rather disappointing.

The stewardship system, that should have broken the power of the oligarchic groups, made the society more dynamic and it should have had, as its last goal, the creation of an only Hispanic nation, wasn't fully applied and this determined, in the subcontinent, the failure of the new conception of monism belonging to the European absolutism. The reforming operations partially failed, favoring the continuation of oligarchic and corporative societies<sup>2</sup>.

The inability of the Spanish Crown to steady the experience of the absolutist State didn't render it easy the elimination of the intermediate territorial powers, which proved themselves capable to defend that set of jurisdictions which through three centuries, had granted the cohesion of the colonial society<sup>3</sup>.

---

<sup>1</sup> C. Stoetzer, *El pensamiento político en la América española durante el periodo de la emancipación (1789-1825)*, Madrid, Instituto de Estudios Políticos, 1966, 2 voll., tomo I, p. XI; M. A. Samaniego (ed.), *Independencia y revoluciones en Nuestra América*, Baja California, Mexicali, 2011, 2 voll. In this work the aim is to focus on the "spanish" America postponing the treatment of the Portuguese area to another venue. It's not meant to betray with this the sense of the the expression of Latin-America given by Chevalier first and secondly by Bilbao, but only circumscribing the analysis area.

<sup>2</sup> Cfr. P. Rudan, "Estado administrativo y discurso colonial. Floridablanca, Bolívar y las colonias españolas entre organización e independencia", in *Res Pública*, n. 22, 2009.

<sup>3</sup> B. Clavero, *Tantas personas como estados. Por una antropología política de la historia europea*, Madrid, Tecnos, 1986, p. 14 ss.; B. Clavero, "Institución política y derecho: acerca del concepto historiográfico de «Estado moderno»", in *Revista de Estudios Políticos*, n. 19, 1981.

Due to the fast dissolution of the Empire, the sovereignty of the Latin American countries went through a much more dramatic itinerary than in the rest of the West.

The articulations and interdependencies became more evident in peripheral areas such as Hispanic America than the old continent; the State appeared to be a collection of territorial units set in different geopolitical situations and provided of special autonomies and privileges. A fragmented definition of power was one of the reasons for the origin of the caudillos phenomenon.

In 1933 Charles Chapman published an article where he defined the 19<sup>th</sup> century just as the caudillos' era. To the questions about who they were and which was the origin of their power he answered: «I don't know, and neither does anybody else»<sup>4</sup>. Chapman's uncertainty gave start to the first systematic studies on this subject.

According to Portillo Valdés, the crisis revealed in May 1808 was a crisis of sovereignty, not a desire of independence «with consequences of a complex war which left space to a solution of constitutional sort»<sup>5</sup>.

American Juntas, between 1808 and 1810, got their legitimacy not only from a traditional idea of territorial autonomy, but even from a steady doctrinal basis of neo-scholastic: Suárez' belief turned out to be determinant in the politic American culture of that time<sup>6</sup>.

The Spanish Jesuit's philosophy, writes Dell' Oro Maini, spread out in Latin America at the end of the 15<sup>th</sup> century with the arrival in Perù of Juan de Atienza, a Suárez' very young pupil, who became, in 1585, the main organizer of the Jesuit's activity in Paraguay.

At the beginning of the 17<sup>th</sup> century, the provinces of Río de la Plata became the area where the Suárez' belief mostly spread, so that the whole educative project of the Colegio Máximo de Córdoba, founded in 1612, based itself on the teaching of the Spanish language<sup>7</sup>. Stoetzer reports about some notes of a study from the University of Córdoba reporting some assumptions of a clearly Suarezish matrix about the origin of authority. «A prince political authority – it is written – comes from God, but the political principedom isn't by God directly emanated because God gives the supreme power to the community. The authority, even when it is assigned to the prince, belongs to the people, but they can't neither limit nor abolish it except for very serious events»<sup>8</sup>.

The *pactum traslationis* theory elaborated by the Spanish autor – Morelli writes – revealed itself as the most suitable to the American renewal expectations<sup>9</sup>.

---

<sup>4</sup> C. E. Chapman, "The age of the caudillos: a chapter in hispanic american history", in *Hispanic American Historical Review*, vol. 12 (1933), p. 281-282.

<sup>5</sup> J. M. Portillo Valdés, "Monarquía católica de estado", in J. M. Portillo Valdés (ed.), *Revolución de nación. Orígenes de la cultura constitucional en España 1789-1812*, Madrid, Boletín Oficial del Estado, 2000, p. 127.

<sup>6</sup> C. Stoetzer, *El pensamiento político*, cit., p. 121 ss.

<sup>7</sup> A. Dell'Oro Maini, "Introducción", in A. Dell'Oro Maini (ed.), *Presencia y sugestión del filósofo Francisco Suárez. Su influencia en la Revolución de Mayo*, Buenos Aires, Espasa Calpe, 1959, p. 14.

