# TOLERATION AND FREEDOM OF EXPRESSION IN THE HISPANIC WORLD BETWEEN ENLIGHTENMENT AND LIBERALISM*

## I

### *ILUSTRACIÓN* AND RELIGION: ENLIGHTENMENT IN A CATHOLIC CONTEXT

Before its sudden disintegration in the first decades of the nineteenth century, for three centuries the Spanish Monarchy had comprised a vast territorial entity which stretched across the Atlantic and was bound by strong political and cultural links. And — as written sources reveal — despite both the enormous distances separating the mother country from her American possessions and some viceroyalties from others, and the great variety of contexts, climes and circumstances, the elite classes of this huge and heterogeneous human and territorial group shared a handful of basic beliefs. Amongst those, the Catholic religion was without doubt the most significant. On account of its capacity to inform, shape and determine the behaviour of the people, the Catholic view of the world was truly the very centre of the system: not for nothing was this political entity known for centuries as 'the *Catholic* Monarchy'.

Any analysis or reflection regarding freedom of expression in the Hispanic world of the eighteenth century must begin with that

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unavoidable fact. Even the most enlightened and reformist groups moved by and large within the parameters of a Catholic dogma, the defence of which had been identified since the early modern era with the *raison d'être* of the Monarchy, and which was very rarely questioned. Consequently, some historians have applied the term 'Catholic Enlightenment' (borrowed from a branch of German historiography)[1] to Hispanic eighteenth-century reformism; and it would not be totally unreasonable to speak of 'Catholic liberalism' with respect to the first Iberian–American constitutionalism of the era of revolutions and wars of independence.[2] In any case, the general acceptance of this intangible religious framework suffices to evidence the gulf separating the Iberian *Ilustración* from the French *Lumières*, the German *Aufklärung* or the Anglo-American 'Enlightenment' (labels which, incidentally, are often employed in a more normative than strictly historiographical sense). It is worth emphasizing, however, that the Catholic vocabulary could be employed rhetorically by both defenders of tradition and advocates of reform (and even, later on, by revolutionaries). Thus, it was more a case of a cultural and intellectual repertoire of argumentative

[1] Over thirty years ago, Mario Góngora applied the concept of Catholic Enlightenment to the study of Hispanic American societies: see Mario Góngora,'Gallicanism and Catholic Enlightenment', in his *Studies in the Colonial History of Spanish America*, trans. Richard Southern (Cambridge, 1975).

[2] According to J. C. Chiaramonte, what we know as '"Spanish Enlightenment" (or) "Hispanic American Enlightenment" . . . was in fact a set of reformist trends which, depending on the particular vision of iusnaturalism at stake, might drink from such diverse sources as the council tradition of Catholicism, Catholic Episcopalism and Jansenism, as well as some of the enlightened European schools of thought': José Carlos Chiaramonte, *La Ilustración en el Río de la Plata: cultura eclesiástica y cultura laica durante el Virreinato* (Buenos Aires, 2007), 14. After a long period of disdain, the 'Spanish Enlightenment' became the subject of historiographic study a little over half a century ago: Luis Sánchez Agesta, *El pensamiento político del despotismo ilustrado* (1953; Seville, 1979); Jean Sarrailh, *L'Espagne éclairée de la seconde moitié du XVIII^e siècle* (Paris, 1954); Richard Herr, *The Eighteenth-Century Revolution in Spain* (Princeton, 1958); Antonio Elorza, *La ideología liberal en la Ilustración española* (Madrid, 1970); Francisco Sánchez-Blanco Parody, *Europa y el pensamiento español de siglo XVIII* (Madrid, 1991); Francisco Sánchez-Blanco, *La Ilustración en España* (Madrid, 1997); Francisco Sánchez-Blanco, *La mentalidad ilustrada* (Madrid, 1999). I have given a general view of this historiographic recovery: Javier Fernández Sebastián, 'Du mépris à la louange: image, présence et mise en valeur du Siècle des Lumières dans l'Espagne contemporaine', in Giuseppe Ricuperati (ed.), *Historiographie et usages des Lumières* (Berlin, 2002). A brief informative synthesis of the Spanish American Enlightenment is Luis Alberto Romero, 'Ilustración y liberalismo en Iberoamérica, 1750–1850', in Fernando Vallespín *et al.* (eds.), *Historia de la teoría política*, iii, *Ilustración, liberalismo y nacionalismo* (Madrid, 1991).

resources rather than of an ideology, in the traditional sense of the word as used in social science.

Certainly, in so far as both shared a common cultural substratum, the Iberian–American area formed part of another much larger cultural entity which we could call Euro-America. Nevertheless, the differences between this 'other Western world' — Latin America — and the world of Protestant Europe and North America were considerable.[3] It is therefore inappropriate when embarking on a study of the social realities of the Hispanic world to employ categories and analytical models created as a result of historical experiences largely alien to that world. I am thinking, for example, of the much debated and controversial Habermasian theory regarding the development of the public sphere. Insisting on mechanically applying this model to Latin American societies is a mistake. The enormous incongruities in the appearance and evolution of a modern public sphere in the various countries of Latin America vis-à-vis the Habermasian scheme suggest that a very different approach should be adopted.[4]

A good starting point might be to try to understand the relevant agents in their own terms, since those were, after all, the terms which made sense of their world.[5] For instance, concepts like 'public', 'criticism', 'censorship', 'tolerance' or 'public opinion' were not used in the same way in the Spanish-speaking areas as in the English-speaking ones (and furthermore, of course, within

[3] The systematic application to that 'other West' of the abstract models pertaining to the canonic core of Western modernity makes nearly everything in these countries appear extravagant, anomalous and peripheral.

[4] Annick Lempérière, 'Habermas à l'épreuve du monde hispanique', unpubd text. My thanks to the author for kindly allowing me to consult her manuscript. The detailed consideration of such a complex subject obviously transcends the limits of this article. For an initial approach to this issue, see the section on public opinion, in Javier Fernández Sebastián (ed.), *Diccionario político y social del mundo iberoamericano*, i, *La era de las revoluciones, 1750–1850* (Madrid, 2009), in particular the introductory essay by Noemí Goldman, 'Legitimidad y deliberación: el concepto de opinión pública en Iberoamérica, 1750–1850', which includes all the relevant bibliographical references.

[5] With reference to the late eighteenth and early nineteenth centuries, we can speak of one single discursive system in the Hispanic Atlantic. Not only was the political vocabulary practically the same in Spain and in America — Rafael Lapesa, *Historia de la lengua española* (Madrid, 1980), 434 — but, more importantly, the conceptual models corresponded to a Catholic vision of public life. And this applied to the colonial period, to the emancipation movement and to the first steps taken by the new independent republics: Annick Lempérière, *Entre Dieu et le roi, la République: Mexico, XVI^e–XIX^e siècle* (Paris, 2004).

each of these linguistic zones, not everybody employed them in identical fashion). It is obvious, for example, that the notions of *público* or *opinión pública* in the late eighteenth century did not mean exactly the same as 'public' or 'public opinion', and we must take care to identify these and other 'false friends' when endeavouring to advance further in the comparative approach to the actual social realities. The basic point is, as Annick Lempérière has shown, that in the Hispanic Monarchy, the vision of the legal-political order was presided over by a trinity which from a contemporary North American perspective might have seemed unusual: God, the king and 'the public' (understood, in the Spanish of that time, to mean both 'people' and 'republic-commonwealth').[6]

The major difference between the English- and Spanish-speaking world at that time, from the perspective which is most relevant here, can probably be summed up thus: whilst for the Anglos religious diversity was a fact (for almost two centuries various faiths had coexisted), the Hispanics continued to constitute (with very few exceptions) a monolithically Catholic community; and the latter's dogmatic mentality was so widespread that it was not unusual for Protestants of other European nations to be referred to as 'the Northern heretics'. This fundamental disparity, born of a differing historical evolution since the early sixteenth century, helps to explain many things[7] — including

[6] François-Xavier Guerra, Annick Lempérière *et al.*, *Los espacios públicos en Iberoamérica: ambigüedades y problemas. Siglos XVIII–XIX* (Mexico City, 1998); Javier Fernández Sebastián and Joëlle Chassin (eds.), *L'Avènement de l'opinion publique: Europe et Amérique, XVIII^e–XIX^e siècles* (Paris, 2004). In recent years numerous researchers have initiated a new line of investigation in comparative conceptual history of the Iberian–American world, paying special attention to semantic problems. Our approach is summarized in Javier Fernández Sebastián, '*Iberconceptos*: hacia una historia transnacional de los conceptos políticos en el mundo iberoamericano', *Isegoría*, xxxvii (2007). To date, the main fruit of this project is the first volume of Fernández Sebastián (ed.), *Diccionario político y social del mundo iberoamericano*. At a later stage, it would be interesting if Latin American, European and North American academics were to engage in joint reflection, from a transcultural point of view, on the significant differences in the way our respective societies and linguistic areas conceptualize political life.

[7] For example, when certain Hispanic authors such as Ribadeneyra, Clemente or Mariana roundly refuse to apply to the south of the Pyrenees the solutions which the *politiques* in France had proposed in order to put an end to internal religious conflict, it is worth bearing in mind that the same toleration, which in the neighbouring country could within reason function as an antidote, would constitute 'a fatal potion for Spain', which, having succeeded in avoiding the Protestant schism, would thus open the doors to the horrors of civil war. Thus we read in Ribadeneyra — and his own experience

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how extraordinarily difficult it was for enlightened and liberal Hispanics to accept freedom of conscience and of worship, which as a rule were not even considered legitimate political objectives. And, of course, attitudes towards freedom of speech and its limits depended to a large degree upon these basic cultural tenets.[8]

Although in the Hispanic world the outcome of the sixteenth-century religious crisis was not the civil wars which devastated other countries, nonetheless it represented an obstacle to the development of a modern idea of tolerance on the peninsula. In this sense, given that (as J. A. Maravall wrote) 'tolerance always presupposes a conscience of plurality' which historically tends to be based upon 'the real experience of a situation of pluralism', the absence from the peninsula of any Protestant minority which had to be tolerated tended to hamper the admission of freedom of conscience.[9] Admittedly, the vast extension of the Spanish



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doubtless endorsed his claims — that 'it is impossible for Catholicism and heresy to operate in tandem within one and the same commonwealth, for this mix not to result in considerable agitation and upheaval, which brings about the ruin and destruction of kingdoms and states'. Pedro de Ribadeneyra, *Tratado de la religión y virtudes que debe tener el príncipe cristiano para gobernar y conservar sus estados, contra lo que Nicolás Maquiavelo y los políticos de este tiempo enseñan* (Madrid, 1595), bk 1, ch. 23, pp. 105, 144. In this sense (although from a liberal historiographical standpoint the views of these Hispanic writers have often been judged as 'obscurantist or retrograde' in comparison with those held by the *politiques*), it has to be said that given the historical context they were anything but irrational: J. A. Fernández-Santamaría, *Reason of State and Statecraft in Spanish Political Thought, 1595–1640* (Lanham, 1983); I am referring to the Spanish edition, José A. Fernández-Santamaría, *Razón de estado y política en el pensamiento español del barroco, 1595–1640* (Madrid, 1986), 61–2.

[8] For a succinct comparison of the respective scope of the Enlightenment in Anglo-America and Spanish America, in terms of printing, newspapers and public debate, see J. H. Elliott, *Empires of the Atlantic World: Britain and Spain in America, 1492–1830* (New Haven and London, 2006). I am referring to the Spanish version: John H. Elliott, *Imperios del mundo atlántico: España y Gran Bretaña en América (1492–1830)* (Madrid, 2006), 483–9. For the analysis of the language and discourse of legitimization of empires, it is useful to refer to the works of Anthony Pagden. Among others, see his *Spanish Imperialism and the Political Imagination: Studies in European and Spanish-American Social and Political Theory, 1513–1830* (New Haven and London, 1990); Anthony Pagden, *Lords of all the World: Ideologies of Empire in Spain, Britain and France, c.1500–c.1800* (New Haven and London, 1995).

