THE DISINTEGRATION OF THE SPANISH EMPIRE

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FROM IMPOTENCE TO AUTHORITY: THE SPANISH CROWN AND THE AMERICAN AUDIENCIAS, 1687–1808. By MARK A. BURKHOLDER and D. S. CHANDLER. (Columbia, Mo. and London: University of Missouri Press, 1977. Pp. 253. $15.00.)

REFORM AND POLITICS IN BOURBON CHILE, 1755–1796. By JACQUES A. BARBIER. (Ottawa, Canada: University of Ottawa Press, 1980. Pp. 218.)

THE CÁDIZ EXPERIMENT IN CENTRAL AMERICA, 1808–1826. By MARIO RODRIGUEZ. (Berkeley, Los Angeles, London: University of California Press, 1978. Pp. 316. $18.00.)

THE FALL OF ROYAL GOVERNMENT IN PERU. By TIMOTHY E. ANNA. (Lincoln: University of Nebraska Press, 1979. Pp. 291. $19.50.)

The end of Europe's long imperial age in the decades following the Second World War has made it possible to see the rise and fall of empires with a clearer perspective than was once possible. The collapse of Spain's American dominions—save Cuba and Puerto Rico—in the early nineteenth century and the emergence of numerous independent states prefigured in many respects the post-1945 proliferation of new nations in Africa and Asia. In both cases a long and destructive world war exercised a shattering impact on imperial stability that seemed secure a few years before. Moreover, independence took place within a frequently rigid social framework linked to deep class and racial differences. There are, of course, important differences between the disintegration of the Spanish and the later British and French empires. The latter occurred within the framework of a highly developed political consciousness stimulated by the transfer of European nationalist ideas and the emergence of modern forms of political expression. The dynamics of independence in the colonial territories of the twentieth century are complex, but in a sense they are easier for the historian to comprehend at least at a superficial level, for the language of nationalism in the modern world is universally understood. The historian of Spain's imperial collapse has no such lingua franca to provide a convenient focus of interpretation.

The causes of independence in Spain's colonies are difficult to

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disentangle precisely because the disintegration of empire and the rise of national consciousness, however inchoate, coincided with the general crisis of monarchical absolutism in Europe at the end of the eighteenth century. Within the context of an agrarian and hierarchical society, the enlightened absolutists of the eighteenth century, whether Charles III, Frederick the Great, Louis XV, or Leopold of Tuscany, were remarkably successful in improving the efficiency of government, promoting economic development, and encouraging the participation of their educated subjects in civic improvement. Yet the formula of absolutist modernization led ultimately to a dead end that produced, in the most extreme cases, revolution and, in others, the substantial political changes associated with the rise of liberalism. Bureaucratic centralization carried out by absolutist princes, the greater sophistication of royal administrations as well as the honesty and good intentions of government officials, and the commitment to a broad range of economic, educational, and cultural improvements were insufficient to satisfy those elements of society for whom political stability under absolutism and social peace within the framework of noble and ecclesiastical privilege were not enough. The period of absolutist reform in Europe, when most of Europe was better governed than it had been for centuries, was followed by years of revolution and political and social upheaval that would not be equalled again until the twentieth century. In the crisis of European absolutism, Spain and its colonies were fully involved.

Mark A. Burkholder and D. S. Chandler have studied one of the fundamental bureaucratic reforms applied to the empire during the eighteenth century—the attempt of the Crown to develop a body of honest, competent, and professional judicial officers in the great Spanish law courts of the Indies, the *audiencias*. These tribunals were even more important within the framework of colonial government for, unlike their equivalents in Spain, they possessed certain administrative and, in some cases, executive powers. In the Indies the audiencias were necessary not only for the administration of justice but also for the smooth and orderly functioning of government itself, as many a viceroy or governor discovered to his cost in disputes with the judiciary. Moreover, in a society addicted to litigation, decisions in civil cases dealing with wills, conflicts over property rights, and the like made the audiencia a powerful social arbiter deeply involved with the conflicting economic interests of local populations.

Within the framework of institutions, laws and bureaucratic procedures making up the constitution of the Spanish monarchy of the Old Regime, judicial office was not venal. The systematic sale and alienation of judgeships, which took place in seventeenth-century France and which later would help destroy the Bourbon monarchy, did not take place either in Spain or the Indies, where the Crown avoided converting

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judicial office into a form of property capable of being passed on from generation to generation. This is not to say that the Spanish monarchy refused to sell judicial offices to raise badly needed funds, but it did so reserving always the right to revoke what in essence it regarded as a temporary privilege. This book begins in the late seventeenth century—a time when a weakened and financially hard-pressed Hapsburg monarchy sold a wide range of offices to shore up an ailing treasury. The willingness of Charles II to sell positions or to create supernumerary appointments for a price in the American audiencias allowed for significant Creole participation in the tribunals of the Indies. The Crown did not like this arrangement for it feared, particularly, that native sons appointed to local courts would compromise the neutrality expected of every judicial officer. Yet the availability of such positions to the Creole elite of the colonies provided a safety valve for frustrated ambitions in an absolutist state ruled from afar.