<sup>8</sup> C. Stoetzer, *El pensamiento político*, cit., p. 218.

<sup>9</sup> F. Morelli, *Territorio o Nazione. Riforme e dissoluzione dello spazio imperiale in Ecuador (1765-1830)*, Soveria Mannelli, Rubbettino, 2001, p. 39 ss. Here the Suárez and the Pufendorf's doctrines are, by this author, related with the theory of retroversion of sovereignty, that is: if the sovereignty is shared, the falling short of one of the two participants implies «the retroversion of

According to this theory the community, disposing of its freedom as a subjective right, transmitted its power willingly and this was freely accepted by those who were designed to practice it.

In short, according to Maravall, the act of transmission of power coincided for Suárez with the exercise of the power itself; so the community could own and practice the sovereignty delegating the power in the facts, but keeping it in the principles so that they could manage it in the respect of the positive rights<sup>10</sup>.

Pufendorf's influence about the doctrine of sovereignty in those areas was significative too<sup>11</sup>. According to Góngora, in fact, with the borbonic reforms of the end of the 18<sup>th</sup> century, the jusnaturalism replaced the neo-scholastic as «first principle of the intellectual colonial universe»<sup>12</sup>.

The *De iure naturae et gentium* had, in fact, its maximum circulation in South America thanks to the French translation by Juan Barbeyrac in 1706. Its next publication *De Statu imperii germanici hodie* in 1712 marked a fundamental step – according to Huesbe – in the liberation process of those areas<sup>13</sup>.

«Although Barbeyrac – Skinner writes – criticized Pufendorf, his translation gave maximum spread to the issue whereby the union which makes civil associations has its start when a number of people steady themselves in a single *Personne Morale* and its name is *l'État*»<sup>14</sup>.

The conditions that Pufendorf sat on foundation of the State represented – according to Annino – a clear corollary to the role of the people, free to practise sovereignty, during the king absence, directly or by delegates<sup>15</sup>.

So, in Latin-America, the people were identified with those institutes that could represent it on the territory; this way, in theory, these doctrines were understood as a kind of expression of the popular sovereignty.

Although Samuel Pufendorf – Huesbe says – was certainly not to consider as a theoretic of the democracy or popular sovereignty, his work was useful as an element of the power legitimacy and, above all, it answered to the necessity to create a new political referent in the figure of the citizen as a member of the *Personne Morale*<sup>16</sup>.

The principles of the Protestant jusnaturalism were adapted to the traditional catholic creed; so giving the Dutch contractual theory – according to Morelli – to the specific analysis of the cases of *vacatio regis* in the colonies<sup>17</sup>.

---

sovereignty», p. 48-49.

<sup>10</sup> J. A. Maravall, *Estado moderno y mentalidad social, Siglos XV a XVII*, Madrid, Revista de Occidente, 1972, 2 vols, T. I, p. 203. About the Jesuit's influence in the Creole's culture in those areas cfr. D. Branding, *The first America. The Spanish monarchy, creole patriots and the liberal State (1492-1867)*, Cambridge-New York, Cambridge University Press, 1991; A. Pagden, *Spanish imperialism and the political imagination*, New Haven and London, Yale University Press, 1990.

<sup>11</sup> A. Annino, "Soberanías en lucha" in A. Annino, L. Castro-Leiva, F. Guerra (coord.), *De los Imperios a las naciones: Iberoamérica*, Zaragoza, Ediciones Universidad de Barcelona, 1994.

<sup>12</sup> M. Góngora, R. Southern, *Studies in the colonial history of spanish America*, Cambridge-London, Cambridge University Press, 1975, p. 179.

<sup>13</sup> M. Huesbe, "La teoría política de Samuel Pufendorf a través de su comentario a la constitución del imperio romano-germanico (1667)", in *Revista de Estudios Históricos-Jurídicos*, n. 31, 2000.

<sup>14</sup> Q. Skinner, "Una genealogía del Estado moderno", in *Estudios Públicos*, n. 118 (2010), p. 34.

<sup>15</sup> A. Annino, "Soberanías en lucha", cit., p. 241-248.

<sup>16</sup> M. Huesbe, *Teoría, Administración y Participación en el estado moderno*, Valparaíso, Ediciones Universitarias Valparaíso, 2008, p. 37.

<sup>17</sup> F. Morelli, *Territorio o Nazione. Riforme e dissoluzione dello spazio imperiale in Ecuador*

As it was by Pufendorf underlined, in the case of *vacatio regis* in a vast kingdom built by several territories, the passage from the self-government to the emancipation was possible. People could therefore practise independently its sovereignty.

