

# SONDEOS No. 25

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EL FENOMENO RELIGIOSO EN AMERICA LATINA

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JOHN V. LOMBARDI

## THE POLITICAL IDEOLOGY OF FRAY SERVANDO TERESA DE MIER

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THE POLITICAL IDEOLOGY OF  
FRAY SERVANDO TERESA DE MIER

PROPAGANDIST FOR INDEPENDENCE

SONDEOS No. 25  
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## P R E S E N T A T I O N

Mr. LOMBARDI subtitles his study The Political Ideology of Fray Servando TERESA de MIER. Certainly he analyzes that ideology most lucidly, and with copious quotations from Fray Servando's publications. But this book is considerably more than an analysis of a political ideology. Fray Servando was primarily a propagandist; and the ideology he presents must necessarily be set against the background of the circumstances in which, and the people to whom, his propaganda was launched. Without purporting to write his biography, Mr. LOMBARDI gives us a picture of Fray Servando himself; and he emerges as a very interesting person, living in an exciting time and involved in complex and significant political situation. The very ambiguity of Fray Servando's relationship to these situations-- the extent of his actual participation, the effectiveness of his intervention -- adds to the interest of the study. Mr. LOMBARDI is particularly helpful in pointing out the basic continuity of Fray Servando's work, which lies rather in his purposes than in the congruity of his expressed political ideology.

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## PREFACE

Of the many Spanish Americans made famous by the wars for independence from Spain, few led as bizarre a life as the Mexican Dominican Fray Servando Teresa de Mier. The controversy over his worth, intentions, and influence began during his lifetime and continues today. Many students of Fray Servando have concentrated on his picturesque and quixotic career as a religious controversialist and European adventurer. There was more to Fray Servando than this. His most important work, on which he expended his greatest efforts, was propagandizing in favor of American independence from Spain. Naturally his primary interest was in his homeland, Mexico, and upon the liberation of that country he turned his attention to the best form of government for the newly independent nation. The ideas and theories set forth in his propagandistic tracts have as yet been little studied. In this essay I will analyze the content of Fray Servando's political ideology with particular reference to the liberation of America and the formation of a government for Mexico. Unfortunately it is outside the scope of this essay to discuss the practical influence Mier's ideas had on his contemporaries.

I wish to thank the staffs of the Columbia University library, the New York Public Library, and the Hispanic Society of America for their assistance in locating the various published works by Mier. I owe a special debt of gratitude to Dr. Nettie Lee Benson and the staff of the Latin American Library of the University of Texas Library for helping me use their extensive collection of books and manuscripts by and about Padre Mier.

Throughout the preparation of this essay I have benefited greatly from the advice of Professor Lewis Hanke. His comments and suggestions have helped improve this work in innumerable ways.

In these acknowledgements a special place is reserved for my wife, Cathryn Lee Lombardi, whose patient and painstaking assistance made completion of this effort possible.

Responsibility for any errors is of course mine alone.

John V. Lombardi  
Indiana University

## INTRODUCTION

Padre Mier's political ideology is a case study in the Spanish American independence movement. He and his ideas reveal some of the rationalizations, justifications, and motives for independence. Many personality traits and intellectual quirks that disqualify him as a great statesman or political theorist increase his usefulness as a reflector of contemporary social and political thought. Padre Mier was an egotist, a superficial scholar, and a man who had to occupy the center of every stage. The exaggeration of ordinary events and invention of imaginary triumphs was one of his favorite pastimes. Yet these qualities assure us that Padre Mier espoused few unpopular causes.

His major and most successful occupation was writing political propaganda, an art requiring keen understanding of his public. He was unlikely to argue for independence on the basis of theories little understood or appreciated by his audience. Each argument or theory of his was directed at one particular group of people. For this reason many contradictions and inconsistencies appear in his ideology. Yet one can almost chart the course of American thinking about independence from Padre Mier's political tracts. His propaganda generally contained both sides of any argument, for he was careful to name the doctrines he refuted.

The most difficult task in a study of Fray Servando de Mier's political ideas is to separate the man from his thought. If we believed everything he said, we would be forced to the conclusion that Mexico was liberated from Spain only through the efforts and writings of Mier. Furthermore, we would be obliged to give Fray Servando credit for directing the first

steps of the new nation. Some students have fastened on this pronounced egotism as reason to dismiss him as some sort of madman without significance for the study of Mexican history. The proponents of this school of thought find it impossible to take him " . . . en serio y como hombre normal, . . ." and they see him only as some sort of psychological curiosity.<sup>1</sup>

At the other extreme are those relatively uncritical biographers who are willing to believe everything Mier claimed to be true. Placing him among the most important personages of Mexican history, these students hail Mier as a father of the nation. There is almost a cult of mierista historians who repeat the praises of his first biographer, José Eleuterio González.<sup>2</sup>