The Bourbon kings of the eighteenth century attempted to create, with varying degrees of success, a professional state administration in which competence and merit played an important role, although family and educational connections as well as skill at court intrigue were by no means negligible considerations. There was no formal exclusion of Creoles from the American audiencias, but Madrid clearly viewed their presence as a cause of collusion and corruption with local interests and as an obstacle to effective administration arising from conflicts with viceroys and governors. Through analysis of the recruitment and career patterns of 693 judicial officers in the American tribunals, the authors have traced the struggle, ultimately successful, of the Bourbons to create a professional judiciary responsive to broader imperial needs. Philip V began the process, but Ferdinand VI and, above all, Charles III carried it to a conclusion between 1750 and 1780. A royal order of 1776 declared that peninsular Spaniards would be favored in audiencia appointments, although a sop was thrown to the Creoles in the form of a promise that they would be considered for appointment to courts in Spain itself. Since the creation of a truly imperial civil service including both the mother country and the overseas territories was never a practical possibility, the order was viewed as highly prejudicial by the Creole elite of the colonies. The professionalization of the magistracy was carried one step further during the 1780s as the Crown made a determined effort to recruit capable men in Spain from a greater variety of backgrounds than had hitherto been the case and to insure that officials with American experience would be represented on the Council of the Indies in Madrid.

The creation of a professional judiciary composed largely of peninsular Spaniards during the second half of the eighteenth century has frequently been noted by historians. The merit of this book is that for the first time it proves the case definitively through effective prosopographi-

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cal techniques. Computer analysis is here employed with sophistication and common sense. Two appendices, IX and X, provide statistical information on age, family, educational background and career patterns, etc., which will be invaluable to students of imperial administration. Together with Janine Fayard's recent book on the recruitment and career patterns of the members of the Council of Castile (*Les membres du Conseil de Castille a l'époque moderne, 1621–1746* (Geneva, 1979), this study is indispensable for those interested in the development of the Hispanic bureaucracy of the Old Regime.

The perennial question of how the Hispanization of the colonial bureaucracy contributed to the growth of Creole resentment and, thus, to independence is more difficult to answer. Here the authors, perhaps wisely, do not venture onto the thin ice of speculation. That the Creoles resented the exclusionary principle applied to imperial government is beyond dispute. But it does not necessarily follow that the development of a more tightly controlled administration in the Indies stimulated a desire for independence. This could have happened even had the Crown continued the lax policies in existence at the beginning of the century. In the end, it was the crisis of absolutism in Spain itself beginning in 1808 that radically transformed the political situation in the empire.

The eighteenth-century reform of the judiciary was designed to encourage the development of a body of competent jurists committed to the implementation of imperial policy as defined by Madrid. Although carried out everywhere in the Indies, the reform was least successfully applied in the Chile studied by Jacques Barbier, for there Creole membership on the court continued to be significant until the end of the century. Barbier's study of the relationship between Bourbon reform and local politics describes in clear and abundant detail the chronic tension between enlightened absolutism's desire for a more professional and centralized administration, designed in Chile's case to maximize the collection of tax revenues for defence, and the determination of the Creole elite to use the very institutions created by the state to defend and further its own interests.

The European absolutist monarchies of the Old Regime could not by their very nature permit their subjects formal participation in the governance of states. In theory, the king governed with absolute power for the good of his realm and the prosperity of his subjects. In fact, he ruled over a society fragmented by the degree of privilege enjoyed or not enjoyed by its constituent parts. Monarchs, of course, curbed the political ambitions of the great aristocracy and used the bureaucratic state they were creating to impose a limited measure of equity on the imbalanced society of privilege over which they presided. But in the end, social stability depended on the maintenance of a delicate equilib-

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rium between the Crown's desire to assume more power to itself and the self-interest of the most privileged elements of society. Thus in Spain, the Bourbons dared not interfere with the extensive seigneurial rights of the nobility and the Church, nor could they consider eliminating the privileged legal situation of the nobility. The greatest danger to the absolutist state, moreover, came not from the lower classes of town and country but from the privileged at the moment they perceived that their self-interest was being injured by royal authority. The first stage of the French Revolution was, after all, the revolt of the parlements in 1787–88.

