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# Bolívar and the Age of Constitutions

*Juan Marichal*

ON 15 December 1812 in Cartagena, Colombia, a young military officer from Caracas finished writing a long essay on the lessons taught him by the recent history of his country. The "First Republic" of Venezuela had lasted barely one year, from 5 July 1811 to 24 July 1812, when Spanish troops defeated and captured the patriots' forces commanded by General Francisco de Miranda. After reaching Curaçao, that young officer — Simón Bolívar — found refuge on the shores of what was still known as New Granada: "I am, Granadans, a son of unhappy Caracas, who, miraculously, escaped from her physical and political ruins, and ever faithful to the liberal and just system proclaimed by my country, have come here to follow the banners of independence, which so gloriously wave in these States."<sup>1</sup> The young officer then proceeded to "sketch briefly the causes that brought Venezuela to its destruction" (SW I, 18). He had no doubt that the Venezuelan patriots had committed a most serious error by adopting a constitution derived from American and French revolutionary principles: "What weakened the Venezuelan government most is the federal form it adopted, following the exaggerated precepts of the Rights of Man, which, by authorizing him to be his own ruler, break the social contract and reduce nations to anarchy" (SW I, 21).

To the young officer Simón Bolívar it was obvious that the federal system of government was "the most perfect and the most capable of providing for human happiness in society." He added that it was, however, "most contrary to the interest of our incipient states" (SW I, 21). The choice of that inappropriate constitution was the logical

<sup>1</sup> Most of Bolívar's writings quoted here are found in *Selected Writings of Bolívar*, ed. Harold A. Bierck, Jr., 2 vols. (New York: Colonial Press, 1951), though I have corrected, when necessary, faulty translations. All references to that edition appear in the text in abbreviated form: SW I, II. The abbreviation *OC* refers to Simón Bolívar, *Obras completas*, ed. Vicente Lecuna (Havana: Editorial Lex, 1947).

consequence of the models admired and studied by the Venezuelan patriots. Instead of consulting authors and texts offering them "the practical science of government," the drafters of the 1811 Venezuelan Constitution had looked, unfortunately, in unsound sources, "benevolent visionaries who, imagining aerial republics, have sought to attain political perfection, assuming the perfectibility of mankind" (SW I, 19). Thus, the "philosophers" (as Bolívar calls them) who led the Venezuelan patriots and wrote their 1811 Constitution were inspired by "philanthropy," which resulted in the rapid disintegration of their government and other national institutions. In conclusion, Bolívar observed, the leaders of the Venezuelan patriots were guilty of "antipolitical and inaccurate reasoning" (SW I, 19-20).

The young Bolívar's essay shows that he was acquainted both with European political thought of the previous century — the century of the Enlightenment — and of his own times: his references to "the practical science of government" and to "inaccurate reasoning" proved he had read not only Jeremy Bentham but also Destutt de Tracy. His sarcastic allusion to "aerial republics" is almost a literal translation of Edmund Burke's portrayal of French revolutionaries and their admirers in other countries as "political aeronauts." Talking to one of his trusted military aides in 1828, Bolívar emphasized the exceptional opportunity he had had, as a young man of the Venezuelan patrician class, to travel to Europe and become acquainted there with the political thought of the Enlightenment and its post-1789 critics: "[If I had remained always at home] I would not have had the ideas I acquired during my travels nor would I have gained the experience of the world of men which has served me so much in the course of my political career."<sup>2</sup>

However, Bolívar's introduction to the Enlightenment began in his native Caracas. His education was proof of the Enlightenment's impact on at least some influential Hispanic Americans: Simón Rodríguez, who tutored the twelve-year-old Bolívar, was an ardent believer in the educational philosophy expressed by Rousseau in his 1762 *Émile ou De l'éducation*. Since Rodríguez only tutored Bolívar for about six months in 1795, it is absurd to state, as many writings on Bolívar continue to do, that Rodríguez indoctrinated him as a sort of Rousseau disciple. However, Rodríguez (who later changed his name

<sup>2</sup> Louis Peru de Lacroix, *Diario de Bucaramanga*, ed. Nicolás E. Navarro (Caracas: Ministerio de Educación Nacional, 1949), p. 65 (10 May 1828 entry).

to Robinson) did become an exceptionally influential companion later on, during Bolívar's early twenties, when they met again in Europe.