[9] José Antonio Maravall, 'Sobre la idea de tolerancia en España (siglos XVI y XVII)', *Asclepio*, xviii–xix (1966–7), later included in his *La oposición política bajo los Austrias* (Barcelona, 1972), 104. 'The ruin of a State is freedom of conscience', Saavedra Fajardo claimed categorically, emphasizing the political importance of religion, either as a 'bond of the commonwealth' ('vínculo de la república'), or as a terrible cause of disunion and civil war: see his *Idea de un príncipe político-cristiano representada*

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monarchy, particularly since its transatlantic expansion, made possible contact with people of many different creeds and ways of life; and, in fact, during the sixteenth and seventeenth centuries, there was no shortage of authors — like Furió Ceriol, Eugenio de Narbona or Pedro de Valencia, amongst others — who, often for reasons of pragmatism, 'recommend to the prince a degree of compromise vis-à-vis the heresies existent within his Nation'.[10] Yet, the overwhelming preponderance of Catholicism in the Hispanic world explains how difficult it was to conceive of religion and politics as separate spheres, and the correlative difficulty of regarding 'religion' as an abstract category of a general nature, capable of embracing several 'religions', in the plural.[11] This was not, however, anything very exceptional. In the

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*en cien empresas* (1640), ch. 60, in *Obras de don Diego de Saavedra Fajardo y del licenciado Pedro Fernández Navarrete* (Madrid, 1947), 166. Years before, however, the governor of Castile, Juan Fernández de Velasco, had recommended to the Council of State (1605) a policy of 'accommodation' with heretics, similar to that adopted by Pope Clemente VIII on permitting the king of France 'to grant their conscience freedom': quoted in Henry Kamen, 'Exclusão e intolerância em Espanha no início da época moderna', *Ler História*, xxxiii (1997), 31. And a decade later, Miguel de Cervantes, in the second part of *Don Quixote* (1615), observes, through the mouth of the Moorish Ricote, that in Germany minorities live more comfortably because there 'people live with freedom of conscience': *El Quijote*, pt 2, ch. 54. On this subject, see Alejandro Ramírez-Araujo, 'El morisco Ricote y la libertad de conciencia', *Hispanic Rev.*, xxiv (1956).

[10] Maravall, 'Sobre la idea de tolerancia en España', in his *La oposición política bajo los Austrias*, 104, 127.

[11] Timothy Fitzgerald, *Discourse on Civility and Barbarity: A Critical History of Religion and Related Categories* (New York, 2007). For a very different perspective from our own regarding the problem of tolerance in the Hispanic world, see Stuart B. Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven and London, 2008). In this work, chapter 8 of which is dedicated to the eighteenth century, Schwartz embarks on a very interesting journey through the popular expressions of religious relativism in the Hispanic world 'often summed up in a common expression: *Cada uno se puede salvar en su ley* (Each person can be saved in his or her own religion)'. He deals principally with 'attitudes of tolerance among common folk, not philosophers or theologians' (*ibid.*, 1, 8). So, it may well have been the case that, as another author writes, in Spain 'toleration was not a major issue', so that it 'was socially possible, but not ideologically acceptable: this was the peculiarity of the Spanish situation'; the 'absence of a multiconfessional culture' rendered unnecessary that kind of theorization. At the end of the day, 'theories of toleration always came into being because of socio-political necessities and never because of the dispassionate ratiocinations of a philosopher'. Henry Kamen, 'Inquisition, Tolerance and Liberty in Eighteenth-Century Spain', in Ole Peter Grell and Roy Porter (eds.), *Toleration in Enlightenment Europe* (Cambridge, 2000), 250, 252, 255. The same author developed similar theses in an earlier work: Kamen, 'Exclusão e intolerância em Espanha'.

first part of the early modern era, everywhere, sentiments of territorial identity and political loyalty had a significant religious component, which in practice made it difficult to distinguish between the concepts of heresy and treason. Even in France, both spheres — religious and political — merged so closely together that not even religious wars impeded the wide recognition of the need for, or at least the convenience of, the establishment throughout the kingdom of 'Une foi, un roi, une loi', as the famous saying went. Or, in the words of one mid seventeenth-century German jurist, 'for just as it is fitting for one body to have one soul, so it is for one commonwealth to have one religion'.[12]

Nor, from a chronological point of view, does the traditional dating of the French, British or North American Enlightenments exactly coincide with the Hispanic equivalents. In the Hispanic world, a moderate, eclectic and delayed Enlightenment took place, the most significant political and cultural manifestations of which occurred in the final decades of the eighteenth century, thereby coinciding with the American and French revolutions.[13] This time lag between British and Spanish America, due in part to the Catholic world's lack of openness towards the scientific revolution of the previous century and the belated reception in Spain of these advances, was essentially the consequence of a certain obstinate resistance to the arrival of new ideas. Apart from the large majority of the population, which appears to have persisted in its loyalty to traditional values — first and foremost the Catholic religion and monarchy — the resistance of a number of powerful minorities was led by the most traditionalist sector of the Church, and especially by the Inquisition; while the intellectual indolence prevalent in some universities where scholasticism still enjoyed a notable presence in the mid eighteenth century should not be forgotten.

Not until the accession of Charles III in 1759 did some of these obstacles begin to be at least partially removed. But thereafter, what developed was an Enlightenment directed above all at promoting moderate reform and encouraging scientific-technical

[12] Johann Theodor Sprenger, *Bonus princeps* (1652): quoted in Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, Mass., 2007), 115.

[13] According to Chiaramonte, it is even debatable whether or not the historiographical concept of 'Enlightenment' as a category of periodization is appropriate for the cultural history of the region: see his *La Ilustración en el Río de la Plata*, 13–14.

teaching, economic improvements and the diffusion of useful knowledge.[14] In comparison with their restless French, British or North American neighbours, the Spanish and Spanish Americans appeared far less inclined to express any degree of political disconformity or religious dissidence. For example, Friar Benito J. Feijoo, one of the sternest critics of popular superstitions and chief promoter of new science in the Iberian–American world during the first half of the century, advised 'non ultra sapere quam oportet sapere' (we should not know more than it is necessary to know), thus removing the mysteries of divinity from the realm of investigation and opinion.[15] And the learned Gregorio Mayans, an active 'republican of letters' who engaged in regular correspondence with intellectuals, editors and booksellers all over Europe, was extraordinarily cautious when religious matters were at stake. In the middle of the century, for instance, he voiced his disapproval of the politico-sociological standpoint adopted by Montesquieu in *The Spirit of the Laws* when dealing with religion, which he believed made this a more dangerous work than that of Machiavelli.[16]

## II

### CENSORSHIP, TOLERATION AND FREEDOM OF EXPRESSION

Between the numerous authors of original manuscripts — over ten thousand Spaniards managed to print works during the eighteenth century — and the reading public, there were two control mechanisms: one civil, a preliminary censorship; the other ecclesiastical, the tribunal of the Inquisition, which could act a posteriori against suspicious texts once they had been printed. The Inquisition had specialized in the inspection of works imported

[14] See my summary 'La Península Ibérica', in Vincenzo Ferrone and Daniel Roche (eds.), *Diccionario histórico de la Ilustración* (Madrid, 1998). There are also versions in Italian and French: *L'Illuminismo: dizionario storico* (Rome, 1997); *Le Monde des Lumières* (Paris, 1999).

[15] Although clearly in favour of the autonomous development of a scientific sphere open to criticism and separate from theology, the Benedictine points out that 'Criticism should not go so far as to investigate the secrets of Divine Providence': Benito Jerónimo Feijoo, 'Disertación sobre la Campana de Velilla' (1733), in his *Teatro crítico universal: o, Discursos varios en todo género de materias para desengaño de errores comunes*, 8 vols. (Madrid, 1778), v, 395.

[16] Letter from Gregorio Mayans to Asensio Sales, 16 June 1753: quoted in Antonio Mestre, 'Los libreros ginebrinos y la Ilustración española', in *Livres et libraires en Espagne et au Portugal (XVI^e–XX^e siècles)* (Paris, 1989), 62.

from abroad, and still retained part of its capacity to intimidate, though it was an institution in decline. We know, for example, that the Holy Office not only failed to prevent the entry of the major works of the French *philosophes*, but also that, paradoxically, its anathemas could often stimulate the success of certain books (specially sought-after on account of their prohibition).[17] More important was the standard control of the printing of books and newspapers. The system of prior permission involved government censorship via a printers' judge commissioned by the Council of Castile: if the subject of the text warranted it, the judge would submit the original for mandatory examination by one or two censors, whose level of enlightenment and openness to new ideas might vary considerably.[18] Nonetheless, it would be wrong to regard this censorship as a mere instrument of repression of ideas which threatened throne or altar, as is often claimed. The Royal Academy of History's censorship, for example, served as a mechanism for both social integration and the creation of a common memory. The academics/censors brought about the improvement and correction of literature in an enlightened sense, and strove to direct and channel the activity of the world of letters according to certain criteria of literary quality, didacticism, patriotism and public benefit.[19]

Among the authors who wrote in defence of freedom of expression in the second half of the eighteenth century, very few appealed for an extension of that freedom into the debate over affairs of government, and fewer still proclaimed freedom of choice in religious matters. As a rule, those who raised their voices to demand freedom of speech did not trespass in their arguments into the territory of religious belief.[20] In any case, in the Hispanic world the debate over freedom of speech at that time was

[17] Marcelin Defourneaux, *L'Inquisition espagnole et les livres français au XVIII^e siècle* (Paris, 1963).

[18] F. Aguilar Piñal, *Introducción al siglo XVIII* (Madrid, 1991), 118 ff.

[19] María Luisa López-Vidriero, 'Censura civil e integración nacional: el censor ilustrado', in *El mundo hispánico en el siglo de las Luces*, ii (Madrid, 1996), 855–67; Manuel Lucena Giraldo, 'Historiografía y censura en la España ilustrada', *Hispania*, lxv (2005); Lucienne Domergue, *La Censure des livres en Espagne à la fin de l'Ancien Régime* (Madrid, 1996).

[20] It was possible to debate ecclesiastical organization and forms of social expression of religiousness, as did the so-called 'Jansenists', but it was not possible to question dogma itself: Joël Saugnieux, *Le Jansénisme espagnol du XVIII^e siècle: ses composantes et ses sources* (Oviedo, 1975).

inseparable from the controversies surrounding 'tolerationism' (*tolerantismo*).

Around the middle of the century, a few isolated voices, such as those of Miguel Antonio de la Gándara and Juan Enrique de Graef, advocated the 'natural freedom' to write and the benefits of allowing people to 'discurrir[21] [libremente] sobre materias de gobierno' ('discuss [freely] affairs of government'). 'Discussion is a free country. *Lex Christi est lex libertatis*, and curtailing in excess this natural freedom is a major setback to literary progress', wrote Gándara, in a tone not unreminiscent of John Milton's *Areopagitica*. As a result, he continued, 'writers would enjoy more freedom sensibly and respectfully to discuss, write, challenge and criticize, and thus clarify and purify . . . debatable issues . . . ecclesiastical controversies, moral questions, political discourse . . . in short, all that which pertains to reason and is independent of Dogma'.[22]

It was from the decade of the eighties onwards, however, that, with an incipient political press and a growing and generalized sense of constitutional crisis, the disagreements between the literati intensified. In this context, in 1780 the learned economist Valentín de Foronda addressed the Historico-Geographical Academy of Valladolid and delivered a *Speech on the Freedom to Write* in which he protested against the absurd 'ban on telling the truth' and claimed, amongst other things: 'If each person has not the freedom to write and speak his opinion on any matter, independently of the dogma of the Catholic religion and the will of the government, all our knowledge will be forgotten for ever'.[23]

[21] The meaning of the Spanish verb *discurrir* is ambiguous. The literal meaning originally referred to the act of walking or travelling through different places. However, the word very soon became a metaphor for thinking, speaking or writing about something.