The decision in 1809 of the Spanish *Junta Central* to grant the political equality and the representation to the political territories speeded up the revision process of the sovereignty concept in the colonies and revealed that the Americans were not interested in the origin of sovereignty but in its management. The separation from the Spanish Crown didn't determine a true building of self-political communities able to refund their destiny. The continuity of the social practices and of many of the old economic dynamics, was accompanied by the persistence of the political practices that, although formally looked to be changing, they were actually still linked to the logic of the colonial period.

Just these practices are linked to the uses and costumes, over than institutions, which outline the framework where the Caudillo's power is.

The folk's influence during revolutions in 1810 – Stoetzer underlines – actually was a typical expression of the Spanish family values and it had a little to do with the illuminism and the North American and French revolutions<sup>18</sup>.

Well, the conservative aspect of the war constituted an essential element in a system where the popular representation didn't owe any connotations of modernity.

To conclude – according to Andrés Gallego – since the sovereignty was completely linked to a divine or popular origin, both the monist aspect of the Bourbon's monarchy and the Suárez's treaty proposals resulted, in those contexts, as absolutistic ones<sup>19</sup>.

The practice of sovereignty through *pactas* had for this reason also a wide interpretative turn which helped to determine, during the time of the Empire crisis, who was the sovereignty holder in that area with reference both to the ruler and to the caudillos in a very ambiguous doctrinaire position.

With the end of the Bourbon's empire and the independence wars, it was clear that sovereignty belonged only formally to the people, but it was managed by the local authorities that from many ages represented that society<sup>20</sup>.

---

(1765-1830), cit., p. 49 ff.

<sup>18</sup> C. Stoetzer, *Las raíces escolásticas de la emancipación de la América española*, Madrid, Centro de Estudios Constitucionales, 1982, p. 31-64.

<sup>19</sup> J. Andrés Gallego, "La pluralidad de referencias políticas", in F. X. Guerra (ed.), *Las revoluciones hispánicas: independencias americanas y liberalismo español*, Madrid, Editorial Complutense, 1995; M. Quijada, "Las dos tradiciones, soberanía popular e imaginarios compartidos en el mundo hispánico en la época de las grandes revoluciones atlánticas", in O. J. Rodríguez (ed.), *Revolución, independencia y las nuevas naciones de América*, Madrid, Mapfre, 2005. Formerly in 1903 the Argentin Octavio Bunge had got the ambiguity of the idea of popular sovereignty: in the book *Nuestra América* he had written: «if Kings ruled by divine right, the caudillos ruled by the will of men, who were willness»: O. Bunge, *Nuestra América*, Buenos Aires, Casa Vaccaro, 1918.

<sup>20</sup> It seems to be finally gone the populist hypothesis of independence, which was typical in the Latin American historiography of the end of the 40's years. According to them, the Suárez and Pufendorf's covenantal tradition ended up merging into the doctrine of the roussovian people's will. With regard to this topic it's to look the main work of the movement leader M. Giménez Fernández, *Las doctrinas populistas en la independencia hispano-americana*, Sevilla, Escuela de Estudios Hispanoamericanos, 1947. This particular view seemed to regain value at the beginning of the 90's thanks to G. Thompson, "Popular aspects of liberalism in Mexico", in *Bull.*

### 3. Power dispersion

In the period immediately after the wars of independence a large part of socio-cultural élite of Latin America seemed to agree with the necessity to build a political model inspired by the ideas of democracy, citizenship and participation. These liberal élites had found, in the political organization of “civilized” countries the perfect representation of a regime characterized by pluralism and by the promise of the progress. This behaviour led them to strongly introduce the ideas of constitutionalism and representative government<sup>21</sup>.

Certainly, apart from the permanent comparison with the nostalgic conservatives, the liberal proposal was not able to assure real margins of applicability. Generally, after a more or less extended experiment of popular government, different authoritarian forms replaced liberalism as a form of government. The reasons have to be identified with the power dynamics in the same way they established themselves in the mixed State in the colonial world. The new States kept, in fact, a continuous interdependence and interaction between the central government and the marginal governments: the government authority was constantly mediated, according to the local plan, from specific social groups, with a politically well-defined and justified role by the sovereignty contractual theories. These “particular” realities were depositary of the government authority in exchange for an advantage represented by the possession of some dominion elements and by the appropriation of the social prosperity shares.

The wars of Independence did not succeed to cancel the territorial and political fragmentation that always characterized those areas: the so-called intermediate-bodies became the real depositaries of the power. *Juntas*, *Alcaldes*, *Cabildos* and then *Fueros*, *Pueblos* and *Ciudades*, made legal in Cadiz in 1812, carried out, before the Independence Wars, important legislative functions that limited and supervised the Monarch’s action, and after 1825, did not change their role<sup>22</sup>. Direct expression of the civil society, they kept a part of the power’s management: in particular, the *Ciudades* continued to elect their *Alcades*, to maintain the office elective and mercenary nature and to represent

---

of *Latin America research*, vol. 10, n. 3 (1991) and more: A. Annino, R. Buve, “El liberalismo en México”, in *Cuadernos de historia Latinoamericana*, n. 1, 1993. It was Stoetzer himself to confute this theory in the 70’s. The independence conservative matrix seems to me endorsed by the Morelli’s sovereignty retroversion theory for the *Audiencia* di Quito in Ecuador; the author, underlines its conservative but not revolutionary aspect of the monarchy in part Borbonic, allowing a large space to the action of intermediate bodies, representing in this way the inspiration of the same independence. In this trend there are also Huesbe’s, Gallego’s and Quijada’s writings.