Bolívar had been to Europe previously. He returned in 1803, after the death of his wife (whom he had married in Spain when he was not yet nineteen), and settled in Paris until September 1806. During that period Simón Rodríguez became his intellectual guide. With Rodríguez, Bolívar actually witnessed the coronation of Bonaparte as King of Italy in Milan, on 26 May 1805: they arrived after walking from Lyons, France, in six weeks of short daily treks. On 15 August 1805, Bolívar and his teacher-guide went up the Monte Sacro in Rome, and the future Liberator took a solemn oath to consecrate his life to obtaining the independence of his native country. Almost twenty years later — early in 1824, the year of his final victories — Bolívar, on hearing that his former teacher was back in South America, wrote him an enthusiastic letter: "You molded my heart for freedom, justice, greatness, beauty. You marked out for me the path that I have followed. You cannot imagine how deeply engraved upon my heart are the lessons you taught me" (SW II, 424). Those "lessons" were, of course, the principal concepts of the main thinkers of the European Enlightenment; and I submit that Simón Rodríguez oriented the young Bolívar toward that vast intellectual world with a single purpose in mind — that Bolívar absorb what could be suitable and useful in his future political life and actions in Venezuela. There is a passage in Rousseau's *Émile ou De l'éducation* that I see as particularly significant for Bolívar's travels in Europe with his teacher. Rousseau, surely having in mind his close friend, the Basque reformer, Manuel de Altuna (1722–1763), wrote: "Spaniards are the only ones who travel in this manner . . . they are the only ones who quietly observe the way of life, the administration of justice, and they are indeed the only ones who use the observations upon returning to their country."<sup>3</sup> Given Simón Rodríguez's familiarity with Rousseau's writings, it would not be arbitrary to assume that he asked Bolívar to emulate Altuna, particularly after returning to Paris at the end of 1805 to begin a year of intensive readings and dialogues.

Bolívar had a relative in Paris, his "cousin" Madame Fanny du Villars, who had played an important role in his sentimental educa-

<sup>3</sup> Jean Jacques Rousseau, *Oeuvres complètes*, IV: *Émile. Éducation. Morale. Botanique*, ed. Bernard Gagnebin, Marcel Raymond (Paris: Editions Gallimard (Pléiade), [1980]), pp. 828–829 ("Des Voyages," Book V).

tion and in whose salon he had met, before going to Italy, some of the social luminaries of the Napoleonic capital. There he often saw Alexander von Humboldt, who spent the fall and winter of 1804 in Paris, after his scientific explorations in Hispanic America. In 1806 another kind of salon acquainted Bolívar with the extraordinary confluence of intellectual and political life so typical of the Paris of the early Empire: in January 1806 he joined a Masonic Lodge.<sup>4</sup> It was then, too, that he probably met the prominent anticolonialist Abbé de Pradt, whose book *Les trois âges des colonies* (1802) was almost certainly known to Bolívar before he reached Paris; the abbé was to be Bolívar's most active and loyal European admirer in the 1820s.<sup>5</sup> I also surmise that Bolívar met another French abbé, Emmanuel Sieyès, whose constitutional inventiveness was universally admired. To name even a small number of other close friends of Humboldt whom Bolívar must have met is to show that he encountered minds of high quality and intense commitment to the principles of the Enlightenment: Destutt de Tracy, Madame de Staël, Benjamin Constant, Volney, Sismondi. The emperor, making semantic history, called all of them *idéologues*, because of their common concern: how to restore the spirit of 1789, while avoiding Jacobin terror or military dictatorship. But, although the *idéologues* shared a strong belief in constitutional government as the only system that could maintain freedom and social peace, not all had the same constitutional paradigm. In brief, Bolívar had at hand, in that Paris of 1806, all the nuances of French post-Revolutionary political thought, and what a splendid education it was for the young Venezuelan! In the late 1820s in difficult hours, Bolívar confided to his close army friends: "If I did not recall that Paris exists, and that I must see it again, I would not have enough reasons to want to continue living."<sup>6</sup> Bolívar's remembrance of his Parisian days was, of course, not exclusively of his readings and intellectual conversations; but the constitutional concerns of the *idéologues* meant much more, in his years of political and military action, than mere recollection of a distant and pleasurable time.