[22] Miguel Antonio de la Gándara, *Apuntes sobre el bien y el mal de España* (1759), ed. Jacinta Macías Delgado (Madrid, 1988), 194–5. In the mid eighteenth century, Juan Enrique de Graef, writing in the pages of a Seville newspaper, openly defends the right of simple 'individuals' to break the monopoly of court circles and 'discuss matters of government': see his *Discursos mercuriales económico-políticos (1752–1756)*, ed. F. Sánchez-Blanco (Seville, 1996), 79–80.

[23] The text would be published nine years later in a Madrid journal: *Espíritu de los mejores diarios literarios que se publican en Europa*, 4 May 1789; also included in Valentín de Foronda, *Escritos políticos y constitucionales*, ed. Ignacio Fernández Sarasola (Bilbao, 2002). The echoes of Foronda's discourse were still to be heard in Spanish America much later; in the early days of the process of independence of Río de la Plata, for example, it was revived by the Buenos Aires leader Mariano Moreno, 'Sobre la libertad

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Two decades later, the very same Foronda, at that time consul in Philadelphia, noted that 'freedom of the Press as it is enjoyed here [i.e. in the USA] is not freedom, but rather an unlimited licence, a frenzy. Nobody is respected: France, England, Spain and their governments are endlessly insulted and mocked. Their own president, Mr Jefferson, is continually knocked down, trampled upon, vilified'.[24]

But let us return to the Spain of the eighties (a moment of effervescence when, as several of the period's intellectuals recorded, much was written but far less published).[25] In these years, there began a debate about tolerance which has obvious implications vis-à-vis our subject. Part of the debate was carried out in the pages of the press. Upon the announcement in 1787 of the imminent translation of the Neapolitan Dominican Salvador María Roselli's *Suma filosófica*, several Spanish scholars reacted against what they regarded as an obsolete and unacceptable defence of scholasticism. Whilst civil censorship was quite reticent in its attitude towards the publication of this work because it was regarded as backward (note that here, as on so many other occasions, the censors adopted an enlightened position, defending 'modern philosophy' rather than the 'peripatetic'), the Spanish soldier Manuel de Aguirre published several articles under the heading *On Tolerationism* (*Sobre el tolerantismo*) in Madrid's *Correo de los Ciegos* which were condemned by the Inquisition (amongst other reasons, for being aimed 'at establishing absolute freedom of conscience and independence from the Supreme Powers'). Aguirre — who described himself as a 'Christian citizen' and, at

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de escribir', *Gazeta de Buenos Ayres*, 21 June 1810: cited in Chiaramonte, *La Ilustración en el Río de la Plata*, 110.

[24] Valentín de Foronda, 'Apuntes ligeros sobre los Estados Unidos de América Septentrional' (1804), in his *Escritos políticos y constitucionales*, ed. Fernández Sarasola, 116.

[25] 'In the present day, whilst at liberty to meditate and to write, still one is not free to publish', wrote Jovellanos: cited in Aguilar Piñal, *Introducción al siglo XVIII*, 124. Many texts from the time did indeed remain unpublished (though some of the more important examples circulated in manuscript form), and would only be published years later, upon the triumph of the liberal Revolution. Various late eighteenth-century authors were very aware of the need to modulate the degree of radicalism in their discourse depending on the register employed, the reader, the literary genre and the breadth of the audience. See Sánchez Agesta, *El pensamiento político del despotismo ilustrado*, 187 ff. Such reserve was attributable not only to self-censorship, but also to a certain 'fear of the masses': Chiaramonte, *La Ilustración en el Río de la Plata*, 35–7.

the same time, a 'Catholic Christian' — railed against Roselli and openly advocated tolerance, adducing that 'unanimity of opinions' is an impossible objective, and that if that era 'rightfully deserves to be called the Age of Reason (*Siglo de las Luces*)', this was a result of 'having abandoned opinions and principles as horrible' as intolerance. Aguirre maintained that 'healthy politics' recommended the rejection of 'the terrible monster of Intolerance, disguised in the respectable cloak of religion', and observed that those nations where tolerance reigned were more prosperous than intolerant countries (he mentioned in particular the examples of France, England and 'the rising and already powerful American republic').[26]

The publication of *On Tolerationism* prompted an immediate reply in the pages of the *Espíritu de los mejores diarios*. An anonymous Sevillian author countered Aguirre's thesis, claiming that it was a wise policy 'not to have accepted *the terrible monster of tolerance disguised in the respectable cloak of piety and evangelical meekness*'.[27] 'Intolerance', concludes the author, 'is a fundamental law of the Spanish Nation; it was not established by the common people (*la plebe*), and it is not they who should abolish it'.[28] However, despite what might be inferred from this last sentence, the 'populace' of the Hispanic world of the period was not in the least bit interested in abolishing intolerance. Shocking as it might seem to the democratic mentality predominant in our societies, this eulogy of intolerance was far more in tune with popular sentiment than the Voltairean theses of its opponents, who were very much in the minority.

[26] *Correo de los Ciegos*, 7, 10 and 14 May 1788; Manuel de Aguirre, *Cartas y discursos del militar ingenuo al Correo de los Ciegos de Madrid*, ed. A. Elorza (San Sebastián, 1974), 47–59, 307–30. The title of this series of articles seems to show that the use of the singular word 'tolerationism' (*tolerantismo*), contrary to what Stuart B. Schwartz suggests, was not exclusive to the circles of adversaries of toleration and supporters of the Inquisition, although it was most probably these who coined the term. To the extent to which most of those who employed this 'caustic term' thought 'it assumed there was no difference in the relative quality or truth of various beliefs', the meaning of the word 'tolerationism' might in some way be likened to the current meaning of the term 'relativism', including its frequently derogatory nuances. Schwartz, *All Can Be Saved*, 217.

[27] L.D.P.L.B., 'La intolerancia civil' (Seville, 3 June 1788), in *Espíritu de los mejores diarios literarios*, 6 Apr. 1789, 1062–3, emphasis in the original. The complete essay, entitled 'La intolerancia civil: reflexiones sobre sus perjuicios y utilidades', was published in three successive issues of *Espíritu de los mejores diarios literarios*, 6, 13 and 20 Apr. 1789.

[28] *Espíritu de los mejores diarios literarios*, 20 Apr. 1789, 1116.

Several reasons were given in favour of maintaining the Inquisition and against tolerance, but the principal argument was nearly always the same: the Holy Office 'has saved us from the enormous disaster that has struck other Kingdoms, from that terrible monster of heresy that begins by distancing His creatures from obedience to God' and culminates in 'universal anarchy'. Furthermore, eternal truth is unconditional and cannot be relativized: 'The Catholic Religion is and always should be intolerant, but its intolerance is not cruel, it is not bloodthirsty, all its severity is firmly dedicated to maintaining that outside the faith there is no salvation'.[29]

The year 1786 saw the initial publication of Pedro Montengón's *Eusebio*, one of the most successful novels in the Hispanic world in the late eighteenth and early nineteenth centuries. This was a didactic work with a strong moral content. The author adopted a position that was clearly in favour of tolerance, albeit in a passage in which the protagonist, Eusebio, is on a study trip to London. Here he remarks upon the plurality of the sects established in Great Britain and the terrible ills resulting from 'the English civil wars', caused by the 'enthusiasm and fanaticism of the sectarians (*religionarios*), until they were calmed by benign and discreet tolerance, absolutely necessary in order to maintain political and civil order in a country where many sects are active'.[30] This exaltation of tolerance with reference to a foreign country is also present in the writings of Leandro Fernández de Moratín and others. Travelling through Germany, the Spanish playwright observed that in the town of Neuwied there reigned 'the most absolute religious tolerance', as a result of which industry and commerce had benefited enormously, following the arrival of 'craftsmen, manufacturers and merchants from all over' who were members of the broadest selection of faiths (Jews, Calvinists, Catholics, Quakers, and so on).[31] The relationship

[29] *Espíritu de los mejores diarios literarios*, 6 Apr. 1789, 1060–1.

[30] 'This stifled', he added, 'violent discord, humanized dissident hearts, turned their senseless rage into tame indifference, a thousand times preferable to the furious envy which drove them to the slaughter and destruction of their fellow men': Pedro Montengón, *Eusebio* (1786–8), ed. Fernando García Lara (Madrid, 1988), 540–1. In another passage of his work Montengón had praised the Quakers, who in similar fashion were tolerant of the Catholic beliefs of Eusebio: *ibid.*, 96.

[31] Leandro Fernández de Moratín, *Viaje a Italia* (1793–7), ed. Belén Tejerina (Madrid, 1991), 124; Hans-Joachim Lope, 'La Alemania de 1793 vista por Leandro

*(cont. on p. 172)*

between tolerance and economic growth had already been noted by several Spanish writers, economists and travellers (for example Antonio Ponz, in his visit to the Low Countries ten years earlier); this was an argument to which educated readers were very sensitive, painfully aware as most of them were of Spain's backwardness in the scientific and technological field in comparison with the more advanced countries of western Europe. Indeed, during a trip to Great Britain a little earlier, Moratín had sung the praises of the freedom of speech enjoyed by the English, and, with obvious exaggeration, had written that 'in England there is an absolute freedom of religion'. Even an enlightened minister of the Holy Office, Dr Antonio J. Ruiz de Padrón, openly admitted — during a visit to Pennsylvania in 1788, where he met Benjamin Franklin, George Washington and several Protestant ministers — that the Inquisition was not necessary to protect the Catholic faith, and recognized the advantages of freedom of the press and tolerance for 'a nation of religious but free men', like Spain.[32]

On 27 August 1788, the *Correo de Madrid* published an article entitled 'Sentiments and Reflections of a Philosopher on the Birth of a Prince', which emphasized that rulers should pay heed to the opinions of their subjects, especially men of letters, and should even listen to unpleasant criticism:

> The printed word, the gift of a divine hand, will teach you the office of King; the art of putting persuasion before legislation. It will tell you bitter truths in a sweet voice: under the printing press, clauses lose their most caustic points, and even when patriotic expression (which becomes inflamed despite itself) is not always moderate, will you be any less powerful for having once listened to liberal and republican language?[33]

*(n. 31 cont.)*
Fernández de Moratín', in Giuseppe Bellini (ed.), *Actas del séptimo congreso de la Asociación Internacional de Hispanistas* (Rome, 1982).

[32] Leandro Fernández de Moratín, *Apuntaciones sueltas de Inglaterra* (1793; Barcelona, 1984), 92–5. *Dictamen del Doctor don Antonio José Ruiz de Padrón . . . diputado en Cortes por las Islas Canarias, que se leyó en la sesión pública de 18 de enero sobre el Tribunal de la Inquisición* (Mexico City, 1813), 32–8. This Spanish priest not only claimed that 'science and the arts are as incompatible with the Inquisition as light is with darkness', but also admitted that 'the Inquisition is contrary to the spirit of the Gospel': *ibid.*, 14, 17. Ironically, a few decades later, Alexis de Tocqueville, in a well-known fragment of *De la démocratie en Amérique*, 2 vols. (Brussels, 1835), i, pt 2, ch. 7, stressing the enormous pressure exerted by public opinion upon writers, drew an unfavourable comparison between North American society and Spain under the control of the Inquisition.