<sup>21</sup> Cfr. S. Soriano Hernández, H. Taboada (ed.), *Visiones latinoamericanas de la nación*, Mexico, UNAM, 2009; J. Lynch, *Las revoluciones hispanoamericanas*, Barcelona, Editorial Ariel, 1983, p. 40.

<sup>22</sup> The castillian word *fuero* comes from the latin *forum*, “place where justice is administered”. Later, it referred to jurisprudence or to a combination of judgments produced by judges. So, following the history of the jurisprudence’s formation, it later referred to the combination of privileges recognized by the State to a city or to a category, to come to indicate the combination of specific norms, with which the Spanish populations are supported. See B. Clavero, “Emisferi di cittadinanza”, in *Storica*, n. 37 (1987), p. 30.

virtually a territory that passed the limits of the urban space, including a series of villages and small villages<sup>23</sup>.

Although the introduction of the liberal delegation and the independence, therefore, the town halls continued to perform the role of real sovereign bodies of the Kingdom, and the resolution of the new States occurred depending on the cities, counting on them and on their *Cabildos* of Creole bourgeoisie, instead of counting on an unclear territorial idea of nation.

The reason according to which the sovereignty of the new States lied in the territorial bodies materialized itself with the acceptance of those ones to Bolívar, above all after 1828, when the *libertador* accepted the role of State's leader sustained by several actions of community support. Communities, villages, believed – writes Morelli – that to possess the necessary powers to assign the sovereignty practice was any person or appropriate bodies to act for protecting their interests<sup>24</sup>.

Therefore, Bolívar was considered, according to people's mentality, the country's saviour, who had freed the South of the continent from the Spanish domination and he could save it from the anarchy and from several internal fights. We are in front of a substitute King's image, able to organize the State and free it from the disadvantages that came after the Republic creation<sup>25</sup>.

Bolívar's dictatorship was, in some way, the result of the transition from the colonial State to the Republican one. Substituting the King with an abstract entity, such as the people's sovereignty or the Constitution, was something unreal according to the people's procedure; to substitute him with the *libertador* was easier and immediate. The substitution of the King's figure with that of Bolívar entailed another consequence: the reaffirmation of the authentic value of the sovereignty shared in a fragmented territorial context.

During the 19<sup>th</sup> century, in fact, the structure of the political space come from the gaditana experience and from the Wars of Independence was maintained: the suburban areas, the rural and the city ones, continued to practice a part of their political power. The new ruling *élites* had to compare themselves with the power of the other territorial authorities that disputed to the capital city the control of the new State, forcing the delegates of the central power, the *caudillos*, to initiate exchange strategies and reciprocal legitimacy.

The new liberal inspiration laws reconfirmed the *Fuero militar* and so, following the gaditano's model, reaffirmed the town hall's role as regards the militia organization. The municipals authorities intervention in military problems became so big that «sometimes, the town halls – writes Morelli – felt themselves justified to suggest to the executive branch the candidates for the military office, occupying roles that, according to the new political system, stayed out from their responsibilities»<sup>26</sup>.

---

<sup>23</sup> See: A. García-Gallo, "La ciudad americana y la indiana", in A. García-Gallo (ed.), *Los orígenes españoles de las instituciones americanas. Estudios de derecho indiano*, Madrid, Real Academia de Jurisprudencia y Legislación, 1987.

<sup>24</sup> F. Morelli, *Territorio o Nazione. Riforme e dissoluzione dello spazio imperiale in Ecuador (1765-1830)*, cit., p. 254-263.

<sup>25</sup> As regards this interpretation of Bolívar's figure see: H. Tovar Pinzón, "Problemas de la transición del Estado colonial al Estado nacional (1810-1850)", in J. P. Deler, Y. Saint Geours (ed.), *Estado y Naciones en los Andes. Hacia una historia comparativa: Bolivia, Colombia, Ecuador y Perú*, Lima, 1986, 2 voll., volume 2.

<sup>26</sup> See F. Morelli, *Territorio o Nazione. Riforme e dissoluzione dello spazio imperiale in Ecuador (1765-1830)*, cit., p. 207.

This shows that the Wars did not reinforce the State but the local communities and that the process of the famous national army formation continued to be shaped by the society and did not undermine the endogenous powers but it reinforced them.