Of course, the truth lies somewhere in between these extremes. Padre Mier's contemporaries agreed that he was an extravagant character made popular by his curious life and unbelievable stories. Conservative historian Lucas Alamán thought Mier, " . . . la mezcla mas extraña de las mas opuestas calidades."<sup>3</sup> Carlos María Bustamante was a bit more enthusiastic, calling Fray Servando a man of sure and moral principles who was gifted with keen political insight. Of one thing we can be sure, Mier was a controversial and well known figure of his time.<sup>4</sup>

Although in recent years the studies on Mier have become less partisan, the task of separating fact from fiction has only been partially completed. In their effort to assess Mier's importance and role in Mexican history, these later historians have been rather critical.<sup>5</sup>

I will not try to solve the problem of Padre Mier's importance and influence. In this study, my concern is with the political ideas in his

propaganda in favor of independence and other causes. It is impossible, of course, to discuss a man's ideas in a vacuum without consideration of his personality and career. I think it safe to affirm with Edmundo O'Gorman that Mier's exhibitionism " . . . es la clave para comprender la mayoria de sus actos y la explicación del tono de toda su vida."<sup>6</sup> Yet this exhibitionism, as well as the pronounced egotism evident in all his writings, in no way detracts from the value and importance of his ideas. Fictitious or not, his extraordinary adventures liven up what might have been rather dull political tracts. The politics of his writings are easily separated from Mier's personal adventures; his message said so many times in so many different ways, would be impossible to miss. It seems reasonable to assume that Mier's eccentricities made his propaganda more effective, not less.

On 18 October 1763 José Servando Teresa de Mier Noriega y Guerra was born in Monterrey, Nuevo Reino de León, New Spain. "Era de noble prosapia, como que, por la línea paterna descendía de los Duques de Granada y de los Marqueses de Altamira, y, por la materna, de los primeros conquistadores del Nuevo Reino de León."<sup>7</sup> He completed his first studies in Monterrey and in 1780 took the habit of the convent of Santo Domingo of Mexico. He then went to the College of Porta Coeli where he studied philosophy and theology. After receiving the degree of Doctor in Theology, he returned to the Convent where he served as a reader in philosophy. In the fourteen years between his entrance into the Convent and the famous Guadalupe speech, Mier acquired some fame as a preacher. During this time he gained his knowledge of Church law so evident in his propagandistic tracts of later years. In November 1794 Fray Servando was selected to

preach a sermon commemorating the death of Hernán Cortés. The occasion of this speech was one of great patriotic fervor. It was considered a major celebration of Spanish greatness. Evidently Fray Servando rose to the occasion and delivered a speech sufficiently laudatory and eloquent, for it drew approval from royal officials and earned him " . . . gran aplauso y fama."<sup>8</sup>

This speech may be considered the beginning of Fray Servando's public career. His success in this effort led to his nomination as preacher for the celebration of the apparition of Mexico's patroness, the Virgin of Guadalupe. Mier had been chosen for this honor for two reasons. First, he was a well known preacher of talent, and second, his politics were believed sound because of his sermon in praise of Cortés. How wrong this assessment of Fray Servando was became evident on 12 December 1794 when he gave his now famous sermón guadalupano.

NOTES TO INTRODUCTION

<sup>1</sup>Alfonso Junco, El increíble Fray Servando: psicología y epistolario (Mexico, 1959), p. 17. The most extreme proponent of this attitude, Junco wrote, "era [Mier] un titiqueante, combativo, atrayente en su trato, boquiflojo, megalómano, de cultura vastísima y brillante pero sin coherencia ni profundidad, amigo de la democracia pero con grandes ínfulas aristocráticas, copioso en extravagancias pintorescas y a la vez en rotundos estallidos de sentido común, en suma, un hombre contradictorio, original, dinámico, con algo y aun algos de chiflado." Junco, Gente de Méjico (Mexico, 1937), p. 111.

<sup>2</sup>José Eleuterio González, Biografía del benemérito mexicano D. Servando Teresa de Mier Noriega y Guerra (Monterrey, 1876).

<sup>3</sup>Lucas Alamán, Historia de Méjico desde los primeros movimientos que prepararon su independencia en el año de 1808 hasta la época presente (Mexico, 1852), V, 644.

<sup>4</sup>Carlos María Bustamante, Historia del emperador D. Agustín de Iturbide hasta su muerte: y establecimiento de la república popular federal (Mexico, 1846), p. 60. In 1820 an inquisitor in Mexico wrote to Viceroy Apodaca that Mier "es de un carácter altivo, soberbio y presuntuoso: posee una instrucción muy vasta en la mala literatura: es de un genio duro, vivo y audaz." Mier thought this quite a compliment and recited it with pride before the first constituent congress. Juan A. Mateos, Historia parlamentaria de los congresos mexicanos de 1821 a 1857 (Mexico, 1877), I, 679-680. It will be a long time before the last word will have been said on Fray Servando's personality.