[33] Minister Campomanes ordered the confiscation of the copies two days later: Esteban Conde Naranjo, *El Argos de la Monarquía: la policía del libro en la España ilustrada (1750–1834)* (Madrid, 2006), 443–4.

The end of that year brought the death of Charles III, an enlightened king whose reign is usually judged positively. His successor, Charles IV, would have to confront the gravest of circumstances, at a moment when Bourbon France, a country of reference for the Spanish elite and traditional ally of Spain since 1700, was in turmoil. In spite of attempts by the chief minister Floridablanca to establish a 'cordon sanitaire' which, with recourse if necessary to the Inquisition, would prevent the entry of propaganda and news from the neighbouring country, the revolutionary hurricane had an extremely destabilizing impact on Spain over the next couple of decades.[34] Such an impact, however, was not because the Spanish aspired to follow the example of their French neighbours — this did not occur — but was due rather to the vicissitudes of high politics (both domestic and, above all, foreign policy). First the war against the Jacobin Convention (1793–5), and subsequently an unequal alliance with the French Republic which dragged Spain into a disastrous naval war against England (including the loss of much of the fleet at the battle of Trafalgar), finally led to the definitive dynastic crisis and Napoleon's intervention in the peninsula. From the spring of 1808 onwards, six long years of patriotic war would leave the country in ruins; and, while in European Spain the exceptional circumstances saw the beginnings of a new liberal order, the American side of the Monarchy witnessed independence and the disintegration of many of the overseas territories.

During these years of extraordinary historical acceleration, the intelligentsia on both sides of the Hispanic Atlantic were subject to considerable tensions. They radicalized their controversies around a handful of political concepts — freedom, nation, sovereignty, independence, representation, reform, constitution, and so on — amongst which, of course, freedom of the press and public opinion occupied a prominent place. Francisco de Cabarrús, in his *Eulogy of Charles III*, which coincided with the start of the French Revolution, imagined the king — whom he described as a 'true philosopher' — offering some practical advice on government to his son and heir: amongst these recommendations, the elderly king warned the future Charles IV to free himself

[34] Lucienne Domergue, *Le Livre en Espagne au temps de la Révolution Française* (Lyon, 1984); Lucienne Domergue, 'Propaganda y contrapropaganda en España durante la Revolución francesa (1789–1795)', in Jean-René Aymes (ed.), *España y la Revolución Francesa* (Barcelona, 1989).

of the disastrous influence of passions 'by means of education, and, amidst the clash of passions and disputes, you will see the bright light of the torch of public opinion which will guide you safely onwards'.[35]

Meanwhile the writer León de Arroyal, who was extremely and often bitterly critical of the situation of the Monarchy, penned a letter, dated 13 July 1789, referring to the benefits of freedom of expression. Speaking once more about England, Arroyal observed that 'freedom to think, freedom to write, and freedom to speak, create, even in the lower classes, a spirit of confidence and mutual interest, which we can barely comprehend'.[36] The encomiastic tone of this idealized description apart, the end of the last sentence is particularly revealing: 'which we can barely comprehend' indicates the huge distance between the social mentality predominant in a traditional and confessional monarchy like that of Spain and the social customs of a mixed, limited and pluralist monarchy like that of England. The freedom of expression and tolerance enjoyed by the English and some other foreign nations might have suited the particular circumstances of those countries, but were almost inconceivable in a society as politically and, above all, religiously uniform as the Catholic Monarchy.

But in order truly to appreciate the depth of the politico-cultural rift separating these two worlds, it is best to consider the discourse of the apologists for intolerance. Only thus can we, as historians, listen to and understand *their reasons*, so far removed from the mentality and values which currently predominate in the West (although the new challenges born of multiculturalism are probably not so different from the former as might initially appear). In this respect, Friar Francisco Alvarado's arguments in response to the way some foreigners criticized Catholic intolerance, several years later and in very different

[35] Francisco de Cabarrús, *Elogio de Carlos III, rey de España y de las Indias* (Madrid, 1789), pp. xii, xxiii, xxviii–xxx, xlvi, xlviii. In a later work, the same author continued to advocate 'freedom of opinion', 'the communication of ideas' and 'the advancement of knowledge', and praises the role of discussion, deliberation and other 'assistance to legislator and judge resulting from the instantaneous clash of opinions': Conde de Cabarrús, *Cartas sobre los obstáculos que la naturaleza, la opinión y las leyes oponen a la felicidad pública* (1792), ed. J. Esteban (Madrid, 1990), 40, 73 ff.

[36] León de Arroyal, *Cartas político-económicas al conde de Lerena* (1786–90), ed. A. Elorza (Madrid, 1968), 163.

circumstances, are very revealing of the essence of this dogmatic mentality:

> Are we in Spain, or in Holland and North America? Who governs here — the Gospel, or Zwingli, Quesnel and Puffendorf? Let's take this step by step, and . . . clarify something which even children here are aware of. Which tolerance are we talking about? That of another religion, or that of people who are unfortunate enough to profess it? If we are speaking of tolerance of another religion, Catholicism is as intolerant as light is of darkness, and truth is of lies.[37]

Even so, we perceive in this text by the self-proclaimed *Filósofo Rancio* a subtle difference between, on the one hand, legal tolerance and the public acknowledgement of the freedom to practise other religions, and, on the other, the need to tolerate — that is, to accept and respect — *people* who professed religions other than Catholicism. It might be worth recalling, with regard to this, that — except for the large 'Morisco' and Jewish populations prior to their expulsion in 1492 and 1609–16 respectively — foreigners and devotees of other religions had in fact resided, in more or less transitory manner, within the territory of the Spanish Monarchy. Moreover, the need to find some form of peaceful coexistence with non-Christians and heretics had for centuries been admitted and recognized by various authors and political authorities. Friar Luis de Granada, chaplain to Philip II, strongly condemned all persecution on religious grounds, recalling that Moors and Jews, heretics and pagans, were also 'fellow men' of the Catholics, and Philip II himself came to adopt that conciliatory policy of coexistence in the mid sixteenth century during a stay in Germany, and a few years later reiterated from England a similar principle, before the turn of events in the Netherlands led him to a radical change in policy regarding this issue.[38]

Nevertheless, judging by the sources, the commitment of the Hispanics to Catholicism appears to have been beyond any doubt. Pride in the purity of their faith is manifested amongst Spaniards of both hemispheres in a multitude of documents

[37] Fray Francisco Alvarado, *Cartas críticas que escribió el Filósofo Rancio* (1811–13), 5 vols. (Madrid, 1824), ii, 461. The author of these *Cartas*, the Dominican friar Francisco Alvarado, developed during these years — under the pseudonym *Filósofo Rancio* (Ancient Philosopher) and protected by the freedom of the press decreed by the Cortes of Cádiz — a very active propaganda campaign against the legislative work of the Cortes and against liberal newspapers. According to Alvarado, the Hispanic liberals shared a close intellectual relationship with the 'philosophism' of the French encyclopedists and revolutionaries.

[38] Kamen, 'Exclusão e intolerância em Espanha', 29–30.

from the period. To quote one example amongst a thousand: in the 'Preliminary Dissertation' of the first translation into Spanish of the Vulgate, the translator, theologist and pedagogue Felipe Scio de San Miguel, celebrated the fact that 'the Catholic faith is so deeply rooted in our nation and that throughout the Spanish Monarchy, reaching all four corners of the earth, shines the purity of religion untainted by any sect whatsoever'.[39] Even an intellectual of Jansenist ideas and republican leanings like the Salamanca professor Ramón de Salas — after attacking superstition, criticizing the abuses of the Church of Rome, and making a generic defence of the principle of tolerance — qualifies his observations by saying that religious worship should be regulated by the political authorities, which ought to protect the 'national religion', preventing at all costs the introduction of a new religion that might jeopardize public peace and tranquillity.[40]

## III

### THE TURN OF THE CENTURY: BETWEEN ENLIGHTENMENT AND LIBERALISM

Several decisive years passed between the opinions of the enlightened Arroyal and Salas on the one hand, and those of the anti-liberal Alvarado on the other, years during which the impact of first the French Revolution and then the Peninsular War served to radicalize both positions. With regard to freedom of expression, feelings at the turn of the century were very divided, depending on individual expectations. Whilst for some the tolerance of the Spanish authorities went too far, for a minority of men of letters — and the more radical their opinions, all the more so — this tolerance was clearly insufficient. 'What in society should be the limits of opinions and the words and writings which express them?', asked Cabarrús in 1795. His answer was: 'The same as those of actions: that is, the interests of society. My freedom ends when I offend either the pact which ensures me that freedom or

[39] *La Biblia Vulgata latina*, translated into Spanish and annotated by Phelipe Scio de San Miguel, 10 vols. (Valencia, 1790–3), i, p. xvi.

[40] Salas's argument, which on this point basically follows ideas of Montesquieu and Rousseau, appears in chapter 14 of an extensive written commentary from around 1790 on the subject of the *Lezioni di commercio*, by the Neapolitan Antonio Genovesi: see Jesús Astigarraga, 'El debate sobre las formas de gobierno en las "Apuntaciones al Genovesi" de R. de Salas', *Revista de Estudios Políticos*, cxliv (2009), 31–2.

the other guarantors thereof'.[41] In 1797 one Madrid journal, which was widely read throughout the Monarchy, echoing a report by the Berne Economic Society, regretted the lack of 'good books on economy' which 'deprive us of the knowledge necessary to improve our nation by means of debate'.[42] And, although an epistolary publication led its first edition with an expressive quotation from Livy, 'Quid, si vox libera non sit, liberum esse?' (Are we who cannot speak really free?), a popular rhyme complained that in Spain 'now reigns freedom / of opinion and conscience / and amidst so much turmoil / and such obstinacy / Religion is offended / with downright insolence'.[43]

Nonetheless, if, as we have seen, the situation in the mother country was fairly insecure in this respect, all the evidence suggests that in general the restrictions upon freedom of the press — particularly in the wake of the French Revolution — were greater still in the American territories. During his travels through Spanish America between 1799 and 1804 Alexander von Humboldt, though lavish in his praise of the institutes, academies, societies and educational centres set up by the Spanish crown in New Spain or New Granada, was extremely critical of the repressive attitudes with respect to the printed word of the colonial authorities, who were fearful of the revolution.[44] Moreover, from the point of view of newspaper circulation, in such a vast monarchy there were inevitably enormous differences between some territories and others. Bear in mind, for example, that while Mexico and Peru had had printers since the sixteenth century, and so had Guatemala since the mid seventeenth

[41] Cabarrús, *Cartas sobre los obstáculos que la naturaleza, la opinión y las leyes oponen a la felicidad pública*, 77.

[42] *Memorial literario instructivo y curioso de la Corte de Madrid*, no. 18 (Oct. 1797), pt 1, 23–4: quoted in Conde Naranjo, *El Argos de la Monarquía*, 443.

[43] Miguel Rubín de Celis, *El Corresponsal del Censor* (Madrid, 1786), letter 1, May 1786, citing Livy, *Ab urbe condita*, XXXIX. 25. For the popular verses, see Domergue, *La Censure des livres en Espagne*, 290: 'reina ya la libertad / de opiniones y de conciencia / y entre tanta turbulencia / y tan terca obstinación / se ofende la Religión / con la mayor insolencia'.