#### 4. *The event's origin: the public space and the private one*

The survival of the territorial militias model and that of the *Fuero militar* offered the possibility to the municipal *Alcaldes* to possess a double judicial power, since, in addition to practice the administrative and the judiciary powers, were often official militants. This twine between the civil jurisdiction and the military one empowered these subjects on the territory. And it is exactly from this double jurisdiction based on a local aspect, that was born the *caudillos* power during the XIX<sup>th</sup> century: the power, in fact, did not grow out of the arms power but from the *Fuero militar* and from the practice of justice. People of the most illustrious families, the *caudillos* did not come from rural and uncivilized settings, as sometimes the pragmatic Latin-American historiography of the second half of the XIX<sup>th</sup> century underlined; generally, they were hailing from the most important cities, they were civilized, leading figures of the bureaucracy or of the local administration, besides the fact they were army or militia members.

The fact of possessing a double jurisdiction from the local point of view gave them a strong political legitimacy, as the power was still organized through legal procedures.

Although the obvious privilege positions, the *caudillos* had to come to terms with the rural local authorities and with the “particular” communal structures as the Indian ones which continued to practice judicial powers on the territory.

These difficulties of creating a new local space with full sovereignty, in other words a national State, finished by generating the idea of an historical failure of the Latin-American liberalism. Actually, the ruling classes did not understand that the emancipation of Spain showed the ex empire intermediate – bodies final victory and they did not understand that the process that brought the South of the continent to the emancipation was connected with the colonial history during the crisis of the Empire.

The sovereignty dispersion into an elevated number of local structures not only perplexed the way of ruling of the new Republic but raised another problem connected with the national states formation: their legitimacy and the problem of the political obligation. The complicated transition from a political obligation based on the loyalty towards a person, the King, to another one unknown, established on the loyalty to an abstract authority, the modern nation, became, in Latin-America, a difficult problem to solve. The local authorities consolidation forced the new ruling élites to face the problem of how succeed to consolidate the new national spaces. Directing again the political legitimacy towards the centre, dispossessing the sovereignty qualities of the local powers, revealed itself as a long and complicated procedure. The different Hispano-American liberalism procedure compared to the European one can be explained starting from this difference. In Europe the nation's development was, after all, a select event and it developed within census political systems,

whereas, in all the southern America – writes Morelli – it wasn't a census vote because the legislation made reference to the gaditana one<sup>27</sup>.

### 5. *The economic space and the political mediation*

The rural world and its principal production unit, the *hacienda*, played an important role with reference to the caudillo's political practice years after the Independence Wars. The new political *leader*, acting as civil mediators, revealed themselves able to define and canalise the dynamics and the social questions in a space that was still defining itself<sup>28</sup>.

From this point of view, the *caudillismo* was strictly linked to the peddling phenomenon influence. Both developed in particular structures of political and economic control, made use of social informal and authoritarian relationships. If during the colonial period these relationships were linked to the *encomienda* organization, during the 19<sup>th</sup> century the *hacienda* was the space of its reproduction<sup>29</sup>.

As the *encomienda* as the *hacienda* were economic institutions provided with political power. First the *encomienda* social system and after that of the *hacienda*, finished with the establishment of the political relation between the central authority and the different regions. The local powers reproduced accurately the organisational logic of the two institutions, so they succeeded to maintain an absolute control over the economic activities and citizens. The political power shared practice became an inevitable operation.

Therefore, the *caudillo*'s figure represented the interpreter of the State's law and negotiator of its implementation on the territory. The *caudillos* established a "dyadic" relation, that as the same word explains, consisted in a series of voluntary agreements between two factions (*leader* and people in this case) for the favour exchange and the mutual support by necessity.

The interest of this sort of alliance seemed to be a real preoccupation for the commonwealth. For this reason, the *caudillos* had a popular political support and the wars following the Independence had a fundamental role in the development process of the popular loyalty towards *leader*. The "negotiator" character of the *caudillo*, his diligence in defending the "special" interpretation of

---

<sup>27</sup> F. Morelli, *Territorio o Nazione. Riforme e dissoluzione dello spazio imperiale in Ecuador (1765-1830)*, cit., p. 11-13. In these areas, the author underlines, since the independence day illiterate and indios had a voice. As regards the relationship between the different races and the *caudillismo* event see: A. Arguedas, *Raza de bronce*, Buenos Aires, Losada, 1945. More that the biological sphere, Morelli's reasoning helps us to understand as the political space lengthen to the whole population become decisive for event manifestation. To the same interpretative branch are connected the writings of G. Chiaromonti, *Suffraggio e rappresentanza nel Perù dell'800. Parte prima: gli itinerari della sovranità 1808-1860*, Torino, Otto Editore, 2002 and P. G. Jordan (ed.), *Estado, región y poder local en América Latina, siglos XIX-XX: algunas miradas sobre el estado, el poder y la participación política*, Barcelona, Publicaciones Universitat de Barcelona, 2007.