<sup>4</sup> A recent article by a Spanish historian of Freemasons offers an exceptionally objective review of Bolívar's relation with them: José Ferrer Benimeli, "¿Bolívar mason?", *Historia* 16, 9, no. 96 (1984), 109-118.

<sup>5</sup> See Manuel Aguirre Elorriaga, *El abate de Pradt en la emancipación hispanoamericana (1800-1830)*, *Analeceta Gregoriana*, Vol. 25 (Rome, 1941).

<sup>6</sup> Tomás Cipriano de Mosquera, *Memoria sobre la vida del General Simón Bolívar* (Bogotá: Impr. Nacional, 1954). General Mosquera was one of Bolívar's most trusted officers.

This is patently seen in his 1815 essay known as the *Jamaica Letter*. At Kingston, Bolívar concluded, on 6 September 1815, a long essay in which he combined an interpretation of Hispanic American history, derived from Raynal, Marmontel, and other Enlightenment writers, with a survey of recent events in the struggle for independence, based on European pamphleteers such as De Pradt. The *Jamaica Letter* was the first expression of Bolívar's own constitutional projects. He began with a rather negative view of the adoption of authentic democracy in Hispanic America: "Events in Northern South America (Tierra Firme) have proved that institutions which are wholly representative are not suited to our character, customs, and present knowledge" (SW I, 114). This accentuated what he had said, in 1812, about Venezuela's First Republic, "the clearest example of the inefficacy of the democratic and federal system for our newborn states." In 1806 Bolívar had returned from Europe to Venezuela by way of the United States. In a conversation with an American diplomat, he later described the United States as the only country where he had seen "rational freedom."<sup>7</sup> In the *Jamaica Letter* he contrasted the two Americas: "Until our patriots acquire those talents and political virtues which distinguish our North American brothers, I am very much afraid that our popular systems, far from being favourable to us, will bring about our ruin; for unhappily for us, these good qualities appear to be very distant from us in their requisite perfection, while we are infected with the vices contracted under the dominion of the Spanish nation" (SW I, 115).

The Hispanic American patriots could not, therefore, choose, a "perfect system," and they should content themselves "with not admitting any dogmatical anarchies or oppressive tyrannies" and should seek instead "a middle ground between them." In the case of his own country, Venezuela, he hoped that it would unite with New Granada and take England, rather than the United States, as a constitutional paradigm: "This government will imitate the English, with this distinction, that in place of a king, they will have an executive power which will be elective, perhaps for life, but certainly not hereditary" (SW I, 120).

Bolívar then sketched for the first time what would be one of his most cherished constitutional inventions: "There will be a hereditary

<sup>7</sup> Manuel Pérez Vila, *La formación intelectual del Libertador*, 2nd ed. (Caracas: Ediciones de la Presidencia de la República, 1979), p. 81.

