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Paola Rudan

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Bolívar's *Discurso de Angostura* and the constitution of the people

PAOLA RUDAN

Univ. di Bologna,
Dipartimento di Storia Culture Civiltà

This introduction provides a close reading of Simón Bolívar's Discurso de Angostura (1819) as an attempt to understand the relationship between revolution and constitution within the frame of the civil war which inflamed Venezuela after the declaration of independence. While constitution is usually conceived by modern political thought as the act which puts an end to revolution by formalizing the constituent will of the people, in South America it emerges as a device to realize the preconditions of the revolution itself.

Questa introduzione offre una lettura del Discurso de Angostura (1819) di Simón Bolívar come un tentativo di comprendere il rapporto tra rivoluzione e costituzione nella cornice della guerra civile esplosa in Venezuela subito dopo la dichiarazione d'Indipendenza. Mentre il pensiero politico moderno concepisce la costituzione come l'atto che pone fine alla rivoluzione formalizzando la volontà costituente del popolo, in America Latina essa emerge come strumento per realizzare le precondizioni della costituzione stessa.

Together with the *Carta de Jamaica* (1815), Simón Bolívar's *Discurso de Angostura* contains the most exhaustive exposition of his political and constitutional thought. The *Discurso* was presented by the Libertador at the opening of the 1819 General Congress of Venezuela, the institution charged with the task of providing a new constitution for the Republic. The first constitution of Venezuela, promulgated in 1811, was never enacted due to the bloody civil war which exploded after independence was declared. In order to face this exceptional situation, in 1813 Bolívar

had been entrusted with dictatorial powers, so that his first step, in Angostura, was that of renouncing to the Congress the supreme power he had been consigned with until then [Masur 1987]. Bolívar's explanation of the justification for establishing the dictatorship allows us to understand the fundamental question which underlies both his reflections concerning the past and the future of the South American Republic he led, and his *Proyecto de Constitución*:

No ha sido le época de la República, que he presidido, una mera tempestad política, ni una guerra sangrienta, ni una anarquía popular: ha sido, sí, el desarrollo de todos los elementos desorganizarores: ha sido si la inundación de un torrente infernal que ha sumergido la tierra de Venezuela.

In Angostura, Bolívar had to understand the «infernal» overlapping between the war against Spain and the civil war in order to govern and to neutralize its causes. With this aim in view, he moved «por la senda del Occidente», rearticulating the western tradition of political and constitutional thought within the particular South American context [Castro Leiva 1984; Rudan 2007]. To stress this legacy, however, does not lead us to either point out an uninterrupted continuity between the 18th-century revolutions and the South American one, or to conceive of a neat progression from the feudal imperial society and the absolute State towards the revolutionary establishment of constitutionally organized sovereign States. Rather, the specificity of the South American experience allows a questioning of the relationship between revolution and constitution: while the latter is usually conceived as the result of the former, as the act which puts an end to revolution by formalizing the constituent will of the people, in South America it emerges as a device to realize the preconditions of the revolution itself. The constitution, in other words, is not the product of the constituent will of the people, since it should produce the people who is supposed to will the constitution. In summarizing the ends of the declaration of Independence, in Angostura Bolívar clearly adopted the language of the 18th-century revolu-

tions:

Amando lo mas útil, animada de lo mas justo, y aspirando á lo mas perfecto al separarse Venezuela de la Nación Española, ha recobrado su Independencia, su Libertad, su Igualdad, su Soberanía Nacional. Constituyéndose en una República Democrática, proscribió la Monarquía, las distinciones, la nobleza, los fueros, los privilegios: declaró los derechos del hombre, la Libertad de obrar, de pensar, de hablar y de escribir. [...] El primer Congreso de Venezuela ha estampado en los anales de nuestra legislatura con caracteres indelebles, la Majestad del Pueblo dignamente espresada al sellar el acto social mas capaz de formar la dicha de una Nación.