<sup>28</sup> See: A. Rouquié, *L'America latina. Introduzione all'estremo occidente*, Milano, Mondadori, 2000, p. 75-76.

<sup>29</sup> As regards this topic see: S. Schmidt, J. Scott, C. Lande, L. Guastri, *Friends, Followers and Factions*, Berkeley, University of California Press, 1977; F. Guillén, *El poder político en Colombia*, Bogotá, Editorial Planeta, 1996, p. 21; A. Rouquié, *L'America latina. Introduzione all'estremo occidente*, cit.

the State's law was the consequence of a political activity that did not possess a juridical foundation.

This involved that the alliance supporting his action could finish when the regional delegates did not need his mediation anymore or in the event that they were not able to control the power directly.

Therefore, the *caudillismo patronage*, was gravely prohibitive as regards the development of the Latino-American national States. The configuration of a public space supervised by a central State, became a fantasy in those nations because of the clientele politics<sup>30</sup>.

During the 19<sup>th</sup> century the conventional institutions reveal precious little about the political communities operation in Latin-America, since that the operation remained linked, in different forms, to illicit relations, affinity or friendship that, together allowed the operation of that world. Therefore the *caudillismo* represented the predominance of the "informal" requests of political and social relations and sanctioned the disinterest for the formal institutions. The propitious context to the reinforcement of these figures that, according to Lynch «they were nothing if they could not assign lands» it was fully realised together with the development of the process of the States' centralization and the process of the trade expansion. The mediators were accredited as the best interpreters of the confrontation of these two dynamics on the communitarian structures: «the nesters – writes Duncan – convert themselves into mediators in competition with each other for grabbing the greatest number of supporters. The actors who dominated the national political scene could formalize some of these peddling systems in relation with the others already present on the scene. For this reason the ruler, the most valiant *caudillo* is the one who maintained the greatest number of relationships»<sup>31</sup>. So the *caudillo's* legitimacy was given not only by the efficacy in terms of institutional management, but also by the existence of a political culture in which the public legitimacy made up through private actions allowed to label the political leader as the community leader, the stalwart man. This type of relations, selective and inclusive, finished with the limitation of the national States development. As a result of the attempt of becoming independent from the Crown, the *élites criollas* created a government structure without worried in good time of the national proposals and radicalized the centralist structure to control the social disorganization that limited the State law implementation<sup>32</sup>.

---

<sup>30</sup> «Peasants took part in the National politics in their own way, without a civic aptitude, without passion, only obedient to their leader and traditional authorities»: see F. Escalante, *Ciudadanos Imaginarios*, Ciudad de México, El Colegio de México, 1993, p. 72.

<sup>31</sup> J. Duncan, "Peasant society and Clientelistic politics", in Schmidt, J. Scott, C. Lande, L. Guastri, *Friends, Followers and Factions*, cit., p. 49. «The relations homeland-client as Eisenstadt and Roniger writes – arose in Latin America as the result of two processes: on the one hand, they appeared starting from the colonial period, when a social order shaped on a strong element of power relation between States and a continuous preoccupation about their hierarchical role, and so about their prestige and reputation. On the other hand, they appeared starting from the control weakening of the central institutions and from the power's localization»: see C. Eisenstadt, E. Roniger, *Patrons, Clients and Friends: interpersonal relations and structure of trust in society*, Cambridge-New York, Cambridge University Press, 1984, p. 100.

<sup>32</sup> The obstacle was that of no possessing defined elements of cultural homogeneity but to organize them from one extreme to the other of the continent. The nation idea in these States was the product and not foundation of the centralized socio-political organization. It will be the State to create the nation idea in all that nations. See: Cfr. J. Chiaramonte, *Ciudades*,

Although the tendency to prefer the “particular”, it is not correct to deny the ideologies importance. The liberal inspiration characterized the *caudillos* political action during the 19<sup>th</sup> century. The results, more reformists than revolutionaries reproduced the traditional logic conducts in contradiction with the community logic mobilization. «The individual proclamation of the *pueblo*’s mandate – Lynch writes – contradicts the revolution ideal according to which the rulers’ election in a community has to be orderly, regulated and made formal by a public election process».

The 19<sup>th</sup> century wars moreover did not allow the birth, in the respective territories, of those defined *Barón Mayor* by Willis. As Willis writes this has to do «with the simultaneous development of different regional *élites*, each one with their own political and economic power. It also has to do with the lack of fiscal means». The 19<sup>th</sup> century and its principal actors embodied a combination of political colonial practices connected with the personal prestige and power, with ideals and justifications typical of a nationalist context. Moreover, the intense regionalism reinforced during the Empire’s crisis, did not allow that the Independence Wars paved the way for the *Barón Mayor*, able to promote a homogenization through the obligation. The heavy heritage the imperial crisis and the nationalist period left to the new States prevented, for the all century, that the State identified itself with the nation. The space of the new independent States was deeply limited by several collective subjects developed during the crisis and that modified the colonial political structure. For this reason appeared insuperable the discrepancy between the ruler *élites* project, that aspired to extend their power and to occupy and control the new States institutions, and the Latin-American nations realities in which there were wide territorial spaces which escaped from the new States sovereignty.