senate, which, in tempestuous times, may interpose between the commotions of the people and the acts of government." Of course, there was also to be a lower "legislative body with restrictions no greater than those of the English House of Commons" (SW I, 120). In 1810 Bolívar stayed for several months in London as one of the three emissaries of the first Caracas *Junta*, and his admiration for the English system of government may in part have derived from that trip. Also, in the Paris of the early 1800s that Bolívar knew, England was considered the ideal country by most political thinkers. Madame de Staël praised the so-called English Constitution as "the firmest monument of justice and moral greatness in Europe." And her friend Benjamin Constant justified his admiration in terms that Bolívar was to paraphrase: "I have not recommended the servile imitation but a profound study of the English constitution and its application among us in all that suits us." Moreover, one of their younger followers observed that for thirty years, from 1800 to 1830, his personal political dream was to import into France the English system of government: "This was our dream, the English government adopted by France."<sup>8</sup> In dreaming of a South American equivalent of the House of Lords, Bolívar was sharing the views of political thinkers whose judgment he highly respected, not merely reflecting a very brief observation of British political life and institutions.

Some Bolívar scholars have maintained that such admiration was a sort of tactical gesture to persuade the British government to help the Hispanic American patriots. The *Jamaica Letter* would then have been an appeal to England more than a first essay in constitutional design. There is no doubt, of course, that in 1815 England was the only country in Western Europe free of political oppression and that it was seen by Hispanic American patriots as a light of hope for their aspirations. This was particularly so after the newly restored king of Spain, Ferdinand VII, rejected the 1812 Liberal Constitution and sent a large army to Venezuela, which in a relatively short period recovered most of the territories occupied by the patriots. But I maintain that for Bolívar the *Jamaica Letter* was an opportunity to begin his constitutional planning, a view supported by the fact that it was not actually printed until 1818 when he was already at

<sup>8</sup> See these quotations in Guy Howard Dodge, *Benjamin Constant's Philosophy of Liberalism* (Chapel Hill: University of North Carolina Press, 1980), p. 93.

Angostura.<sup>9</sup>

Bolívar — after escaping an assassination attempt in Kingston — had found refuge in Haiti where President Alexandre Pétion offered him help. He then returned to the continent, selecting the Lower Orinoco lands as his base of operations. On 17 July 1818, Bolívar captured the town of Santo Tomás de Angostura (today Bolívar City), and he declared it the capital of free Venezuela. Bolívar's authority was recognized then by a powerful leader of patriots, General José Antonio Páez, commander of a "populist" army of *llaneros* (plainmen, cowboys). Bolívar's own forces were strengthened by the arrival during 1818 of European volunteers, a kind of international brigade: Irishmen, Englishmen, Scotsmen, Frenchmen, and even Spaniards (Liberal exiles in England), many of them veterans of the Napoleonic Wars. Before proceeding to cross the Andes and start the great campaign that would eventually take him from Bogotá and Caracas to Lima, Bolívar called for a meeting of the Venezuelan Congress at Angostura. He submitted a constitutional project to the Congress, asking, first of all, for the creation of the Republic of Colombia, that is, the present Colombia, Venezuela, Panama, and Ecuador. His address, on submitting his constitution, was carefully written, for he knew that he was to speak before an international audience, which included an American diplomatic agent. But, first of all, Bolívar was addressing the Venezuelan congressmen, a group of patriots who represented the political temper of the 1811 Constitution. He did not refrain, however, from expressing his negative views on federalism: "The more I admire the excellence of the 1811 Federal Constitution of Venezuela, the more I am convinced of the impossibility of its application to our present conditions" (SW I, 179). Here Bolívar echoed Destutt de Tracy's *Commentary on Montesquieu*, in which he sees a federal system as impossible for a nation surrounded by powerful, hostile neighbors.<sup>10</sup> Even the survival of federalism in the United States, observed Bolívar, is almost an incredible exception.

<sup>9</sup> It was published in the *Jamaican Quarterly and Literary Gazette*, July 1818; see Francisco Cuevas Cancino, *La carta de Jamaica redescubierta*, Jornadas, Vol. 78 (Mexico City: El Colegio de México, 1975).

<sup>10</sup> Destutt de Tracy had originally written his "commentary" on Montesquieu for his friend, President Thomas Jefferson. It was first published here in English (1811). Pierre Henri Imbert, *Destutt de Tracy, critique de Montesquieu* (Paris: A. G. Nizet, 1974), points out Destutt's numerous stylistic identifications with his American readers: "nous autres Américains," "notre convention de 1787," etc., p. 15 (n. 3).