In Bolívar's words, independence coincides with the subversion of the whole institutional and legal structure of the *ancient régime*, the abrogation of feudal privileges and of the monarchical form of government and the assumption of the rights of man and of national sovereignty as the foundation of the new republic. However, in Venezuela the rights of man did not have the unifying power of self-evident truths as was the case in North America, while the civil war actually denied the very existence of the sovereign people whose will supposedly drove and justified the choice for independence. Bolívar explained the ineffectuality of the revolutionary discourse by stressing the presence of the imperial past even within the independent States:

nuestra suerte ha sido siempre puramente pasiva, nuestra existencia política ha sido siempre nula y nos hallábamnos en tanta mas dificultad para alcanzar la Libertad, quanto que estábamos colocados en un grado inferior al de la servidumbre. [...] La España [...] realmente había privado [la America] del goce y exercicio de la tiranía activa; no permitiéndonos sus funciones en nuestros asuntos domésticos y administración interior. Esta abnegación nos había puesto en la imposibilidad de conocer el curso de los negocios públicos: tampoco gozábamos de la consideración personal que inspira el brillo del poder á los ojos de la multitud, y que es de tanta importancia en las grandes Revoluciones. [...] Uncido el Pueblo americano al tripe yugo de la ignorancia, de la tiranía y del vicio, no hemos podido adquirir ni saber, ni poder, ni virtud.

With these words, Bolívar developed the explanation of the internal conflict which affected Venezuela already provided in his *Carta de Jamaica* where – besides the condition of ignorance concerning «la ciencia del gobierno y administracion del Estado» – he also pointed out the economic subordination of the South-American people: they «no ocupan otro lugar en la sociedad que el de siervos propios para el trabajo y cuando mas el de simple consumidores» while even this status was surrounded with «restricciones chocantes: tales son las prohibiciones del cultivo de frutos de Europa, el estanco de las producciones que el rey monopolize, el impedimento de las fábricas que la misma Península no posee»¹. The Libertador was denouncing not only the whole history of imperial domination but also, and more specifically, the policies enacted by the Bourbon reformers since the middle of the 18th century. The centralization of political power had been necessary in order to enact the system of the «comercio libre y protegido»² [Fisher 1996; Schwartz 1983] whose aim was that of granting the economic modernization of the metropolis while avoiding the social transformation that it would have determined. Through a system of monopolies inspired by the British Navigation Acts, the imperial government claimed to provide «la protección de los fabricantes naturales y extranjeros, y su premio [...] guardándose mis providencias para que no perjudique á la nobleza», as the ‘Prime minister’, Conde de Floridablanca, declared in his Instrucción Reservada³ [Rudan 2009]. The new economic course of the Empire was then to be enforced through an administrative reorganization of the Imperial government [Barbier 1977; Kuethe and Blaisdell 1991] and by a «recolonization of Indias», that is the «hispanization» of the higher political, ecclesiastical and military offices realized by the Spanish metropolis in order to strengthen its control over the colonies [Garriga

¹ Bolívar 1815 [1950].

² Campomanes 1762.

³ Floridablanca 1787 [1867].

2002, 781–821]. In denouncing imperial politics, Bolívar was interested first of all in highlighting its anthropological effects and in directing the legislators towards their true task, i.e. that of ‘constituting the citizen’:

Un pueblo pervertido si alcanza su libertad, muy pronto vuelve a perderla; porque en vano se esforzarán en mostrarle que la felicidad consiste en la práctica de la virtud; que el imperio de las leyes es más poderoso que el de los tiranos, porque son más inflexibles, y todo debe someterse a su benéfico rigor; que las buenas costumbres, y no la fuerza, son las columnas de las leyes; que el ejercicio de la justicia es el ejercicio de la libertad. Así, legisladores, vuestra empresa es tanto más ímproba cuanto que tenéis que constituir a hombres pervertidos por las ilusiones del error, y por incentivos nocivos. La libertad dice Rousseau, es un alimento succulento, pero de difícil digestión. Nuestros débiles conciudadanos tendrán que enrobustecer su espíritu mucho antes que logren digerir el saludable nutritivo de la libertad.