#### 6. *The politics of the war: doctrinaire breach and constitutional continuity*

The Independence War acquired in this way Hegel’s point of view of natural humanity condition<sup>33</sup>. The war had to break the Ancient Government balances and develop new ones based on the history of the new America. In this way Bolívar perceived it when declared «it is here the code we have to consult, it is not that of Madrid or Washington».

Therefore, the system born in Cadiz, was considered a limit and not an opportunity at least until the end of the war<sup>34</sup>. The sacrifice of conserving the

---

*Provincias, Estados. Orígenes de la Nación Argentina (1800-1846)*, Buenos Aires, Espasa Calpe, 1997, p. 154-162.

<sup>33</sup> Naturally it makes reference to Hegel “*Filosofia dello Spirito*” [1803] or to “*Vita di Gesù*” [1795] and not to “*Lezioni sulla filosofia della storia*” [1827] in which the history is described as an immense slaughterhouse. In the first two works, in fact, the theme of war always prevailed in relation with the concept of freedom indissolubly connected with the progressive development of the human history. Freedom couldn’t exist where prevail the yearning to the mere life preservation. See: A. Negri, “La maniera di trattare scientificamente il diritto naturale, posizione di questo nella filosofia pratica e suo rapporto con le scienze giuridiche positive”, in G. W. F. Hegel, *Scritti di filosofia del diritto (1802-1803)*, Bari-Roma, Laterza, 1962; G. W. F. Hegel, *Lezioni sulla filosofia della storia*, a cura di G. Calogero e C. Fatta, Firenze, La Nuova Italia, 1941.

<sup>34</sup> See: J. L. Gómez Martínez, “El pensamiento Latinoamericano, una aproximación bibliográfica”, in *Cuadernos Salmantinos de filosofía*, n. 8 (1981), p. 291. With the start of the

independence and the State's sovereignty, that coincided informally with the *caudillo's* figure, fell outside the individual particular interests, who renounced to his own life to protect the state's community. The *vecino*, that was the citizen who had the right to vote in the new States, was the person who could arm himself and enter the militias to defend his own community<sup>35</sup>. The idea the military virtue was a completion of the political one was, therefore, deeply present also in the South of America. The exaltation of the militias and the soldier citizen was important to reinforce the political deference's concept<sup>36</sup>.

Generally, the militia's structure reflected the social order: the participation to the militias, as the participation to the political life, allowed to reconcile the community sovereignty concept with the survival of a social hierarchical structure. The military and electoral system represented a consequence of the organic conception of the political body in those territories where the relations of the personalised asymmetry – points out Rouquié – were much more decisive of the simple logic of the production relations and where the great men supportive familiarity lent the basis to the modest people expectation. The *caudillo*, the guardian of those realities, represented the supreme model of a liberal State, that is to say the mediator of the people particular interests, the connection between the State and the civil society.

According to this system, the war was perceived as a necessary means to obtain and safeguard the peace and shared the ethic-juridical value of the *bellum justum* by Suárez and Pufendorf. Elements already present in the Latino-American tradition thanks to the diffusion of Francisco de Vitoria' writings in which the concept of right war was interpreted as an actualization instrument of people's right and it was allowed by the laws and by all people's tradition that affirmed their identity against that of the enemy<sup>37</sup>.

---

reconstruction debates the gaditano's system was used again: see C. Garriga (ed.), *Historia y constitución: trayectos del constitucionalismo hispánico*, México, CIDE, 2010.

<sup>35</sup> With the enter into force of the Cadiz's Constitution, the concept of Spanish citizenship and also the colonial one was based neither on the possession's requisite, nor on the tax system's requisite, but it was based on the *vecinidad* one. In addition to those who did not possess the residence's requisite, those who didn't receive criminal convictions and those who didn't show to be insolvent were excluded from the right to vote those who did not have a definite job and the *sirvientes domesticos*. However, the document, did not precise the political sense of the word leaving the other interpretations to the single States' will. The *vecinidad* notion presumed a notorious social identity, that is to say admitted by the social membership community making reference to the public image that each member had in relation with the community. On the origin and the concept development see: T. Herzog, *Defining nations. Immigrants and citizens in early modern Spain and spanish America*, New Haven, Yale University Press, 2003.