[44] On the occasion of his visit to Bogotá, he evoked, for example, the conspiracy of Antonio Nariño, imprisoned for the clandestine publication of a translation of the *Declaration of the Rights of Man and Citizen* of 1789. A few years later, the Spaniard Juan B. Picornell, who was imprisoned in Venezuela as a punishment for a republican conspiracy in Madrid (1795), participated in the attempted rebellion of La Guaira, led by Manuel Gual y José María España (July 1797), and translated the *Déclaration des droits de l'homme et du citoyen* of 1793.

century, the first printing presses did not reach Chile until the height of the revolutionary crisis.[45]

During that last decade of the eighteenth century, Francisco José de Caldas, a learned native of New Granada, protested in a letter that the authorities were violating 'literary freedom' in seeking to censor a scientific article written for his *Papel periódico de la Ciudad de Santafé de Bogotá*. In the very same newspaper, however, the editor appears partially to object to the spread of the Bible in Spanish, observing that this could lead henceforth to anybody becoming an interpreter of those 'arcane mysteries', the keys to which had exclusively rested in the hands of the Church.[46] Antonio Nariño himself, translator and clandestine publisher of the French *Declaration of the Rights of Man and Citizen* (1789) in 1793 in Bogotá, advocates the freedom to write, but excludes from his criticism those 'truths confined to matters of our holy religion, which admit no discussion' and 'the decisions of government, deserving of our silence and respect'.[47]

Victorián de Villava, who would shortly be appointed court district attorney for Charcas (in the viceroyalty of Peru),[48] had also written in 1784 to protest against the lack of freedom of expression and the fact that it was impossible to discuss certain political issues in public, complaining that it was still 'an act of treason to question and examine the pros and cons of different

[45] José Toribio Medina, *Historia de la imprenta en los antiguos dominios españoles de América y Oceanía*, 2 vols. (Santiago de Chile, 1958). A chronology of the first printing presses in Spanish America, 1539–1830, is in Rebecca Earle, 'The Role of Print in the Spanish American Wars of Independence', in Iván Jaksić (ed.), *The Political Power of the Word: Press and Oratory in Nineteenth-Century Latin America* (London, 2002), 22–5.

[46] *Papel periódico de la Ciudad de Santafé de Bogotá*, 28 Aug. 1795: quoted in *Cartas de Caldas*, ed. Eduardo Posada (Bogotá, 1917), 254.

[47] *Proceso contra don Antonio de Nariño por la publicación clandestina de la declaración de los derechos del hombre y el ciudadano*, ed. G. Hernández de Alba, 2 vols. (Bogotá, 1980–4), i, 398. The Royal Librarian, meanwhile, warned the favourite Manuel Godoy that the inexperienced magistrates sent from the peninsula to the American courts immediately established close contact with scheming local jurists in such a way that, without realizing, they were helping to 'reveal and broadcast in public the most sacred secrets of sovereignty': Antonio Cacua Prada, *Don Manuel del Socorro Rodríguez: itinerario documentado de su vida, actuaciones y escritos* (Bogotá, 1966), 120. On this entire issue, see Isidro Vanegas, 'Opinión pública — Colombia', in Fernández Sebastián (ed.), *Diccionario político y social del mundo iberoamericano*, i, 1037–49, from where these references are taken.

[48] Charcas is one of the old names of the present-day city of Sucre, in Bolivia, which also used to be called La Plata or Chuquisaca.

forms of government'.[49] However, there is ample evidence that the 1790s saw an intense politicization of fairly broad sectors of society.[50] In fact, the increase in the newspaper- and pamphlet-reading public, patrons of cafes and participants in social gatherings (*tertulias*), alarmed the traditionalists, who were distrustful of the appearance of a sort of educated middle class, formed by that growing sector of pseudo-intellectuals (*pseudo-sabios*) or semi-scholars (*semi-doctos*), as they were also called, hungry for news and eager to participate in public debate. Such changes in cultural consumption would soon be conceptualized as the advent of that public opinion sought by all those who desired, above all, the promotion of reforms.[51] The wave of politicization and ideologization extended to very diverse fields of literary output, from drama to poetry. Poets such as Jovellanos, Cienfuegos, Quintana or Sánchez Barbero extolled the virtues of fraternity and peace among all men, and dedicated enthusiastic odes to freedom, equality, the printed word, and other typically enlightened and liberal values.[52]

After October 1807, and even more so after May 1808, things happened very quickly. Beginning with the disagreements and scandals within the royal family, and followed by the Spanish uprising against Napoleon and rejection of José I Bonaparte in the name of a 'captive' prince — Ferdinand VII — who was regarded by most as the legitimate king, the country entered a phase of war and revolution in which freedom of the press existed de

[49] Ricardo Levene, *Vida y escritos de Victorián de Villava* (Buenos Aires, 1946), p. xxiii. The passage is included in an appendix to his translation of the *Lezioni di commercio* by Antonio Genovesi, the first volume of which was published in Madrid in 1784. Years later, from the Court of Charcas, Victorián de Villava wrote the interesting *Apuntes para una reforma de España, sin trastorno del Gobierno Monárquico ni de la Religión* (1797; pubd 1822).

[50] The figures estimated by Nigel Glendinning indicate that, in total, the number of politically orientated publications rose steadily from 1730 to 1760 to 1816: see his *Historia de la literatura española: el siglo XVIII*, 5th edn (Barcelona, 1986), 235–6. But it was the period 1808–14, coinciding with the Peninsular War and the beginning of the liberal Revolution, which witnessed the real boom in the output of the political press.

[51] See Javier Fernández Sebastián, 'De la "República de las letras" a la "opinión pública": intelectuales y política en España (1700–1850)', in Salvador Rus Rufino (ed.), *Historia, filosofía y política en la Europa moderna y contemporánea* (León, 2004), and Javier Fernández Sebastián, 'The Awakening of Public Opinion in Spain: The Rise of a New Power and the Sociogenesis of a Concept', in Peter-Eckhard Knabe (ed.), *Opinion* (Berlin, 2000), as well as Fernández Sebastián and Chassin (eds.), *L'Avènement de l'opinion publique*.

[52] Sánchez Agesta, *El pensamiento político del despotismo ilustrado*, 235–50.

facto, at least in those areas liberated from the French armies. As successive authorities declared themselves on the side of the patriots — provincial committees (*juntas provinciales*), National Government (Junta Central), Regency, Parliament (Cortes) — so the calls intensified for the freedom of the press to be legally recognized.[53] And as soon as the Cortes met in Cadiz, one of its first tasks was to draw up a decree of 'political freedom of the press' (*Decreto de libertad política de la imprenta*, 10 November 1810). In the preamble it was declared that 'the ability of citizens to publish their thoughts and political ideas serves not only to limit the arbitrariness of those who govern, but is also a means of enlightening the Nation as a whole, and the only path towards knowledge of true public opinion'. These words offer an accurate summary of the arguments most often employed by the liberals of the period. Freedom of the press — nothing was mentioned in that law about freedom of spoken expression or assembly, perhaps because its authors felt that non-written expression was more likely to be influenced by passion, and therefore did not contribute to a genuine enlightened debate — was basically understood to be: (1) a means of controlling the authorities; (2) a way of encouraging enlightenment and improving education in general; and (3) a channel for shaping public opinion.[54]

[53] Two of the most radical texts of the moment were Lorenzo Calvo de Rozas, *Proposición hecha a la Junta Central el 12 de septiembre de 1809 sobre la libertad de imprenta*, included in Juan Francisco Fuentes (ed.), *Si no hubiera esclavos no habría tiranos* (Madrid, 1988), 35–7; and Álvaro Flórez Estrada, *Reflexiones sobre la libertad de imprenta* (1809), in *Obras de Álvaro Flórez Estrada*, ed. Miguel Artola Gallego, 2 vols. (Madrid, 1958), ii, 345–50. See also the observations of Ignacio Fernández Sarasola, 'Opinión pública y "libertades de expresión" en el constitucionalismo español (1726–1845)', *Historia Constitucional*, vii (2006), electronic journal, §§10–12. There is a rich bibliography on this subject, for example: Emilio La Parra López, *La libertad de prensa en las Cortes de Cádiz* (Valencia, 1984); Miguel Artola Gallego, 'El camino a la libertad de imprenta (1808–1810)', in Carlos Moya Espí, Luis Rodríguez de Zúñiga and Carmen Iglesias (eds.), *Homenaje a José Antonio Maravall*, 3 vols. (Madrid, 1985), i, 211–19; Alicia Fiestas Loza, 'La libertad de imprenta en las dos primeras etapas del liberalismo español', *Anuario de historia del derecho español*, lix (1989); Francisco Fernández Segado, 'La libertad de imprenta en las Cortes de Cádiz', *Revista de Estudios Políticos*, cxxiv (2004).

[54] Furthermore, freedom of the press specifically refers to *political ideas*, leaving control of religious issues to the ecclesiastical censors. Thus dogma was excluded from the realm of opinion. In spite of this, the decree met with harsh criticism from traditional sectors, whilst liberals strove to convince their adversaries that freedom of the press did not involve any threat to religion (on the contrary, they said, Catholic truth would be reinforced by 'free discussion' and 'public education', which were the genuine 'guardians against impiety'). La Parra López, *La libertad de prensa en las Cortes de Cádiz*; Fernández Sarasola, 'Opinión pública y "libertades de expresión" en el

*(cont. on p. 181)*

Whilst the poet José Mor de Fuentes dedicated one of his poems to 'the freedom of the press', the author of a widely read pamphlet wrote, following in D'Holbach's footsteps: 'Nothing is more unjust than preventing citizens from writing or speaking about objects that are fundamental to their happiness'.[55] In Spanish America, however, there was considerable resistance to the application of this law. In fact, the viceroy of New Spain did not accept it until parliament, following the promulgation of the constitution, expressly ordered him to do so in October 1812. The arrival of freedom of the press in New Spain (later Mexico), as noted by a conservative voice of the time, had immediate effect: 'the seditious and incendiary leaflets were handed out even in the poorest and humblest houses'.[56]

Thus, the revolutionary crisis which erupted in 1807–8 in both Iberian monarchies made it possible henceforth for all issues related to freedom of expression to be approached from a totally different angle. Whilst, on the one hand, the circulation in America of newspapers from the mother country was very intense during these early days of the liberal revolution, on the other, the spectacular increase in the number of publications during those years and the first decades of independence bears witness to the growing importance of journalism in the new post-colonial era.[57] Apparently, in the whole of Hispanic America '45 different newspapers' were published 'prior to

*(n. 54 cont.)*
constitucionalismo español', §§23–7. An intense debate over freedom of the press accompanied the initial phases of the establishment of representative government throughout the region. Whilst the reformist press viewed this right as the principal safeguard of the liberal system and underlined the prominent role of writers in directing public opinion, the absolutist newspapers pointed out that the aim of the liberal journalists was to strip the clergy of spiritual power, establishing instead an entire alternative system of secularized social beliefs: it was basically a case of 'spreading with impunity a new gospel, a new morality, a new religion, similar to the Enlightenment of the century in which we live and to the philosophism and reason with which they seek to replace the revelation and faith of our parents'. *El Ciudadano Imparcial*, no. 5 (1813), 40; Orlando Pelayo Galindo, 'La libertad de prensa: un debate público en el foro de la prensa madrileña. De mayo a diciembre de 1813', in Alberto Gil Novales (ed.), *La prensa en la Revolución liberal: España, Portugal y América Latina* (Madrid, 1983), 89–90, 94.

[55] José Mor de Fuentes, *La libertad de imprenta* (Cartagena, 1810); Ignacio García Malo, *La política natural: o, Discurso sobre los verdaderos principios del gobierno* (Mallorca, 1811), 129.

[56] François-Xavier Guerra, *Modernidad e independencias: ensayos sobre las revoluciones hispánicas*, 3rd edn (Mexico City, 2000), 313–14.

[57] *Ibid.*, *passim*, esp. chs. 7–8.