American federalism was related for Bolívar to the nature of the English-speaking peoples and was not suitable, therefore, for Hispanic America: "Would it not be most difficult to apply to Spain the English system of political, civil, and religious liberty? Hence, it would be even more difficult to adapt to Venezuela the laws of North America" (SW I, 179). And relying on Montesquieu's *L'Esprit des lois*, Bolívar added: "Laws should be suited to the people for whom they are made and it would be an extraordinary occurrence that those of one nation could be adapted to another." Bolívar reminded his international audience that Montesquieu formulated very concretely the relation between laws and the totality of a social milieu: "Laws must take into account the physical conditions of the country, its climate, the quality of its land, its geographical location, the size and mode of living of its population, its inclinations, the number of inhabitants, their trades, their customs, their manners [modales]" (SW I, 179). And laws must take into account, obviously, a people's religion and must also not forget "the degree of freedom that a constitution can endure [*puede sufrir*]" (SW I, 179-180).

Bolívar dared to admonish strongly the Venezuelan Congress: "That is the code we should consult and not that of Washington!" (SW I, 180). Of course, he said, it was understandable that the 1811 Venezuelan Congress should have been dazzled by the "happiness of the American people, believing that it came from the nature of the government and not from the character and customs of its inhabitants" (SW I, 180). But, his argument continued, Venezuelans (and in general Hispanic Americans) are not, like the North Americans, "an emanation of Europe." Even their Spanish ethnic roots are not exclusively European, since Spain is partially "African" by its blood, its national character, and its institutions (SW I, 181). All the enormous complexity of Hispanic American societies demands, therefore, that their political leaders show singular tact if even slight alterations are not to upset the delicate internal equilibrium. It was perhaps paradoxical that Bolívar — an upsetter, after all, of that internal equilibrium — should have been insisting on political caution. He reiterated that "the best government is not the one with the best working mechanism but the one most appropriate to the nature and character of a nation" (SW I, 184).

Bolívar then began to offer specific ideas on the constitution that would be adequate for Venezuela. He said that two legislative cham-

bers were required for the constitutional stability of the nation, and that the upper one, the senate, had to have a hereditary membership. This affirmed what he had written three years before in Kingston, but here Bolívar emphasized much more the necessity of this type of senate: "It would be the foundation, the bond, the heart of our republic" (SW I, 186). He argued that in all societies individuals struggle against the masses, and the masses oppose authority. The senate would be a neutral body, since it would represent authority, but it would share the feelings of the people and defend their rights. Rome and England were proof of the beneficial role of such a neutral institution: "The senators in Rome, the Lords in London, have been the pillars of political and civil freedom" (SW I, 186). Then Bolívar offered another of his cherished inventions: a unique school for the children of the senators, where they would be educated for their life duties. And thus, Bolívar declared: "The senate would not only be the fortress of the Republic, it would make it eternal" (SW I, 187).

Regarding the executive branch of the government, Bolívar (as in his 1815 *Jamaica Letter*) reminded his audience that England, with its powerful prime minister, offered the best model. Again he warned that the power given to Congress in the 1811 Constitution had been excessive, and once more he reiterated that a federal system is dangerous. That aberration — federalism — made Bolívar exclaim with a sort of lyrical candor: "One hears the outcry of mankind against the blind and irresponsible legislators who have believed that they could design with impunity chimerical institutions" (SW I, 190). He observed that only a small number of peoples or nations have given themselves moderate constitutions, that is, constitutions written in harmony with "their means, their circumstances, and their character." Bolívar must have astonished his audience by what immediately followed — after an appeal for cautious moderation "(let us not reach for the impossible"), he described a "Fourth Power," the "Areopagus." He realized that he might be accused of being as chimerical as the legislators he had just mentioned, but, he continued: "Such an institution [his Areopagus], although apparently chimerical, is infinitely more feasible than others" (SW I, 192-193).