<sup>5</sup>For example, Miquel i Vergés and Díaz-Thomé believe Mier's " . . . vida política es escasa, su influencia débil . . . y su actividad arrancará siempre de la aventura personal que, con visos de inverosimilitud, se engarza en su figura sin que él puede desprender de ella desde su adolescencia." J.M. Miquel i Vergés and Hugo Díaz-Thomé, eds. Escritos inéditos de Fray Servando Teresa de Mier (Mexico, 1944), p. 13. For a good selection of the opposite viewpoint see the September 1963 issue of Armas y Letras. The University of Nuevo León dedicated this issue to the celebration of the centennial of Padre Mier's birth. Particularly good discussions of Mier's political ideas can be found in Edmundo O'Gorman, ed. Fray Servando Teresa de Mier (Mexico, 1945); and Miquel i Vergés and Díaz-Thomé's notes to the Escritos inéditos. For a fuller treatment of the controversies surrounding Padre Mier's life see Bedford K. Hadley, "The Enigmatic Padre Mier," (unpublished Ph.D. dissertation, University of Texas, 1955).

<sup>6</sup>Edmundo O'Gorman, Seis estudios históricos de tema mexicano (Xalapa, 1960), p. 61.

<sup>7</sup>Alfredo Maillefert, Fray Servando Teresa de Mier (Mexico, 1936), p. 3.

<sup>8</sup>Edmundo O'Gorman, ed. Escritos y memorias of Fray Servando Teresa de Mier (Mexico, 1945), p. xxix. For these biographical notes I have followed O'Gorman's chronology in the Escritos y memorias, pp. xxix-xxxvii.

CHAPTER I

THE FORMATION OF A REVOLUTIONARY

Guadalupe

Traditionally, the twelfth of December speeches in honor of the Virgin of Guadalupe justified and glorified the accepted account of her apparition in 1531. According to legend, the Virgin appeared to a poor Indian (Juan Diego) and commanded him to inform the Archbishop of Mexico that she wanted a church dedicated to her built on the hill of Tepeyac outside Mexico City. In proof of her authenticity, she left her image miraculously painted on Juan Diego's cape. The Archbishop, after a careful investigation, was reputed to have had the church built and sanctioned the cult of the Virgin of Guadalupe. She was regarded as the patroness of Mexico, and Spaniards saw her apparition as divine approval of their Christianizing efforts in New Spain. Furthermore, the Virgin was particularly revered by the Indian population of Mexico, either because she had appeared to an Indian or--as the skeptics would have it--because her church was placed on the same spot where the natives worshiped the ancient Aztec goddess Tonatzín. For all these reasons, the speech commemorating her appearance was an important event attended by all Spanish ecclesiastical and civil officialdom.

Presented with such an occasion, Mier wanted his speech to be better and more original than any delivered before. After discussion with a Mexican antiquary, Fray Servando decided to build his sermon around the thesis that the Virgin's appearance antedated the Conquest. He evolved a complicated theory based on etymologies of Náhuatl words, obscure

interpretations of symbols found in the painting of the Virgin, and accounts of early Spanish priests referring to a belief that Saint Thomas the Apostle had at one time preached the Gospel in America.

Spanish officials, particularly Archbishop Alonso Núñez de Haro, were scandalized. Two arguments presented by Fray Servando were particularly galling. If, as Mier claimed, the Virgin's appearance antedated the Conquest, then Spain lost the glory of bringing Christianity to America. This doctrine was especially dangerous; should it be proved, Spain's title to the New World, based on her Christianizing mission, could be questioned. Fray Servando's other theory (that Saint Thomas the Apostle preached the Gospel in America) was worse than the first because it implied America had not only been catechized before the Conquest but by none other than an Apostle of Christ.

Reaction to the speech was quick and effective. After confinement to his cell in the Dominican monastery, he was haled before notaries and forced to retract his theory. He was forbidden to defend himself and held incommunicado until the Archbishop could arrange for his exile. For fomenting impious doctrines in public, Mier was charged with heresy and disturbing the peace. Evidently the entire proceedings against our audacious preacher were highly unconventional. His Order refused to accord him any protection from the wrath of the Archbishop, and those who before the speech had offered to defend him and his thesis were now too scared to come forward. The legal maneuvers were carried out with the utmost rapidity, for in a little over three months Mier was sentenced to exile and prison for ten years in one of his Order's Spanish convents, as well as being deprived of his licenses, honors, and degrees. By the

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middle of 1795 Fray Servando was on his way to Spain to begin his punishment.<sup>1</sup>

### Exile

Mier's revolutionary formation began with his prosecution and exile for the Guadalupe sermon. Most of our knowledge about Fray Servando's exploits in exile comes from his own writings. In many cases, as noted in the introduction, Mier exaggerates or invents accomplishments. For the purpose of this essay, the absolute historical accuracy of his allegations is less important than their content. For example, whether it be true or not, it is most important that Mier thought Archbishop Haro was conducting a campaign of persecution against him.