1810, the earliest in 1679. From 1810 to 1819 some 125 new titles were printed. The subsequent decade saw the publication of nearly 400 new newspapers'.[58]

The celebration of the eminent role of the printed press as 'political educator' of the people was repeated everywhere on both sides of the Atlantic. In peninsular Spain there were countless liberal publications which, in the wake of the *Semanario Patriótico*, sang the praises of freedom of the press and extolled the new function of newspapers as broadcasters of political knowledge.[59] In Río de la Plata and Peru too, in New Spain or in New Granada, public papers were seen as the ideal instrument for diffusing the Enlightenment and shaping public opinion. Given that they could 'multiply at will, they take principles and light everywhere' and, claimed a Bogotá newspaper, represented a fundamental means of consolidating freedom of 'thought, speech and print', leaving behind 'three centuries of obscurantism'.[60]

Following independence, practically all the constitutions of the newborn Spanish American States included one or more articles in which freedom of the press and expression were recognized, being generally considered as the basis of other freedoms and amongst the most important guarantees of the constitutional system. The first laws regarding freedom of the printing press were very similar — in many cases, they practically follow the literal tone — to the decree dictated by the Cortes, on 10 November 1810, and article 371 of the Constitution of Cadiz. Most of these laws and political codes retain the previous censorship applied to religious writings.[61]

In the case of Chile, for example, the *Reglamento Constitucional Provisorio* of October 1812 invokes in its preamble 'public opinion . . . true guarantee of plurality of suffrage', and regulates the freedom of the press, establishing that 'printing will enjoy legal freedom; and in order that this does not degenerate into licence harmful to the religion, customs and honour of the citizens and

[58] Earle, 'Role of Print in the Spanish American Wars of Independence', 31.
[59] Juan Francisco Fuentes and Javier Fernández Sebastián, *Historia del periodismo español: prensa, política y opinión pública en la España contemporánea* (Madrid, 1997), ch. 2.
[60] *Diario Político*, Bogotá, 27 Aug. 1810.
[61] Goldman, 'Legitimidad y deliberación'.

of the nation, rules will be prescribed by the Senate' (art. 23). Similar rules regarding the freedom of the press were established in the constitutions of 1823 (tit. XXIII), 1828 (art. 18) and 1833 (art. 12, no. 7). In Río de la Plata, freedom of the press had been established earlier, around the start of the Revolution, by means of the decrees of 20 April and 26 October 1811. The first was a carbon copy of that promulgated by the Cortes of Cadiz in November 1810 and created a Supreme Board of Censors (Junta Suprema de Censura); the second progressed in its stipulations by proclaiming that any man could freely publish his ideas without prior censorship, invalidating all stipulations contrary to this liberty. As for Peru, we read for example in the Constitution of 1826 (ch. V, tit. XI, art. 143) that 'all are free to communicate their written or spoken thoughts, or publish them by means of print without prior censorship'. And it went so far as specifically to declare that the 'exercise [of the freedom of the press] may never be suspended, far less abolished' (1823, sect. 2, ch. III, art. 60; 1826, tit. IV, art. 20, art. 193; 1856, tit. III, art. 20).[62] It is remarkable, however, that, as well as the freedom of the press, almost all the first Spanish American constitutions categorically proclaim the confessional nature of the State and religious intolerance in a manner which, from our perspective, appears incoherent.

The most important and influential constitutional code, the Spanish Constitution of 1812, states the following in article 12: 'The religion of the Spanish nation is, and ever shall be, the Catholic Apostolic Roman and only true faith. The Nation shall, by wise and just laws, protect it and prevent the exercise of any other'. Almost identical articles are to be found in the various constitutions of Mexico and other newly formed republics in Hispanic America. As already mentioned, they also tend to include diverse articles guaranteeing freedom of the press. In the case of the Constitution of Cadiz, the article corresponding to this subject is drawn up in the following terms: 'Every Spaniard is at liberty to write, print and publish his political ideas without

[62] The data highlighted in these paragraphs has been taken from the essays of Gonzalo Piwonka, Isidro Vanegas and Joëlle Chassin, regarding the cases of Chile, Colombia and Peru, respectively, in the section devoted to the concept of public opinion in Fernández Sebastián (ed.), *Diccionario político y social del mundo iberoamericano*, i.

need of any licence, revision or approval whatsoever prior to its publication, subject to the restrictions and responsibility established by law' (art. 371). It is very significant that this article is included in chapter IX of the constitutional text, which is concerned with public education. Although the legislation does not refer to the freedom to speak, but rather to print, one sector of the journalists insisted on linking both *natural* freedoms: 'If speech is free, then so must be the written or printed word, for in the end the written and the printed are but the materialization of speech itself, and printing is no more than rapidly repeating and multiplying one same copy'.[63]

As for the political regime, the Spanish liberals — unlike the majority of the Spanish American insurrectionists — did not even consider the possibility of a republic. In the Europe of the early 1800s, this form of government had, in the eyes of the liberals, been discredited by the excesses of the Jacobin Convention. Was it not a monarchy — that of England — which had for over a century been the model of freest society, in the eyes of the 'friends of freedom'? For the Spanish, as for most Europeans in the century of Enlightenment, a good monarchy was without a doubt the best regime.[64] Moreover, it was almost impossible to imagine the establishment of a republic in a nation that had since time immemorial been a monarchy, and whose territories stretched across several continents. Under these conditions, the problem for the first Spanish liberals, as expressed by one of the most prestigious newspapers of the day, was how to become 'free without being republicans'.[65] The solution that these liberals found was to design a constitution which established a republican monarchy. With its proclamation of national sovereignty, unequivocally placing parliament at the centre of the political system and strictly limiting the executive functions of the monarch, the Constitution of 1812 could be regarded — and was in fact interpreted thus by a good many observers — as a system that was monarchic in form but decidedly republican in essence.

[63] *El Patriota*, 19 July 1813: cited in Pelayo Galindo, 'La libertad de prensa', 89.
[64] Hans Blom, John Christian Laursen and Luisa Simonutti (eds.), *Monarchisms in the Age of Enlightenment: Liberty, Patriotism, and the Common Good* (Toronto, 2007).
[65] *Semanario Patriótico*, 2 May 1811.

## IV

### CONSTITUTIONALISM AND CATHOLICISM: THE FIRST HISPANIC LIBERALISM

The Constitution of Cadiz is quite a radical political code. It proclaimed the sovereignty of the Spanish Nation (this was a multi-continental nation, defined in article 1 as 'the union of all Spaniards from both hemispheres'), anticipated a strict separation of powers, and granted the right of suffrage — within an indirect electoral system in three degrees — 'to all adult males, except those of African descent, without requirement of studies or property', which in terms of franchise made it a more democratic system than any of 'the existing representative governments, such as those of Great Britain, the United States and France'.[66] But, at the same time, this was a confessionally Catholic code, which categorically rejected religious freedom (art. 12). The considerable influence of this constitutional text beyond Spain's borders can probably be attributed to its hybrid character, at once radical and Catholic, monarchic and liberal. Thus, that 'singular amalgam of the Holy Spirit and the spirit of the century, between Jacobinism and the Catholic religion' (as traditionalist Haller ironically described this Constitution)[67] enabled it to penetrate and spread across Europe and Spanish America.

Article 12 of the Constitution of Cadiz — and, in general, the Catholic confessionalism which impregnated all Hispanic liberalism — has often been the subject of debate amongst historians. From a normative perspective and also according to the traditional history of ideas, some authors have argued that liberalism and intolerance are conflicting and incompatible terms, and therefore during these early decades of the nineteenth century there was no authentic liberalism in the Hispanic world. I believe, however, that if we assume a more understanding viewpoint — in the sense of more empathetic, that is, closer to the logic of those involved — this phenomenon may be understood differently.

[66] Jaime E. Rodríguez O., 'Introducción', in *Revolución, independencia y las nuevas naciones de América* (Madrid, 2005), 16.

[67] Carl Ludwig von Haller, *Über die Constitution der Spanischen Cortes* (1820): cited in Luis Sánchez Agesta, *Historia del constitucionalismo español*, 3rd edn (Madrid, 1974), 75. Haller's essay, different versions of which were published, in barely three years (in German, French, Italian and Spanish, appearing in Vienna, Paris, Modena, Venice, Madrid and Gerona), is a good example, in a negative sense, of the interest aroused by the Cadiz constitutional code in Europe at that time.

Fundamentally, for those who participated in the Hispanic Revolutions it seems to have been something fairly simple, almost obvious. The nation was Catholic and was proud to declare itself so by means of the new Constitution. Its representatives were only acknowledging an empirical reality and — within a culture removed from both faith as an individual experience and religious pluralism — deriving from that acknowledgement consequences for the future. In this case we are referring to the Spanish nation, but the same could be said of Mexico, Peru, Chile, Colombia, Venezuela and so on. It was more a question of fact than a matter of opinion. When it came to taking sovereignty from the king and declaring itself sovereign, each of these nations quite naturally assumed its Catholicism (which was, undoubtedly, in the vocabulary of today, the very foundation of its 'identity'), and looked to the new Constitutional State to protect what was considered a most valuable asset — the most valuable of all — which must be preserved at all costs. As incomprehensible as it may appear to us (and liberal historiography has certainly struggled to explain this confessionalism), for the vast majority of those who experienced these events, religious tolerance was neither an aspiration nor a concern. With very few exceptions, this issue did not feature in their political agenda. It is *we* who regard as incoherent the behaviour of Hispanic liberals and republicans in this respect two centuries ago, not they.[68]

This self-investiture of a Catholic nation, of a nation of Catholics who declared themselves sovereign, had significant practical consequences, as it also had in the area of freedom of expression. With its commitment to upholding the exclusivity of the Catholic religion within all the new republics (thus ignoring the presence in several New World countries of a large number of African slaves as well as the existence of some small groups of non-Catholic foreigners), the nation was implicitly assuming a constitutional mandate to prohibit and restrict public expression of other religious beliefs. But, at the same time (and this was an immediate cause for alarm for the defenders of the traditional Church), that new bond between religion and the nation which professed and had to protect it with 'wise and just' laws evidenced

[68] With very few exceptions, the leaders of the Spanish American emancipation movements advocated the maintenance of 'the exclusivity of the Catholic faith in the new nations': Schwartz, *All Can Be Saved*, 252–3.

the fact that the Inquisition no longer had any role to play. Civil law was thus reinforced with respect to the Church of Rome.[69] We need to understand that the first liberals in the Hispanic world were 'Catholic liberals' (or, perhaps more accurately, 'liberal Catholics'), heirs to the Regalist/Jansenist politics of the enlightened Catholics, who, in open opposition to Jesuits and ultramontanes, sought the joint reform of State and national Church, submitting the latter to the civil authority of the former.[70] This explained why Spanish liberals, for example, rather than simply proclaiming in parliament that Catholicism was the national religion (that is, the official religion of the Spanish people, excluding any other), had previously, as we have seen, had the same parliament pass a decree of freedom of the press (10 October 1810) and, later, another abolishing the Inquisition (22 February 1813),[71] and even ordered the expulsion from the country of the papal nuncio (9 July 1813).

Unlike the French Revolution (and, less obviously, the American), the Hispanic Revolutions took place within a largely unsecular context, in which politics and religion were not yet considered separately. In other words, in the Hispanic political culture, forged in the main by ecclesiastics, it was virtually impossible to conceive of a totally secular sovereignty.[72] There were,

[69] This appeared to more than fulfil, almost two decades later, Jovellanos's desideratum, when in a letter to his friend Alexander Jardine, British Consul in La Coruña (21 May 1794), he said that, in his opinion, the most effective way of eliminating the Inquisition was to deprive that institution of the ability to control printed matter by transferring this responsibility to civil authority: in short, 'destroying one authority with another'. Gaspar Melchor de Jovellanos, *Obras publicadas e inéditas*, ed. Cándido Nocedal, 2 vols. (Madrid, 1858–9), ii, 366–7.