The link established by Bolívar between liberty and morality along the path of Rousseau’s thought is crucial here [Scocozza 1978; Herren 1994]. According to the Author of the Social Contract, «To renounce our freedom is to renounce our character as men [...]. It is incompatible with the nature of man; to remove the will’s freedom is to remove all morality from our action»⁴. Thus, Rousseau established a conception of self-determination as something possible only insofar as the law is internalized by the citizens, and this self-determination would be impossible in a condition characterized by personal dependency and domination. A *free obligation* can be realized only through the coincidence between the particular wills of the individuals and the general will of the people, and every individual who wants the general will is obeying only to himself. However, Rousseau maintains a distinction between the will of all, that is the sum of individual wills, and the general will willed by the people as a unitary subject, since not every man is able to recognize his real good. In order to be moral, man should silence his passions and transcend its

⁴ Rousseau 1762 [1999].

immanent nature [Riley 1982, 99–100].

Once it is displaced from its ideal dimension and applied to the contradictory reality of Bolívar's present time, Rousseau's discourse is particularly useful for highlighting the Libertador's understanding of liberty. As he wrote in a letter to General Francisco de Paula Santander in 1821, Bolívar believed that

el pueblo está en el ejército, porque realmente está, y porque ha conquistado este pueblo de mano de los tiranos; porque además es el pueblo que quiere, el pueblo que obra y el pueblo que puede; todo lo demás es gente que vegeta con más o menos malignidad, o con más o menos patriotismo, pero todos sin ningún derecho a ser otra cosa que ciudadanos pasivos. Esta política, que ciertamente no es la de Rousseau, al fin será necesario desenvolverla para que no nos vuelvan a perder esos señores⁵.

Paradoxically, while he denies the practicability of Rousseau's discourse, Bolívar is also confirming it, at least when he describes the army as the place where the people actually exists insofar as those who fight for liberty are willing to be free. So, in 1816 he accordingly freed those slaves who were willing to fight for the Republic, by stating that «no habrá, pues, más esclavos en Venezuela que los que quieran serlo»⁶. The liberation of slaves, therefore, is not only necessary in order to empower the army, but also as a symbolic turn which demonstrates to every individual that the possibility of freeing himself exists. This means that the telos of the Republic exists for the first time in the present, embodied by the armed citizens who chose to fight against the adverse fortune, thus practicing their republican virtue. Citizenship, therefore, is not regarded as something which depends on being born on Republican soil, but on the choice of liberty. This same logic explains the aim of Bolívar's constitutional project for Venezuela. There he moved from the problem of the civil war and the lack of political unity that was completely

⁵ Bolívar 1821 [1950].

⁶ Bolívar 1816 [1950].

underestimated by the authors of the 1811 republican constitution. In fact, they had established a federal form of government based on the assumption that «las bendiciones de que goza son debidas exclusivamente a la forma de gobierno y no al carácter y costumbres de los ciudadanos». In proposing a centralized government, on the contrary, Bolívar believed that «nuestra Constitución Moral no tenía todavía la consistencia necesaria para recibir el beneficio de un gobierno completamente representativo, y tan sublime cuanto que podía ser adaptado a una República de Santos». The constitution, the formal organization of the State, should have been defined according to the human material which provides its content and substance. A government, in other words, should be fit for the circumstances, times and men which constitute it. This constitutional principle is clearly derived from Montesquieu, although it produces another paradox at the crossroad between theory and practice, as in fact virtue is conceived by Montesquieu as the principle of the Republican government. How is it possible, then, to establish a republican government in a context where civil war is the symptom of an almost complete lack of virtue in the people? An answer could be found just in Montesquieu's doctrine, insofar as he did not conceive virtue as a given condition. Rather, virtue is the result of human nature as acting within particular circumstances, which necessarily determine the life and action of a particular form of government. From this point of view, nature is both the result and the condition of the relationship among things which define the *Spirit of the laws*. This dynamic conception of nature, however, becomes secondary in Montesquieu's climates theory, since it «renaturalizes» nature and is, therefore, inconsistent with the modern artificial conception of the political order⁷ [Postigliola 1992, 77]. Bolívar's perspective is therefore much more similar to that of Helvétius, who was critical of Montesquieu's approach. According to Helvétius, the relationship between the form and the content of government is inverted:

⁷ Montesquieu 1748 [2010].

it is the first which determines the second⁸. This conception helps to explain why, according to Bolívar, the condition of the American people is not given or «natural», but is rather the effect of a particular political order. The American people have lost even their desire to be free since they have been subjected to the Spanish despotism. Accordingly, a change in the form of government will allow to change the people which is no longer conceived as the subject of the revolutionary process, but rather as the forthcoming result of a constitutional revolution.