The uproar over his Guadalupe speech seems to have taken Fray Servando by surprise. No doubt he had hoped to gain fame and notoriety by his speech, but he never expected prosecution. When the full weight of the Archbishop's wrath descended, Mier could see no reason but anti-creole animosity. In his continual defense, Fray Servando worked two themes. First, he maintained that he never tried to take away Spain's glory of bringing the Gospel to America; second, he constantly denied any intention of questioning Spain's right to America. The effect of the speech and prosecution that followed was to convert him into an effective propagandist for American independence.<sup>2</sup>

### Justice

Mier's campaign for justice in Spain is an incredible story of persecution, flight, politics, graft, and bureaucratic maneuvering. The legal channels through which Mier had to operate were blocked by obstacles

bought with the Archbishop's money. To escape imprisonment in Spain, he fled to France; from France he went to Rome to acquire a decree of secularization in order to be free of the restrictions placed on the activities of a Dominican. Now a member of the secular clergy, Mier sailed to Spain where he was recaptured. Once again escaping from jail, he fled to Portugal, where in 1808 he became involved in the defense of Spain against Napoleon. The details of these travels and adventures, while fascinating, have only indirect bearing on Padre Mier's political formation.

Most of our information about Mier's experiences during exile come from his own Memorias. In this autobiographical account, Fray Servando's preoccupation, as was to be expected, was the asunto guadalupano. This affair cropped up throughout his narrative, and almost every comment or observation had some relation to his Guadalupe persecutions. Fray Servando's alienation from Spain began with his disillusionment with the workings of the royal bureaucracy.

In his long campaign for justice at the Spanish court, Mier gained an intimate knowledge of the inner workings of the administration. His description of the sloppy conduct of Spanish bureaucracy reveals an attitude of bitter incredulity that officials could be so corrupt and inept. Spain was oppressed by the despotism of the Queen's favorite, Godoy, rendering ineffective ancient and well conceived laws. Mier found, much to his dismay, that all official business in Spain was conducted by ministerial clerks. Because of the large number of requests sent to the various ministers, each employed a clerk to read and annotate the contents of every communication. The minister would read these notes when presenting

the request to the King. Since the ministers were ignorant of the contents of the memorials, the clerk would also recommend action to be taken on the request. In this way, it was the clerk who decided what would be granted or denied. Furthermore, the clerk could easily pigeon-hole any request, keeping the matter from the minister's attention.

This system was cleverly used to amass large fortunes. If someone wanted a request to get preferential treatment and be given a good recommendation, he would see that the clerk was rewarded for speeding up the matter. Or the opposite might be the case, and the clerk would, for a price, hold up any matter indefinitely. The only way to get around a clerk was to be good friends with a minister who could call up any matter still being held by his assistant. The result of this pernicious system was that ". . . los verdaderos reyes de España son los covachuelos."<sup>3</sup> Fray Servando's testimony on this system was most impassioned since his case--on the asunto guadalupano--was delayed at the well-paid request of the Archbishop of Mexico.

Mier's criticism of the system did not include any condemnation of Spanish government institutions. The mismanagement of the ministries was due to the petty and corrupt political maneuvers of Godoy's court. Since everyone was caught up in palace intrigue, the ministers had no time to look after government affairs.<sup>4</sup> The laws of Spain were good, but they were thwarted by a corrupt government. The reason for Mier's insistence on the validity and usefulness of these laws is obvious. Fray Servando based the entire case for the illegality of his prosecution and exile on the privileges accorded him by the ancient laws of Spain, the Council of Indies, and the Concordats of the Church. The Archbishop's

sentence " . . . era absolutamente nula, . . ." being contrary to the laws of Spain and Church.<sup>5</sup>

According to Mier, there was little Spanish law lacked. Such reputedly new and revolutionary ideas as those found in the declarations of the rights of man in the United States and the French National Assembly were, " . . . en substancia, principios eternos muy bien reconocidos por los autores españoles. . . ." <sup>6</sup> From this it naturally followed that the evil was despotism, not the Spanish theory of government.

#### Spaniards

If the laws of Spain were good, Spaniards were not. Fray Servando's constant anti-españolismo appears to have been the direct result of his persecutions by the Spanish Archbishop Haro. Throughout his writings, Mier constantly said the sole reason for his imprisonment was the Archbishop's dislike of criollos. According to Fray Servando, a creole who excelled in any field whatever could be assured the opposition of Spanish colonial officials. Furthermore, criollos had no chance for advancement in colonial government jobs since all good positions were reserved for peninsular Spaniards. Even in the Church, anti-American discrimination was practiced.