[70] Brian Hamnett, 'Joaquín Lorenzo Villanueva (1757–1837): de "católico ilustrado" a "católico liberal". El dilema de la transición', in Alda Blanco and Guy Thomson (eds.), *Visiones del liberalismo: política, identidad y cultura en la España del siglo XIX* (Valencia, 2008). On the relationship between Church and State and regalist politics in the Spanish Monarchy during the reigns of Charles III and Charles IV, see Gabriel B. Paquette, *Enlightenment, Governance, and Reform in Spain and its Empire, 1759–1808* (Basingstoke and New York, 2008), esp. ch. 2, pp. 56 ff.

[71] In the heated parliamentary debates which preceded this measure, the elderly Benito Hermida, one of the translators into Spanish of Milton's *Paradise Lost*, repeatedly recalled that 'thanks . . . [to the Holy Office] we have enjoyed three centuries of religious peace': Marcelino Menéndez Pelayo, *Historia de los heterodoxos españoles*, in his *Obras Completas*, vi (Madrid, 1948), 68.

[72] María Teresa Calderón and Clément Thibaud, 'De la majestad a la soberanía en la Nueva Granada en tiempos de la Patria Boba (1810–1816)', in María Teresa Calderón and Clément Thibaud (eds.), *Las revoluciones del mundo atlántico* (Bogotá, 2006), 366, 373.

of course, significant differences between absolutists and liberals regarding this question. What the latter saw as reasonable freedom was anathematized by the former as a kind of unacceptable licence, 'libertinism' or 'licentiousness' — uncontrollable passions. There were also differences in the degree to which theological culture permeated one region or another (on the whole, there can be little doubt that the republic of letters existed more independently of religion in the Iberian peninsula than in the New World). But certain general characteristics of the Catholic mentality were shared by nearly everybody. This renunciation of the idea of an authority completely devoid of religious foundation enables us to appreciate the reasons behind an intolerance that to most liberals seemed perfectly acceptable. If, as María Teresa Calderón and Clément Thibaud have shown, in the case of the kingdom of New Granada, religious legitimacy represented an insurmountable horizon for the people of New Granada of the time, then we begin to identify the crux of the matter. Basically, for Spanish Americans taking their first steps along the path of political modernity, 'intolerance' literally meant 'the unity of the body politic'; tolerance, on the other hand, signified disunion, illegitimacy, even civil war.[73] Paradoxically, the intolerance consecrated in the Constitution was seen as the most efficient means of subjecting the Church to the authority of a newly established State striving to control and direct a complex judicial and political order, comprising a multitude of corpora.[74] Religious pluralism was in no way considered to be a social value or asset, but rather a

[73] 'The laws which are intended to establish toleration', claimed the liberal MP Agustín de Argüelles during a session of the Cortes of Cadiz, 'have the opposite effect, cause conflict, shorten tempers, inflame arguments': cited in José M. Portillo Valdés, 'De la Monarquía católica a la nación de los católicos', *Historia y Política*, xvii (2007), 26.

[74] Calderón and Thibaud, 'De la majestad a la soberanía en la Nueva Granada', 387, 390 ff. Here is a description of how a group of South American journalists reacted in defence of religious intolerance and against an earlier apology for toleration published in the *Gaceta de Caracas* (19 Feb. 1811) by a supposed Irishman named William Burke — in all probability a pseudonym used by James Mill and Jeremy Bentham, which would later also be used by Juan Germán Roscio and other members of the emancipation movement in Venezuela. Mario Rodríguez, *'William Burke' and Francisco de Miranda: The Word and the Deed in Spanish America's Emancipation* (Lanham, 1994), 520 and *passim*. This avalanche of pamphlets is very reminiscent of the polemic provoked some years later in Mexico by the publication of Rocafuerte's *Ensayo sobre la tolerancia religiosa* (see nn. 89–90 below) and was highly symptomatic of the prevailing mentality in the region at the time.

threat to cohabitation (a threat similar to, but even greater than, the plurality of interests).

So this was a liberalism built upon a Christian dogma, which in a way followed in the wake of the moderate Catholic Hispanic Enlightenment.[75] One of the leading Spanish ideologists of the moment, Francisco Martínez Marina, composed a republican discourse in which *virtue* and *citizenship* were indissociable from the Gospel. This was a 'civic Christianity' which even had a place for a hint of 'civil religion'.[76] And it goes without saying that for this confessional liberalism, freedom of expression was wholly subordinate to other more significant values, like religion, upon which depended the common good and social order. In short, we are talking about *Catholic* liberalism and republicanism, which omitted dogma from the realm of opinion, and restricted freedom of the press and of speech to matters of a political nature which were subject to debate and open to diversity of opinion. However, even in this sphere, the goal of most political commentators of the time was to anchor public opinion in a position which did not threaten the unity of the nation's body politic.[77]

A few years later, however, the situation associated with this mentality began to evolve rather more quickly, at least within certain elite sectors. Upon Ferdinand VII's return to Spain in May 1814, the Constitution was immediately abolished, and the liberals were persecuted and imprisoned. Many went into exile, in France or England, where they met other exiles from

[75] Of particular significance was the popularity of works which, beyond their theme, or even each author's specific political position, had in common a general sense of religious interpretation of politics. I refer to works such as *El Evangelio en triunfo*, by the Peruvian Olavide, or *El Triunfo de la libertad sobre el despotismo*, by the Venezuelan Roscio. In *El Evangelio en triunfo: memorias de un filósofo desengañado*, 4 vols. (Valencia, 1797–8), Pablo de Olavide, former governor of Seville, convicted of heresy by the Inquisition in 1778, reacted against the horrors of the French Revolution, which he attributed to dechristianization. This lengthy work, the last section of which contains a reformist programme of 'enlightened Christianity', was a genuine best-seller at the turn of the nineteenth century. Some years later, the priest Juan Germán Roscio, one of the leaders of Venezuelan independence, published *El Triunfo de la libertad sobre el despotismo en la confesión de un pecador arrepentido de sus errores políticos y dedicado a desagraviar en esta parte a la religión ofendida con el sistema de la tiranía* (Philadelphia, 1817), in which the author sought to demonstrate that implicit within the Gospel was a message of liberty.

[76] Pablo Fernández Albaladejo, 'El cristianismo cívico de Francisco Martínez Marina', in his *Materia de España: cultura política e identidad en la España moderna* (Madrid, 2007).

[77] See the works quoted at the beginning of n. 6 above.

Spanish America (several of the latter had also settled in the United States). One of the reformist leaders, the Spanish poet Manuel José Quintana, noted from his imprisonment in Pamplona that the absolutists had accused the liberals of being 'rebellious, subversive and seditious', in an attempt to 'prove that the main proponents and founders of the Constitution were intent on destroying the Monarchy and the Catholic religion, in order to establish in Spain a republican government and tolerance of every faith'.[78] This was, of course, a false accusation, but it indicates the degree to which any questioning of the monarchy or of Catholicism was regarded as high treason.

Whatever the case, it seems clear that, before the definitive triumph of the 'representative system' on the peninsula following the death of Ferdinand VII, the two successive relapses into absolutism of the Spanish Monarchy in 1814 and in 1823 represented a double and serious reverse for Hispanic Catholic liberalism. When, with the ending of the liberal Triennial period 1820–3, the triumph of the absolute monarch and of the ultramontane ecclesiastics appeared to crush all the hopes of those first liberals who had striven simultaneously to reform both State and Spanish Church (by reconciling their Catholic faith with the new constitutionalism), that project had to be abandoned. Hispanic liberal Catholicism, a pioneering politico-religious movement in the European context, seemed doomed.[79] At the same time, the departure into exile of thousands of liberals from all over the Hispanic world (many of whom sought refuge in London) paradoxically contributed to the internationalization of a group of activists who described themselves as 'friends of European and American liberty' and tended to regard themselves as part of a broad epoch-making political movement immersed in an Atlantic, rather than a strictly national, context.

In contact with the French, North American and British liberals, the Hispanic exiles in London, Paris or Philadelphia eventually accepted that tolerance was something positive — or, at

[78] Manuel José Quintana, *Memoria sobre el proceso y prisión de Don Manuel José Quintana en 1814* (1818; Madrid, 1872), 229.

[79] Quoting a previous work of José Manuel Cuenca Toribio, 'El catolicismo liberal español: las razones de una ausencia', *Hispania*, xxxi (1971), Brian Hamnett has drawn attention to the precociousness of this Catholic liberalism which preceded by at least two decades the proposals of Lamennais and the liberal Catholics of France, Italy and southern Germany: Hamnett, 'Joaquín Lorenzo Villanueva', 39–40.

least, a lesser evil — and that even in a Catholic country, its implementation would not necessarily have disastrous consequences. In this respect it is very significant that the first article of the 'Constitutional Act of Spaniards of Both Hemispheres', an alternative text to the 1812 Constitution which a group of liberals tried to proclaim via a thwarted conspiracy in 1819, recognized the toleration of faiths as one of the 'fundamental bases' of the new social contract: specifically, the text refers to 'religious freedom, or the right to worship God according to one's conscience'.[80] A year later, when the Constitution of Cadiz had been re-established, one of the Spanish liberals involved in this conspiracy wrote that 'speech, writing, printing, or any other means already or not yet invented to communicate one's thoughts more or less quickly are mere instruments which have no intrinsic morality. Certainly they can be abused; but if this is the case, punish the criminal and respect the faculty'.[81] From 1834 onwards, with the definitive triumph of liberalism on the peninsula, numerous political texts insisted that publicity and freedom of the press constituted 'the soul of representative governments'.

In the meantime, in the countries of former Spanish America, during the early years of independence, 'debates as to how "free" the press should be dominated the political discourse of the 1820s'. In practice, however, de jure or de facto, there were 'constant restrictions to the freedom of the press'.[82] On the one hand, the desire to create a very uniform and monolithic national

[80] Claude Morange, *Una conspiración fallida y una Constitución nonnata (1819)* (Madrid, 2006), 409. This was not the first defence of religious freedom by a Spanish liberal. Ten years earlier, Flórez Estrada had presented to the Junta Central a draft constitution, which included an article stipulating that 'no citizen will be troubled because of his religion, whatever it may be': *Constitución para la nación española*, 1 Nov. 1809, §CII, in *Obras de Álvaro Flórez Estrada*, ed. Artola Gallego, ii, 335.

[81] Juan de Olavarría, *'Reflexiones a las Cortes' y otros escritos políticos*, ed. Claude Morange (Bilbao, 2007), 180.