When Bolívar wears the gown of the legislator, therefore, he is not the exceptional man who is able to know the general will of the people, as conceived by Rousseau, but the one who must grant the coincidence between private and public interest by acting upon human passions. The constitution, then, is not the result of the revolutionary process, nor does it simply define the legal organization of the powers of the State. Rather, the constitution is a disciplinary device which should realize the revolution by creating its condition of possibility *in future times*. In this perspective, human passions are not anymore a source of corruption, but a tool to govern the individuals: the creation of the *Orden de los Libertadores*, the distribution of rewards and honors for the most virtuous soldiers, the public ceremonies organized to celebrate their virtue and to inspire citizens to emulate their virtuous behavior are only one of the many examples that can be taken from Bolívar's experiment. However, the most striking aspect of his project of constituting the citizen is his Poder moral, included in the constitution he drafted for Venezuela in 1819, and his *Camara de Censores*, proposed to the constitutional Congress of Bolivia in 1826 [Battista 1987]. Through these foundations, the principle of the republican order, *virtue*, is institutionalized and the individual is subjected to laws prescribing the behavior that is required by the Republican order as a whole. Virtue is embodied by some peculiar characters – the father, the soldier, the worker, the enlightened man –

⁸ Helvétius 1758.

intended to define the boundaries of the new political community and of its constitutional organization.

This process of building the republican individual explains Bolívar's conception of citizenship. In Angostura, he stated that

Es una inspiración eminentemente benéfica, la reunión de todas las clases en un estado, en que la diversidad se multiplicaba en razón de la propagación de la especie. Por este solo paso se ha arrancado de raíz la cruel discordia.

The acknowledgement of individual rights is not only a revolutionary discourse, but also a means to break the bonds of the colonial legacy. Against the social structure of the *ancien régime* left untouched or used by the Bourbon reformers to strengthen their domination on the colonies, Bolívar's objective is that of turning the constitution, based on equality, into an instrument of individualization the aim of which is to break the feudal organization of society by multiplying differences and thus reducing them to something which is politically irrelevant. For the same reason, in his 1819 and 1826 constitutional drafts he does not establish proprietary limits for the entitlement of political rights. Rather, it is patriotism, military honor, labor, enlightenment, self-sacrifice, and republican virtue which defines the true *cudadano*. Citizenship, therefore, is conceived as a disciplinary device which aims at determining the «nature» of the individual according to the imperative established by the republican order. If Spanish absolutism reduced the Americans to passive citizens, so the Republic will turn them into active citizens, at least if they are willing to offer their own services and labor to the republic. Thus, Bolívar followed the path laid out by Jeremy Bentham, which Bolívar himself defined as the «apóstol constitucional del día». Both believed that the constitution of a state should realize a system of government «que produce mayor suma de felicidad posible, mayor suma de seguridad social y mayor suma de estabilidad política». Yet, while for

⁹ Bolívar 1822 [1950].

Bentham the constitution was to improve and organize, manage and «maximize» social forces and dynamics already existing, and to protect them from contradictions that may emerge from within society itself, like indigence [Rudan 2013], for Bolívar the constitution has to manage a chaotic situation of war and of internal conflict, it has to create «un cuerpo político y aun se podría decir [...] un sociedad entera». The constitution as a code, as the formal legal organization of the State, depends entirely upon the disciplined and disciplining process of constituting the individuals. Thus, looking at the recollection of his experience provided by Bolívar in the *Discurso de Angostura*, it is quite difficult to conceive of the constitution as «the end» of the revolution, to recall Napoleon's famous words¹⁰ [Schnur 1983, 97; Ricciardi 2001, 90]. The constitution is not the expression of the constituent will of a unitary subject founding the new, independent, sovereign State [Schmitt 1928; Galli 2010, 589]. Rather, the 'people' which was assumed as the subject of the revolution and the citizens who were called to take the place of the subjects of the former imperial order were to be created through a process of institutionalization and constitutionalization which is one of the most important features of the Bolivarian experience.

Read the full text of the *Discurso de Angostura* (PDF version)

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¹⁰ Buchex, Roux 1838.

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