In such societies a form of politics did exist, but it was the politics of family connections, influence peddling, court intrigue, and the like. Denied any formal political role, the privileged used whatever means were available to preserve their social and economic dominance. The society of privilege characteristic of the European absolutist state appeared early in the history of Spain's overseas empire. It was in many ways different from the noble dominated societies of Europe in that economic and social circumstances permitted a limited degree of fluidity, particularly because of the racial mix of the American populations. The Creole elite which emerged in the Indies, however, enjoyed a privileged situation it was determined to maintain at any cost.

Barbier describes the formation of the Chilean elite after 1755 and devotes particular attention to the intricate relationships of family, wealth, and office-holding which bound it together. To maintain its privileges before the reforming efforts of the Bourbons, the elite relied on what Barbier calls the politics of the clique. On the surface, the constantly shifting and forming political manipulations of not one but many cliques seems nothing more than a politics of confusion. But given the nature of the absolutist state, it was the only form of politics possible, and Barbier quite rightly views it as essential to understanding the relationship between the Crown and the Chilean establishment, especially in the delicate question of fiscal reform.

The author stresses that the Bourbon reforms in Chile focused on a reform of a tax structure judged inadequate by Spain to provide for the defence of this isolated outpost of the empire before the threat of foreign intervention. Such a reform could be carried out, however, only by injuring the interests of a Creole elite deeply entrenched in the audiencia, the municipal government of Santiago, the *cabildo*, and the lesser offices of government administration. The Creoles had long since learned to exploit to the full the foot-dragging capabilities inherent in Spain's complex imperial institutions. Barbier argues his thesis by describing two entirely different reactions to fiscal reform during the 1770s. In the first, the principal advocate of reform, the Chief Accountant, S. García, attained his objectives by trying to do something for the Creole

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elite in other areas—the improvement of the situation of Chilean merchants vis-à-vis the Peruvians, for example—and, above all, by neutralizing possible resistance. Through a policy of buying off the members of the local elite with their highly sensitive taste for the selfish and corrupt deal, García got what he wanted. His successor challenged the Creole establishment head on and in doing so provoked popular disturbances which forced the royal authorities to compromise on some of their reforms.

What Barbier argues, although not explicitly, is that colonial Chile possessed a political constitution which, in effect, limited the exercise of royal authority, however great its theoretical powers. Historians now recognize that it is possible to refer to "constitutions" in Europe's Old Regime states. Such constitutions were, of course, organic in the sense that they were formed over the centuries in a not particularly rational way. They were unwritten, and they rested on the alliance of interest between the Crown and the privileged classes. European political theorists of the eighteenth century were not wrong when they made a distinction between "despotism" in which the monarch exercised power in an arbitrary and capricious way and "absolutism" in which the king had to proceed within the framework of complex laws and procedures and within the very real limitations imposed by a nation's social structure. In this book, Barbier argues persuasively for the existence of such a constitution in colonial Chile. And he describes its operation well. He shows clearly that the Bourbon reformers were limited in their reforming zeal by the restrictions imposed by the Chilean constitution.

Barbier's suggestion of the existence of an Old Regime constitution in Chile could be applied to Spain's other territories in the Indies even recognizing the substantial differences among respective jurisdictions. The constitutional order of absolutist Spain in the Indies, resting as it did on the maintenance of a certain equilibrium between the interests of the central government and those of the privileged Creoles, suffered strains during the eighteenth century. The disturbances described by Barbier in 1776, the earlier revolt of the *comuneros* in New Granada, and other troubles fit into the pattern not unlike that found in Europe itself. The *motín de Esquilache* in Madrid during the spring of 1766 or the 1774 bread riots in France, it might be argued, were reactions to what appeared to be a deviation from traditional ways engineered by reformers of the absolutist state. It is interesting that in both cases the royal authorities, not altogether with justification, saw the sinister hand of the privileged behind popular rioting. As in Europe, the disturbances of the eighteenth century did not lead to revolution, for the Crown was able to maintain the historic balance between its own political ambitions and Creole self-interest, however delicate the equilibrium became on occasion.

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The constitutions of the Old Regime monarchy in Spain and the American dominions came crashing down beginning with the Napoleonic intervention of 1808. The crisis arising from Napoleon's decision to place his brother, Joseph, on the throne of the Bourbons was revolutionary not merely because it disrupted the normal political life of the absolutist state, but also because it revealed the total incapacity of the fundamental institutional organs of the kingdom to defend either the nation or its traditional constitution. The acceptance of the change of dynasty by much of Spain's bureaucratic elite, from the venerable Council of Castile on down, discredited the institutions of the old monarchy and made the liberal revolution of the Cortes of Cádiz possible.