In this peninsular-creole rivalry Mier found the cause of all his troubles. His superb speeches had aroused the " . . . antipatía del arzobispo contra los criollos. . . ." <sup>7</sup> Worse yet, his Order refused him protection from the fury of the Archbishop. By Church law, the secular hierarchy had no jurisdiction over a Dominican such as Mier. The head of the Mexican Dominicans, a Spanish friar, was jealous of Fray Servando and, in spite, delivered him up to his persecutors.<sup>8</sup>

In addition to the Spanish-creole rivalry, Mier's anti-españolismo extended to Spain itself. Most everything he saw there was bad. He noted that "bien poco hay que decir de Barcelona, aunque es una de las mejores ciudades de España. . . ."9 He caustically described Spain's economic decadence: agriculture was stagnant, food was bad and scarce, people were hungry and dirty, and land was sterile. Why such economic depression? The Spaniards, said Mier, claimed that the fault lay with ". . . la maldita América que con 5,500 millones fuertes que . . . ha derramado sobre España, la ha empobrecido."10

Mier found nothing good to say about Spaniards. Each provincial of Spain differed from every other, only alike in being ". . . todos fieros y soberbios mas o menos, en ser ignorantes y supersticiosos."11 Fray Servando took great delight in repeating anti-Spanish stories heard in other European countries. He noted with some satisfaction that everywhere Spaniards were looked down on as uncultured and cruel. In some places, he reported, the word Spaniard was used to mean ignorant, sloppy, and generally boorish. In other places, Spaniards were used as bogies to scare little children.12

In consonance with this general anti-españolismo, Mier was a great believer and supporter of the Black Legend of Spanish cruelty in the New World. He defended the Indians and all Americans against allegations made by such authors as Pauw, Raynal, and Robertson. Pauw must have written his American investigations from within the polar circle ". . . según su absoluta ignorancia de las cosas de América. . . ."13 In the tones of a Las Casas, Fray Servando cried out against those Spaniards who used the excuse of Indian inferiority to enslave and kill the native Americans.14

Las Casas was one of Mier's favorite sources of information about the early colonial empire in America. Throughout Fray Servando's writings, the influence of the first Protector of the Indians was clearly evident. Undoubtedly what he read in Las Casas's writings confirmed Fray Servando's suspicions about the tenuous title of Spain to America.<sup>15</sup>

#### Churchmen

Throughout his travels, Fray Servando knew many clergymen, and he noted the religious customs of the various countries he visited. To be secularized, he went to Rome where he met members of the Jesuit Order and gained familiarity with the workings of the Papacy. Mier's religious views are best characterized as early-Church, anti-authoritarianism. He opposed Papal pretensions to temporal power. He denied the Church infallibility on religious matters outside strictly doctrinal questions. It was incorrect to equate the Pope with the authority of the Church; the Pope was the first of the bishops, no more. Even the Church itself was only infallible " . . . en materias de dogma y moral. . . ." In line with this belief, Mier always maintained that Church and State should not impinge on each other's territory. The decisions of civil authorities were invalid arguments for a theologian since Christ did not give " . . . a los reyes ni a los tribunales el depósito de su doctrina." On the other hand, the Church lost her infallibility when " . . . se sale de aquel fondo del dogma y la moral confiado a su custodia y cuidado. . . ." <sup>16</sup>

In these matters of ecclesiastical power and jurisdiction, Fray Servando almost always cited early Church Fathers in support of his views. One of his favorite arguments was that the Church could not excommunicate

groups of people for political reasons. All such excommunications were  
" . . . nula según la regla del derecho inculcada por Santo Tomás:  
Multitudo non potest excommunicari. . . ."<sup>17</sup>

Because of his preference for the practices of the early Church,  
Mier was a strong supporter of the rights of the French National Church.  
The French clergy, " . . . a fuerza de resistir a las continuas innova-  
ciones de Roma, ha logrado conservar mas de los devotos ritos y santas  
antigüedades de la Iglesia primitiva."<sup>18</sup>

Lest the reader assume that Fray Servando was an austere and simple  
priest who longed for the days of uncomplicated Christianity, it must be  
mentioned that he was delighted to be named domestic prelate of the Pope  
and wore a special priestly garb that made him look like a bishop. During  
his life he appropriated many ecclesiastical titles that were never con-  
ferred. In Philadelphia he passed himself off as a papal nuncio, in Mexico  
as the Bishop of Baltimore. Mier's desire for glory and fame made him  
quick to acquire any distinction offered. The evident contradiction be-  
tween theory and practice is characteristic of our priest. The rationale  
behind this attitude appears to be one of disliking the established system,  
but taking advantage of all the benefits it offered.