[82] Eugenia Roldán Vera, *The British Book Trade and Spanish American Independence: Education and Knowledge Transmission in Transcontinental Perspective* (Aldershot, 2003), 17. In the case of Río de la Plata, the debates regarding the limits and abuses of the freedom of the press did not question the very principle of this freedom. The critics of a limitless freedom alleged that Argentine society was too immature and inexperienced to put it into practice. Noemí Goldman, 'Libertad de imprenta, opinión pública y debate constitucional en el Río de la Plata (1810–1827)', *Prismas*, iv (2000); Earle, 'Role of Print in the Spanish American Wars of Independence'; Paula Alonso (ed.), *Construcciones impresas: panfletos, diarios y revistas en la formación de los estados nacionales en América Latina, 1820–1920* (Mexico City, 2003); Carlos A. Forment, *Democracy in Latin America, 1760–1900* (Chicago, 2003), 192 ff.

opinion contrasted with the unsettling panorama of 'a Republic threatened on all sides, its heart torn to pieces by passions, and left unsteady by the divergence of opinions'.[83] On the other hand, the leaders of the processes of independence, like Generals Santander or Bolívar, thought that 'the freedom to speak and write without any restriction', however salutary it might be in the few 'old nations' which boasted well-established liberal systems, could be harmful in a 'newly formed republic'.[84]

Moreover, throughout the nineteenth century, among a sector of the liberal elites of the Hispanic world there was a growing conviction, associated with widespread freedom of the press, that tolerance of religious opinions was inevitable, at least in principle.[85] I conclude this section by highlighting a few examples of this gradual — albeit for a long time minority — acceptance of respect for plurality of faiths.[86]

A contributing factor, of course, was the failure of the option of the 'liberal Catholics' on the peninsula, following the reinstatement of Ferdinand VII as absolute king in the spring of 1823, as a result of the French intervention in Spain in the service of the legitimist politics of the Holy Alliance. The military intervention by the duke of Angoulême's troops put an end to the second

[83] *El Amigo del Pueblo*, Bogotá, 24 July 1828: cited in Vanegas, 'Opinión pública — Colombia', 1043. On this subject, see also, for the case of Venezuela, Véronique Hébrard, 'Opinión pública y representación en el Congreso Constituyente de Venezuela (1811–1812)', in Guerra, Lempérière *et al.* (eds.), *Los espacios públicos en Iberoamérica*.

[84] *Cartas Santander-Bolívar*, ed. G. Hernández de Alba, 6 vols. (Bogotá, 1988–90), ii, 92, 193; iii, 231; vi, 43: cited in Vanegas, 'Opinión pública — Colombia', 1043.

[85] The mere application of the word *opinion* to religious faith was regarded by the Catholics as an unacceptable act of provocation. Indeed this had been one of the reasons cited by the Inquisition for totally rejecting as heretical the work of Hobbes, and it is to be supposed that the immense majority of Spaniards and Spanish Americans of the age were equally disapproving of those legal texts which — like the French *Declaration of the Rights of Man and Citizen* of 1789 (art. 10) — referred to religion as no more than 'opinion'.

[86] In the 1803 edition of the Spanish Royal Academy's *Diccionario de la lengua* a new acceptance of the old word *tolerancia*, in the sense of 'civil tolerance', had appeared for the first time ('Permission granted by a government freely to practise any religious worship'), along with the new term *tolerantismo* ('Opinion of those who believe that every state should allow the free practice of any religious cult'). It is interesting to note how, three decades later, in defining these terms in the 1832 edition of this official lexicon, the word *culto* (worship) was replaced by *creencia* (belief): 'free exercise of all religious belief'. In the case of Spain, however, prior to the constituent Cortes of 1855 there was no significant parliamentary discussion regarding the advisability of incorporating religious freedom into the legislation; full recognition of this right would not appear until the democratic Constitution of 1869 (art. 21).

constitutional period and finally persuaded those who had defended the compatibility between Catholicism and liberalism that, unfortunately for them, this was unviable. From the 1830s onwards — mainly as a result of the confiscation of Church property — there ensued a long dispute between the church hierarchy and the liberal institutions, a conflict which would deepen as the century progressed. The case of the new independent American republics is quite different from that of the peninsula. Although the panorama varied considerably from country to country, in general it might be said that most ecclesiastics supported the emancipation movements, which was a very different situation from that which prevailed in the mother country. On the other side of the Atlantic, the Catholic republican option would remain open for some time yet.

In 1827, barely five years after his country's independence, the Mexican liberal José María Luis Mora, in a 'Discourse on Freedom of Thought', advocated 'absolute and total freedom of opinion'. It is useless, he argued, to attempt to eradicate opinions by means of repression. Freedom, claimed Mora, is necessary for the advancement of science and of societies in general. In particular, 'opinions about doctrines must be completely free', as only in this way, via 'absolute freedom to speak and write', is it possible to have an obstacle-free debate in which errors are refuted by superior arguments. Only 'free discussion' of this kind, he concludes, produces the truth 'and true public opinion'.[87]

In any case, the question of tolerance continued to be a delicate issue which deeply divided the Spanish American elites for decades to come. In fact, this subject constituted a genuine touchstone which differentiated liberals from conservatives in many countries within the region, and only in the second half of the nineteenth century did a few laws gradually appear which recognized religious plurality and freedom of worship, accompanied sometimes by anticlerical movements which on occasion led to serious conflicts between Church and State.[88]

[87] 'Discurso sobre la libertad de pensar, hablar y escribir', *El Observador*, Mexico, 13 June 1827: included in José María Luis Mora, *Obras sueltas*, 2 vols. (Paris, 1837), ii, 56–67.

[88] J. Lloyd Mecham, *Church and State in Latin America: A History of Politico-Ecclesiastical Relations* (Chapel Hill, 1934).

The appearance in Mexico in the early 1830s of an *Essay on Religious Toleration*, written by Vicente Rocafuerte, was a good example of the extent to which this remained a controversial and sensitive issue.[89] Despite being warned by his friend, historian and politician Carlos María de Bustamante, that 'another twenty years at least would have to pass before this matter could be discussed objectively in Mexico', Rocafuerte decided to publish his essay, which was immediately disseminated, triggering a considerable polemic and an accusation of sedition by the government before the Commission for the Protection of the Freedom of the Press. The ensuing months saw a plethora of newspaper articles and a number of pamphlets, mostly ecclesiastical in nature, refuting Rocafuerte's ideas. Though the jury opted to absolve the accused, much to the delight of those attending the trial, this case offered ample evidence that the young Mexican republic was not yet mature enough to host a calm public debate over the issue. The disagreements between the clerical and the anticlerical parties regarding the thorny problem of 'tolerationism' threatened seriously to divide society and to put paid to peaceful coexistence between citizens.[90]

Whatever the case, with the passage of time a number of politicians and intellectuals who played a significant role in early Hispanic constitutionalism began to revise their own actions and distance themselves from their initial attitudes concerning this issue. There were also various Spanish liberals who, in their later years, looked back upon the constitutional work of the Cortes of Cadiz and in retrospect judged its confessional content to have been a regrettable error attributable to the circumstances

[89] Vicente Rocafuerte, *Ensayo sobre la tolerancia religiosa*, 2nd edn (Mexico City, 1831). In this book the author maintains that 'political freedom, religious freedom and commercial freedom are the three elements of modern civilization', although 'the doctrine of toleration was [already] that of the first Christians' (p. 8). Rocafuerte also showed his disapproval of the attitude and behaviour of the British government and the Anglican Church towards Catholics. Rocafuerte considered that, unlike the pattern typical in Protestant Europe, where there was an initial affirmation of freedom of conscience and a later move towards political freedom, in the case of the Hispanic world there appeared to be an inverse process: in the first place political freedom had been established, and one of the consequences of this in the near future would be religious tolerance.

[90] Jaime E. Rodríguez O., *The Emergence of Spanish America: Vicente Rocafuerte and Spanish Americanism, 1808–1832* (Berkeley and London, 1975). I am referring to the Spanish version: Jaime E. Rodríguez O., *El nacimiento de Hispanoamérica: Vicente Rocafuerte y el hispanoamericanismo, 1808–1832*, 2nd edn (Quito, 2007), 254–63.

of that time. The main speaker and political leader of that parliament, Agustín de Argüelles, wrote twenty years later that article 12 was

> a grave, disastrous error, the cause of many ills, but inevitable nonetheless. It consecrated religious intolerance once again . . . [to avoid] the theological fury of the clergy . . . That is why it was considered prudent to leave it to time, to the progress of knowledge, to the enlightened controversy of writers, to subsequent and gradual reforms by future Parliaments, to correct, without conflict or scandal, the intolerant spirit which prevailed throughout much of the ecclesiastical state.[91]

There is reason to believe, however, that the motives which led the liberals of Cadiz to adopt such policies were not exactly those quoted by Argüelles. Rather than mere opportunism, or a desire not to alienate the clergy and immediately lose their support of the reforms, it was a question of culture.

In my opinion, what caused Hispanic constitutionalism en masse solemnly and almost unanimously to proclaim Catholicism to be the only true religion was neither fear, prudence nor the opportunism of its participants — liberal or republican — but a more profound yet simpler fact: most of the agents who took part in these events shared a Catholic culture that was deeply embedded in their societies, and, in this context, any remote possibility of the acknowledgement of freedom of conscience was ruled out in advance.

## V

### CONCLUDING REMARKS

I have attempted in this article to determine some of the reasons why to a large extent the elites of the Hispanic world — including their more reformist and liberal elements — found it extremely difficult to admit the need for a wide-ranging freedom of expression which would extend into religious matters, and even harder to acknowledge legal toleration of other cults and beliefs. My interpretation suggests that this was not merely a question of difficulties of a legal or political nature, but rather one of (pre)conceptions deeply rooted in their mindset, which prevented them — or at least made it very difficult — from thinking that such objectives were opportune or desirable. Quite simply,

[91] Agustín de Argüelles, *Examen histórico de la reforma constitucional de España* (1835), ed. Miguel Artola, 2 vols. (Oviedo, 1999), ii, 54.

within their mental parameters, Catholic exclusivism seemed natural to them, perfectly compatible with constitutionalism and in no way a contradiction of the liberal political doctrines which they professed. The objective for those liberal elites, at the turn of the nineteenth century, was rather to *constitutionalize* Catholicism, making it the national religion, a measure which implied the abolition of the Inquisition and the subjection of the Church to civil authority.

All the evidence suggests, however, that the intellectual barriers which partially blinded them to the problem of toleration and unrestricted freedom of expression began to fall, and quite quickly, at the beginning of the third decade of the nineteenth century. That turning point would in part have been a consequence of the failure of the first 'Catholic liberals' in their attempts to impose on Spain their political and constitutional model, and also a result of the experience of exile which brought many Hispanic constitutionalists into contact with societies that were more plural in terms of beliefs and relatively more tolerant, like those of Britain and North America. There are reasons to believe that, in the light of the new ideas and circumstances, some of those politicians and intellectuals cast a fresh look over their recent past (for example, over their own actions in the parliament of Cadiz), which led them retrospectively slightly to adjust or embellish the events they had lived through, distorting their vision of things in order better to integrate these facts into their own — more or less idealized — personal history.

The particular case studied in these pages might be seen as a sample of a type of historiographical approach which tries to be more sensitive and receptive to the axiological and conceptual frameworks within which people moved in the past. I do not believe that the role of the historian is to make value judgements on the events and processes he describes, and much less to prompt scandal and moral indignation in the readers of his time with regard to the thoughts and actions, which today we tend to consider unwise or mistaken, of agents from other, more or less distant, times. I believe, on the contrary, that we should avoid the 'presentification' of the past, respecting as far as is possible the radical alterity of the past worlds that we study; all of which surely implies an effort to understand — to the extent to which this is possible — the actors in their own terms.

Let me conclude by recalling an insight full of historical sense from the work of one of the founders of the *Annales* school. In this passage, written in the middle of the last century, Lucien Febvre warned his colleagues about the dangers of a certain manner of writing history which, albeit unwittingly, stole from the dead that which was once their own spiritual life. Historians, argued Febvre, should be especially careful not to project onto the people of the past our own values and beliefs. Our task should rather be to retrieve, as far as is possible, what they once loved and believed — on occasion employing the same formulae and the same words that we still use, though with a meaning and value that were often very different. And we should always remember — continues Febvre — that, beyond the convenient but often generic and misleading classificatory labels ('Catholicism', 'Protestantism', 'rationalism' and so on), what really ought to occupy and concern us is attempting to discover and understand their real lives and their passions, which were also young, and which, of course, were certainly not ours.[92]

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[92] Lucien Febvre, *Autour de l'Heptaméron: amour sacré, amour profane* (Paris, 1944), 356.