In the Indies, the imperial institutions of absolute monarchy were not discredited by the kind of political failure that took place in Spain, but as a result of the significant changes introduced by the liberal Cortes from 1810 to 1814 they moved into ambiguous and uncertain circumstances which in the end undermined their effectiveness and contributed to independence. In his study of the impact of the Cádiz experiment on the Kingdom of Guatemala between 1808 and 1826, Mario Rodriguez studies the ultimately dissolving effects of the contradiction between government institutions derived from the absolutist past and the movement toward liberal reform. The Cortes introduced reforms—American representation in the Cádiz assembly and, more importantly, the introduction of the modern elective principle into municipal government and the new *diputaciones provinciales*—which destroyed the traditional constitution of the Guatemalan kingdom. The participation of the educated Creole elite, formed in the enlightened culture of the late eighteenth and early nineteenth centuries, in government coexisted uneasily with imperial authority still in place. Rodriguez's description of the relations between Captain-General José Bustamante y Guerra, an admirer of the constitutional revolution, and liberal Creoles dominating city governments and the *diputaciones* shows clearly the inevitable tension between a governor still intent on preserving a significant degree of political control and an elite determined to limit Spanish authority to the minimum.

The first liberal experiment opened the Pandora's box of political participation and decentralization which completely upset the old balance between royal authority and Creole self-interest. At the time of the Cortes of Cádiz, it did not lead to independence, but Creole dissatisfaction with what Spanish liberals were prepared to offer to maintain imperial unity as well as their newfound liking for participation in government meant that the clock could never be turned back. Rodriguez traces with skill the complex evolution toward independence among the fragments of the Kingdom of Guatemala. The second liberal revolution, between 1820 and 1823, showed that Spanish liberals had not learned

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the lessons of the past, and by this time the example of newly independent Mexico exercised a powerful attraction over the discontented Creoles of Central America. The author also describes the centrifugal pressures, directed against the dominance of Guatemala City, which liberal reform unleashed and which led in the end to the emergence of several independent states.

If liberal institutions and imperial unity were proven incompatible by the Guatemalan experience between 1808 and the mid-1820s, the example of Peru during the same period illustrates, ironically enough, that a continuation of the old absolutist model of government was more successful in preserving Spanish rule. Timothy E. Anna addresses the question of why Peru's Creole elite was dragged with great uncertainty and obvious reluctance toward the independence bestowed in the end by the outside forces of Bolívar and his Grand Colombian army. The author argues that the skillful rule of Viceroy José Fernando de Abascal between 1806 and 1816 permitted the effective continuation of the old imperial order even during the period of the Cortes of Cádiz. Anna also stresses the fears and uncertainties of the Peruvian Creole elite, particularly in Lima, before the independence movement elsewhere as an important consideration in the viceroyalty's continued loyalty to Spain. Anna argues persuasively that Peru's declining economy, faced with competition from both Chile and the independent territories of the former viceroyalty of Río de la Plata, did not encourage the Creole elite to see the independence promised first by San Martín and then by Bolívar as a remedy to the realm's commercial and financial troubles. Moreover, the still fresh memory of the Indian rebellion of the early 1780s kept alive the persistent Creole nightmare of a possible uprising against the privileged elite should Spanish authority be removed. Anna contends in essence that economic and social circumstances in Peru allowed the survival of the traditional absolutist constitution of the viceroyalty. The alliance between royal power and Creole self-interest which lay at the heart of that constitution survived in Peru; elsewhere it did not. Anna maintains that the regime's final collapse came about not as a result of internal pressures but because of simple financial bankruptcy which made it impossible for the last viceregal government to raise the funds required to fight an effective war against the army from the north.

Anna presents a logical case for his thesis. Yet one wonders whether independence would have been postponed for long even had the absolutist state triumphed on the battlefields of Peru. The independence of Spain's former colonies in the Indies developed in part from local conditions, but it also owed a good deal to the crisis suffered by the absolute monarchy in Spain beginning in 1808. The crisis of the absolutist state was in fact a question of survival, for the events of 1808 and the years following destroyed the credibility of the old institutions and un-

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dermined the social and political consensus that had permitted Spain's traditional constitution to function during the eighteenth century. Ferdinand VII re-established the Old Regime monarchy in its external forms. In practice, he paid little attention to the institutions he had restored. He ruled as a royal dictator who had more in common with modern despots than with Charles III. It was also clear that between 1810 and the end of the dictatorial monarchy in 1833 a significant body of Spanish opinion would never accept a return of the old political order in any form. What began in 1808 in Spain was a revolution—a revolution which would take nearly three decades to complete but one which destroyed the political and social institutions of the traditional hierarchical order as completely as the French Revolution. The crisis of the state in Spain brought with it, inevitably, a crisis in an empire governed by institutions based on an absolutist bureaucracy. If in Spain itself there was no serious possibility of restoring the eighteenth-century constitution upon the return of Ferdinand VII, there was little more in the Indies. And Spanish liberalism showed between 1810–14 and 1820–23 that it had no real alternative to the absolutist model of imperial governance. In the end, independence was the only logical way out of the difficulties created by the disintegration of absolute monarchy.

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