The Areopagus was to have two chambers: the Moral and the Educational. The Educational Chamber was to guide public opinion in literary matters with its journal, *The Areopagus Monitor*. The Areopagus was charged, by Bolívar, with the education of the people, the

preservation of the public mind (*espíritu público*), the teaching of good behavior, and the strengthening of a republican ethical code. And Bolívar added: "The jurisdiction of this truly sacred tribunal should be effective with respect to education and enlightenment, but only advisory with regard to penalties and punishments" (SW I, 192). However, it was also to keep public records, the "books of virtue and vice." Those books were to be easily available to the people, particularly in times of elections, and available at all times to judges preparing and rendering verdicts. Bolívar suspected, of course, that most of his audience would be shocked by what he called his "boldness": "I have dared to invent a Moral Power, extracting it from the depths of a remote Antiquity" (SW I, 194). He added that, though his innovation might be seen as naive fantasy (*cándido delirio*), "it is not something impossible, and I flatter myself in thinking that you will not reject an idea that can be most effective" (SW I, 194).

The patriots did not want to offend Bolívar, and the Venezuelan Congress did not reject the Arcopagus. Instead, they refused to consider it and put it at the end of the constitution as an appendix for future discussion. Some congressmen actually spoke of Bolívar's Arcopagus as another kind of Inquisition, a moral Inquisition.<sup>11</sup>

Bolívar continued, however, to assert the appropriateness of his Angostura Constitution for Hispanic America. To a close friend, a Trinidad merchant who had criticized the concept of a hereditary senate with its special school for the senators' children, Bolívar replied: "Education molds the moral man and to mold a legislator it is surely necessary to rear him in a school of ethics, justice and law . . . all in all it reveals that I have little confidence in the ethics of our fellow-citizens and without republican ethics there can be no free government" (SW I, 227). Bolívar was here, again, recalling some of his readings of the French *idéologues*. Destutt de Tracy, for instance, was concerned about how to educate a people "in republican virtue," the basis of all political stability. Bolívar concluded his letter: "My friend, if you want Colombia to have a republic, you must also want her to possess political virtue" (SW I, 227).

Bolívar wrote frequently from the field of his continuous military victories, giving political advice to the commanders he left in charge

<sup>11</sup> "Advertencia" to the "Apéndice a la Constitución relativo al poder moral," in *El Libertador y la Constitución de Angostura de 1819*, ed. Pedro Grases (Caracas: Banco Hipotecario de Crédito Urbano, 1970), pp. 197-198.

of recently liberated territory. On 13 June 1821, he wrote General Santander, whom he had entrusted with executive power in Bogotá: "If lawyers persist in their present attitude they will have to be proscribed from the Colombian Republic as Plato did with poets. . . . This policy, which is certainly not that of Rousseau, will have to be implemented to prevent those gentlemen from bringing in defeats again" (*SW* I, 227). Then he added that those Bogotá lawyers did not have the slightest knowledge of the true social and geographical reality of South America, concluding: "Instead of building Republics such as the Greek, the Roman and the American, they will construct over a Gothic foundation a Greek temple at the edge of a volcano's crater" (*SW* I, 268). Was not Bolívar aware that this could have been said of his own Arcopagus, and even more so of his most cherished constitutional invention — the 1826 Bolivian Constitution?

In early August 1825, Bolívar was informed by General Sucre that the patriots of Upper Perú proposed calling their country the "Bolivian Republic" and wished the Liberator to write a constitution for them. Invited to Upper Perú, Bolívar ascended to La Paz in a triumphant journey. He stayed in Chuquisaca — the Bolivian city called today Sucre — to begin his work on what would be, as he said later, "the most liberal constitution of the entire world."<sup>12</sup> But he had to return to Lima, and there, on 12 May 1826, he completed the Bolivian Constitution, which he described in a letter: "This constitution will be a Noah's ark which will save us from the shipwrecking that is threatening us on all sides."<sup>13</sup>