In order to relieve himself of the obligations and duties of a  
Dominican friar, Fray Servando traveled to Rome to acquire a decree of  
secularization from the Pope. During his stay there, he became acquainted  
with a number of ex-Jesuits. His attitude toward the Society was a bit  
ambiguous. While flattered by the exiles's attentions, he was critical  
of their methods. Yet this criticism contained much admiration for their  
knowledge and discipline.

Because of their wide distribution in all professions and their oath of blind obedience to the General of the Company, Mier believed the Jesuits especially dangerous. Furthermore, the Order was to be feared for promoting the doctrines of tyrannicide and regicide, opinions born with them in the book of P. Mariana, Rege et regis institutione.<sup>19</sup>

Yet in spite of these adverse aspects of Jesuit organization and doctrine, Mier thought the Order would once again flourish. There was no doubt of this because the Order professed teaching " . . . que es un estudio general y necesarísimo, sin que las demás órdenes le puedan competir. . . ." Through education, as well as superior discipline, the Society would again be powerful. Unfortunately, the flowering of the Jesuits would, in the end, come to no good. As soon as they again accumulated riches, they would return to their system " . . . de que la religión no es mas que política."<sup>20</sup>

Fray Servando could not make up his mind about the Society of Jesus. He admired the Order for their higher moral conduct and their emphasis on education. Yet, their role as defenders of the ultramontane claims of the Papacy displeased him. Furthermore, he could see no good in their political machinations nor in their doctrines of regicide and tyrannicide.

These ideas of Padre Mier on government, Spaniards, and the Church give us some measure of the future revolutionary. Although the seeds of dissent are evident, the general tone of these opinions is not revolutionary. In almost all cases, Fray Servando upheld and supported Spanish law. His case against the Archbishop of Mexico was documented in the laws of Spain and the Indies. He pleaded that the authorities recognize his

rights as set forth in the laws of the Church. In his Memorias and other writings where he took up the Guadalupe persecution, Mier appeared driven to exasperation by the inability or unwillingness of Spanish authorities to execute the laws. Undoubtedly this frustration of his efforts to have justice done was of prime importance in his later conversion to the revolutionary camp.

#### Politics

It is significant that during this period of exile, Fray Servando was relatively uninterested in political matters except insofar as they had bearing on his Guadalupe case. His Memorias are almost completely devoid of political propaganda. In narrating his travels throughout Europe, Mier spent little time on the political systems of such areas as France and Italy. In the few instances he did comment on politics or government, it was to condemn the inefficiency of public officials or bemoan the evasion of well conceived laws. Nowhere did he discuss the merits of monarchy, the failings of republics, or the organization of Spanish government.

When he spoke of America, it was almost always in terms suggesting Spanish America, not independent America. His main point was that Americans were, and should be treated as, equal to peninsular Spaniards. The creole-Spanish rivalry was a condition contrary to law, as well as unjust. Spanish Americans were every bit as much Spaniards as peninsular Spaniards. One had only to read the laws.

Perhaps the best proof of Fray Servando's loyalty to Spain was his reaction to the Napoleonic invasion. In 1808 when the invasion of Spain

" . . . electrizó la cólera de la nación, respirando yo la misma indignación, vine en socorro de Cataluña. . . ."21 This was hardly the talk of a revolutionary. Furthermore, because of his services in defense of the Crown, the Regency at Cádiz offered Mier a pension in 1811.<sup>22</sup> Later in the same year he went to London and began his career as propagandist in favor of American independence.

If Padre Mier was such a loyal Spaniard, what caused his conversion to the revolution? In Spain and in America the Napoleonic invasion of the peninsula and the captivity of Charles IV and Ferdinand VII caused the formation of provincial juntas to wage war against Napoleon and to govern in the absence of the king. In America, juntas were opposed by peninsular Spaniards who felt America should still be governed by the royal officials set up earlier. Out of the conflict over the right of America to set up juntas similar to those in Spain came a larger debate. Was America free to govern herself without peninsular direction? Could America be free? During the years 1811 to 1813, Mier became involved in this debate. At first he defended the right of Americans to set up their own provincial juntas to rule in the sovereign's absence; later, he defended the right of America to be free. His decision to fight for complete independence, like that of so many other Spanish Americans, was made inevitable by the Spanish Constitution of 1812.

The year 1811 marks the beginning of Fray Servando's revolutionary career. His activities after this date can be divided into two sections. First were his efforts in favor of American independence, and second were his opinions on the best government for independent Mexico.