<sup>36</sup> The *vecino* of the liberal Spanish period resembled the Machiavellian example more than the Harrington one. The *vecinidad* notion was not linked in fact, to the land property, but it was linked to the fact of living in a house and having a recognized social employment. So, everyone was considered a citizen apart from his formal and substantial contribution to the progress, but for the reason of belonging to a nation. On the concept of citizenship according to Machiavelli and Harrington see: G. A. Pocock, *Il Momento machiavelliano*, Bologna, il Mulino, 1980, 2 voll. See also F. Morelli, *Territorio o Nazione. Riforme e dissoluzione dello spazio imperiale in Ecuador (1765-1830)*, cit., p. 121-174.

<sup>37</sup> On the theory of the right war according to Vitoria see: G. Tosi, "La teoria della guerra giusta in Francisco de Vitoria e il dibattito sulla conquista" in *Jura gentium*, n 1, 2006; L. Ferrajoli, "La conquista delle Americhe e la dottrina della sovranità degli Stati", in *Meridiana*, 1992; for a suitable juridical bibliography see: A. Cassi, "Da Salamanca allo Yucatan. Itinerari storico-giuridici del Bellum justum", in *Diritto@Storia*, n. 4, 2005.

So, Gootenberg's thesis about the political militarization and war should be revised. We can talk, in fact, about the war politicization making reference to the politics conceptual revision typical of the historiography of the end of the 90s<sup>38</sup>. The army did not constitute the powerful corps that often it was imagined and, for raising against a governing body, it needed, formally and substantially, the local communities. The famous *levantamientos* or *pronunciamientos* – Morelli reminds – that at a glance could seem arbitrary proceedings were, actually, extremely formalized proceedings. The *caudillo's* edict was always accompanied by the town halls or corporation and the *pueblos* official declarations during an assembly. Therefore, the pronouncement simulated a political body dissolution and its re-foundation through agreements freely stipulated by the original communities that lent legitimacy to a new political leader. The war planning and organization, between the Empire's crisis and the Independence, can be considered a means of the sovereignty revision and of the construction of some authority forms, that however, it was developing in a territory that was almost free from the Europe motherland but that adopted its political model rearranging them to a reality that had a new necessity: the creation of a new identity.

This innovation determined a more expansive and flexible attitude towards the Europe landmarks, in virtue of that Zea defines "a non ontological vision identity". So, the *caudillo* represented, in that period, the passage from Europe to America: this presumed the "civil history" suspension and the war became a means of a political affirmation in relation to the concept of freedom.

The war could determine the triumph of the *Personne Morale*, and so the triumph of the new States in which the *caudillo* was the exponent of a new popular sovereignty with indeterminate profiles. The new States, in fact, have included only in part the citizens in the sphere of the "modern" or national politics, screening and assimilating the civil society developed in Europe, in Cadiz<sup>39</sup>.

The agreement system, through which the power was attributed to the new *leader*, operated only if the "informal" aspects of the political action prevailed on the "formal" aspects; for this reason the citizens freely provided confidence and obedience to the *caudillo's* authority only until they identified themselves with this last one on the base of extraneous qualities to politics.

The recent historiography on this theme – Carmagnani and Morelli suggest – absolved the Latin-America politics from the accuse of having been a passive subject in the westernization process: «the differences – Morelli writes – are not thought as a degeneration of the political system but as a modality relation in a precise context». However it is correct to say that the freedom did not coincide with the liberation from the motherland. It was instead a constant adjustment of the new needs to the traditional doctrines or institutional practices. The war that

---

<sup>38</sup> We mention: F. Safford, "The Problem of Political Order in Early Republican Spanish America", in *Journal of Latin American Studies*, Vol. 24, 1992; J. Chasteen, *Making sense of caudillos and revolutions in Nineteenth-Century Latin America*, in J. Chasteen, J. Tulchin (ed.), *Problems in Modern Latin American History: A Reader*, Wilmington-Delaware, Scholarly Resources, 1994.

<sup>39</sup> On the constitutional continuity between the bourbon State and the Latino-American society see: M. Bellingeri, *Dinámicas de antiguo Régimen y orden constitucional. Representación, justicia y administración en Iberoamérica. Siglos XVIII-XIX*, Torino, Otto, 2000.

in Hegel's Europe originated the national States did not free America from the Ancient Government and the intermediate bodies had not originate the "modern" federalism as in the United States.

So, the *caudillo*, was a weak authority, without a power legitimately established and independent in a powers system that, on the contrary, were legitimately established and totally independent from the central authority. The *caudillos*, far from representing the modernity, symbolized the boundary with the tradition. A politic boundary Latin-America paied still for some time<sup>40</sup>.

Recibido el 16 de octubre de 2013 y aceptado el 8 de noviembre de 2013.

---

<sup>40</sup> For a different interpretation about *caudillos* and modernity see: M. D. Demélas, "El nacimiento de una forma autoritaria de poder: los caudillos", in *Bulletin d'histoire contemporaine de l'Espagne*, n. 24, 1996. Here the author supports the event has to be considered typical of the modernity because it represents a break with the past and a new power expression.