Chuquisaca, where Bolívar began writing his constitution, was near Potosí, the silver-mining capital of the Spanish Empire from the mid-sixteenth to mid-eighteenth centuries. At Potosí was Cerro Rico (Rich Mountain), the volcanic mountain called "entrance to hell" by a Dominican preacher of the late sixteenth century, because of the exploitation of Indians brought there as slave labor. When Bolívar arrived in Upper Perú, Potosí, which had been the largest city in the Western Hemisphere for over a century, had only 8,000 inhabitants. Cerro Rico, however, was still being mined, and at nearby Chuquisaca students and teachers at the Law School, one of the oldest and largest in the continent, were painfully aware of the continuity of the

<sup>12</sup> On leaving Chuquisaca for Lima (1 January 1826), Bolívar assured Bolivians that they were going to receive "la constitución mas liberal del mundo," *OC* II, 1216.

<sup>13</sup> Letter to General Antonio Gutiérrez de la Fuente, *OC* I, 1326.

Potosí horrors. Bolívar's constitution was thus a Greek building on the edge of a crater in several senses: the newly named country, Bolivia, had, at its heart, a social volcano.

Bolívar, however, was thinking, primarily, of other constitutions and of the opportunity he had to create a constitution that was truly Hispanic American, though possibly valid for all countries. He told one of his correspondents that he did not have to attenuate the boldness of his ideas, as he had at Angostura (*OC I*, 1254). He observed: "I have also compiled more texts" (*OC I*, 1240), referring certainly to his library of constitutional thinkers and inventors, from Montesquieu and Filangieri to the commentaries on them by, respectively, Destutt de Tracy and Benjamin Constant. The constitution would offer stability, but also freedom and equality. Bolívar wrote that he would combine some of the local autonomies of federalism with a certain amount of life-long government (*gobierno vitalicio*); his constitution would be, in fact, a fusion of Europe and America, of army and people, of democracy and aristocracy, of empire and republic (*OC I*, 1323-24). And he emphasized that he had not violated any of the "three unities" required by a good constitution (*OC I*, 1253).

In the constitution Bolívar wrote in 1826, there were three legislative chambers, one more than in the Angostura constitution: the Tribunes (the lower chamber), the senate, and the censors. The senate was not hereditary — senators were elected for an eight-year term, and half the membership came up for reelection periodically — but the censors were appointed for life. They were a sort of Supreme Court and had to be known, said Bolívar, by "their intact innocence and their spotless lives": "To these priests of the law I have entrusted the preservation of our sacred tablets" (*SW II*, 598). The executive power was composed of the President (with life tenure), the Vice President (chosen personally and exclusively by the President) and three Secretaries of State. And, of course, elections were eliminated: "Elections" said Bolívar, "are the great scourge [*azote*] of Republics" (*SW II*, 601). A highly complex machinery provided for selection of tribunes, senators, censors, and all government officials. There is no doubt that Bolívar was extremely pleased with his own creation: "It combines the most liberal monarchy with the most free republic" (*OC II*, 112). He said in a letter that he had been in a privileged position, not only because of the name adopted by the country for which he was writing the constitution, but, above all, because such

a country was like the sculptor's clay, ready to be molded by the artist (OC I, 1246).

Bolívar was so proud of his constitutional boldness (*arrojo* as he called it) that he had the Bolivian Constitution translated into French and English. It was published in Paris in the *Revue américaine*, a journal sponsored by General Marquis de Lafayette and Benjamin Constant. The journal concentrated on matters related to the Americas, but Bolívar's 1826 constitution was printed without comment by the editors. It seems that even De Pradt was surprised by the proposal of a life-long president. However, when Benjamin Constant published an article in a Paris newspaper criticizing Bolívar in harsh terms — "the warrior is blind to the numerous defects of his constitution" — De Pradt answered with a defense of the Liberator.<sup>14</sup> Bolívar's former teacher, Simón Rodríguez, published in 1830 his own *Defense of the Liberator*. But Bolívar was seen by many Hispanic Americans as having expressed monarchical designs with his concept of the president-for-life.<sup>15</sup>