<sup>1</sup>In this account of the sermón guadalupano, I have followed Servando Teresa de Mier, Memorias, ed. Alfonso Reyes (Madrid, n.d.). The authorities charged Mier with having preached that ". . . esta Portentosa Imágen no fué pintada en la capa o tilma del Indio Juan Diego, como sostiene la constante y recibida tradición que de ella tenemos, sino que fué estampada en la Capa de Santo Thomás Apóstol desde los principios del primer siglo de la Iglesia viviendo aun en carne mortal la Santísima Virgen. . . ." Juan E. Hernández y Dávalos, Colección de documentos para la historia de la guerra de independencia de México de 1808 a 1821 (Mexico, 1879), III, 5. For an interesting contemporary discussion of the validity of the Guadalupe miracle see "Disertación de D. Juan Bautista Muñoz sobre la aparición de Nuestra Señora de Guadalupe: Sobre las apariciones y el culto de nuestra señora de Guadalupe de México leída en la Real Academia de la Historia por su individuo supernumerario D. Juan Bautista Muñoz.--Madrid 18 Abril de 1794" and "Cartas del Doctor Mier al Doctor Muñoz Cronista Real de las Indias en el año de 1797," in Hernández y Dávalos, Colección de documentos, III, numbers 2 and 4. Mier's theories about pre-Columbian Christianity in America and the relation between Saint Thomas and Quetzalcóatl can be found in Mier, "Disertación formada por el P. Dr. Mier, sobre la venida de Sto. Tomás, apostl a ésta América" in Bernardino de Sahagún, Historia general de las cosas de Nueva España, ed. Carlos María Bustamante, (Mexico, 1929), I, i-xxxi.

<sup>2</sup>For a discussion of the Guadalupe speech as an indication of Mier's revolutionary tendencies before exile see Armando Arteaga y Santoyo, "Presencia de Padre Mier," and Alfonso Reyes, "Fray Servando Teresa de Mier." Both articles are in Armas y Letras (September 1963).

<sup>3</sup>Mier, Memorias, ed. Antonio Castro Leal (Mexico, 1946), I, 234-235.

<sup>4</sup>Mier, Memorias, ed. Santiago Roel (Monterrey, 1946), II, 22.

<sup>5</sup>Mier, "Manifiesto apologético del Doctor Dn. Servando Teresa de Mier, Noriega, Guerra etc., agosto 1820," Escritos inéditos, p. 55.

<sup>6</sup>Mier, Memorias, ed. Castro Leal, II, 26.

<sup>7</sup>Ibid., I, 12.

<sup>8</sup>Ibid., pp. 1-116.

<sup>9</sup>Ibid., II, 137.

<sup>10</sup>Ibid., p. 138.

<sup>11</sup>Ibid., p. 139.

<sup>12</sup>Ibid., pp. 55-79.

<sup>13</sup>Pauw, said Mier, ". . . a sugestion de un español escribió contra los americanos (como dice Carli), con una pluma teñida en sangre de canibales. . . ." Mier, Memorias, ed. Roel, I, 94.

<sup>14</sup>". . . Permítaseme retroceder hasta el año de 1516, época desgraciada a la herejía de nuestros encomenderos, mas verdadera que verosímil. Acusados de los misioneros de no enseñar la doctrine cristiana, ni dar tiempo a los indios para que se les enseñase, cuando para esto principalmente se les había encomendado, recurrieron, por último, a decir que eran incapaces del Evangelio, y, por consiguiente, ni hombre, ni capaces de dominio, etc. Y lo peor fué que a fuerza de repetirlo vinieron

a creer firmemente el principio y las consecuencias." Mier, Memorias,  
ed. Roel, I, 50. It sounds very much like Las Casas. Being a Dominican,  
Mier may have seen a subtle likeness between the Protector of the Indians  
and himself.

<sup>15</sup>Padre Mier ended his Historia with a plea for recognition of Las  
Casas's great contribution to America. When America should finally be-  
come free, " . . . la gratitude exige, que el primer monumento erigido  
por manos libres sea al hombre celestial que tanto pugnó por la libertad  
de los antiguos Americanos contra los furios de la conquista, a nuestro  
abogado infatigable, a nuestro verdadero apóstol, modelo acabado de la  
caridad evangélica y digno de estar sobre los altares por el voto del  
universo, menos algunos Españoles. . . . En viendo los extranjeros la  
estátua de Casas conocerán sin duda, que se hallan en un pueblo justo,  
humano, dulce, caritativo y hospitalero. Yo la pondria esta inscripción  
tan sencilla como el héroe. Extranjero! si amares la virtud, detente y  
venera. Este es CASAS, el padre de los Indios." Mier, Historia de la  
revolución de Nueva España (Mexico, 1921), II, 320-321. Today, a statue  
of a Friar and an Indian stands beside the great cathedral in Mexico City  
with Mier's inscription attached. Lewis Hanke, "More Heat and Some Light  
on the Spanish Struggle for Justice in the Conquest of America," Hispanic  
American Historical Review XLIV (1964), 309. Fray Servando was also an  
energetic defender of Las Casas against the charge of having introduced  
slavery into America. See Mier, "Memoria del doctor Mier, natural de  
México, confirmando la apologia de obispo Casas, escrita por el reverendo  
obispo de Blois, Monseñor Henrique Gregoire, en carta escrita a éste, año  
1806," in Bartolomé de las Casas, Colección de las obras del venerable

obispo de Chiapa, Don Bartolomé de las Casas (Paris, 1822), II, 403-437.