A distinguished student of Bolívar's political thought, the late Victor-Andrés Belaúnde, when discussing the Bolivian Constitution, stated sadly that it was proof of a decline in the mental powers of its author.<sup>16</sup> But Bolívar's style shows, on the contrary, that he was at the highest point of his mental energies when he wrote his 1826 constitution. It was neither a total novelty nor a change in Bolívar's intellectual approach. From the 1815 *Jamaica Letter* to the 1826 Bolivian Constitution a visible ideological continuity runs, and a consistent intellectual ambition, though not so visible, is equally strong. The

<sup>14</sup> See Aguirre Elorriaga, *El abate de Pradt*, pp. 147-148, 336-351, for Constant's views on the Bolivian Constitution and De Pradt's defense of Bolívar. See also Eléonore Coen, "Constant et Bolívar," in *Benjamin Constant (Actes du Congrès Benjamin Constant)* (Geneva: Droz, 1968).

<sup>15</sup> Bolívar's close collaborator, General Santander, became a fierce critic and political rival, writing in 1828: "They [reflective men] noted that between the Bolivian constitution and a monarchical constitution there existed no real difference other than the change of words, because a life president without any responsibility and with the right to name his successor and to dismiss him was more powerful than a monarch of England or of France." David Bushnell, ed., *The Liberator Simón Bolívar: Man and Image* (New York: Knopf, 1970). See also Francisco de Paula Santander, *Santander en sus escritos*, ed. Manuel José Forero (Bogotá: Editorial Kelly, 1944).

<sup>16</sup> Victor Andrés Belaúnde, *Bolívar and the Political Thought of the Spanish American Revolution* (Baltimore: The Johns Hopkins Press, 1928), p. 232.

ideological continuity was expressed by concern for the political stability of Hispanic America after independence. The intellectual ambition was deeply personal: Bolívar wanted to see his name among the great inventors of constitutions. In fact, his 1826 constitution was partially derived from Sieyès's models, as indicated by Belaúnde. I would even suggest that Bolívar wanted to surpass Sieyès in strict constitutional inventiveness. Answering one of De Pradt's letters about his polemics with Benjamin Constant, Bolívar expressed his high constitutional ambition: "You have called me *Legislator*; that is a reward which makes me forget all the rest."<sup>17</sup>

Bolívar resigned as president of the Colombian Republic in January 1830 and died the following December, a tragic hero who felt he had "plowed the sea." His life had singularly reflected the main dilemma of the Age of Constitutions — how to merge the anti-Montesquieu attitude represented by Sieyès (with his explicit disdain for "nations haphazardly made by history") and the admiration, derived from Montesquieu, for the unwritten (made by history) English constitution.<sup>18</sup> Bolívar, man of action with an exceptional sense of history, was, at heart, a son of the Enlightenment and the French Revolution; and I venture to suggest that without the "lessons" of his tutor (and Rousseau admirer) Simón Rodríguez, he would not have become the quixotic legislator and effective Liberator of South America.<sup>19</sup>

<sup>17</sup> Aguirre Elorriaga, *El abate de Pradt*, p. 331.

<sup>18</sup> Sainte-Beuve published in 1851 a 1772 text by Sieyès often quoted since then: "Je laisse les nations formées au hasard . . ." (*Causeries du Lundi*, vol. 5). See chapter 5 on Sieyès's manuscripts used by Sainte-Beuve and lost by their owners in Roger Fayolle, *Sainte-Beuve et le XVIIIe siècle; ou, Comment les révolutions arrivent* (Paris: A Colin, 1972). Sainte-Beuve wrote: "Sieyès est le véritable mécanicien en grand" (p. 396).

<sup>19</sup> The author delivered this essay as a lecture in October 1983, as part of the Harvard University celebration of the bicentennial of Simón Bolívar's birth.

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