<sup>16</sup>Mier, Memorias, ed. Roel, I, 104 and 108.

<sup>17</sup>Mier, "Manifiesto apologético," Escritos inéditos, p. 71.

<sup>18</sup>Mier, Memorias, ed. Roel, II, 64. For a complete summation of Mier's views on Church-state relations with particular emphasis on the power and role of the Papacy see Mier, Discurso del Dr. D. Servando Teresa de Mier sobre la encíclica del Papa León XII (Mexico, 1925). An explanation of the circumstances surrounding this Discurso can be found in Armando Arteaga y Santoyo's "Bibliografía del Padre Mier," Armas y Letras (January, 1945), p. 2.

<sup>19</sup>Mier, Memorias, ed. Roel, II, 107-108.

<sup>20</sup>Ibid.

<sup>21</sup>Mier, "Manifiesto apologético," Escritos inéditos, p. 62.

<sup>22</sup>"La Regencia le concede una pensión de 3,000 pesos sobre la Mitra de México, que no llegó a aceptar." O'Gorman, ed., Escritos y memorias, pp. xxix-xxxvii.

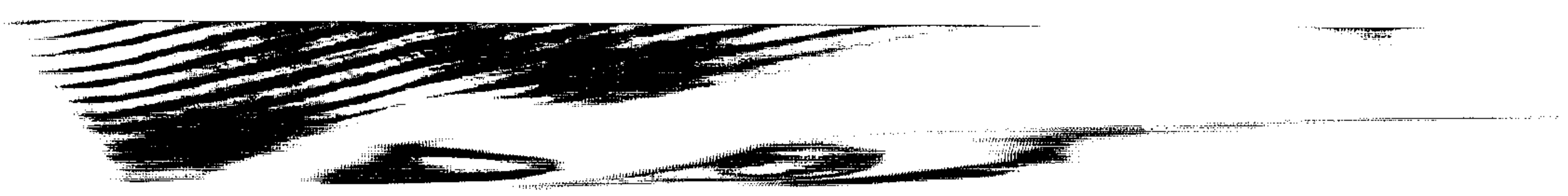
The Propagandist

Before beginning a discussion of Fray Servando's ideological justification for the revolution in America, an understanding of his purpose in mounting such a defense is in order. As stated before, Mier's greatest effort in behalf of independence was his propaganda. The various ideas and theories set forth in these writings can only be understood in light of the audience they were expected to reach. Many of the apparent contradictions disappear when Mier's theories are examined in this way. It must be emphasized again that Fray Servando was not a political theorist, but a propagandist. His purpose was always to convince, to persuade, or to inspire. In the pursuit of this goal, he used everything at his command. In one part of a tract he might claim America's right to independence on the basis of the laws of the Indies; in another part he might deny Spain's right to have ever legislated for the Indies. Yet this lack of rigorous logic and consistency detracted little from the effectiveness of his propaganda. Even today, after reading Mier's tracts, one cannot help feeling Spain deserved to lose her overseas possessions.

There were two phases of Fray Servando's propaganda. The first was to convince those outside Spanish America that the revolutions for independence were justified. The corollary to this purpose was that perhaps a foreign government--particularly England or the United States--might be convinced to help the rebellious Spanish dominions. The second

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purpose was to convince doubtful Spanish Americans of the righteousness, legality, and practicality of independence.

In his pamphlets and books on independence, Fray Servando had seven main themes. Because the laws of the Indies were relatively unknown both in America and abroad, Mier's first concern was to acquaint the world with the rights of creoles as provided for in these laws. Working from this base, he showed that the rebellion in America, as well as the desire for independence, were easily justifiable by the laws of Spain and the Indies and by the writings of the best legal theorists. In addition, Padre Mier demonstrated how these laws practically freed the provinces from Spain. Lest his countrymen and their supporters abroad give up the fight in exchange for a reconciliation under the Cortes and the liberal Spanish Constitution of 1812, Fray Servando showed the unjust treatment of Americans by Cortes and Constitution. It was, he said, worse than the laws of the Indies. For those practical, hardheaded men among his readers, Mier included various arguments for the material advantages of independence. To demonstrate to the world that independence was more than a wild-eyed dream, he gave a number of suggestions for successful completion of the rebellion.

These themes were present, in all or in part, in most of Mier's writings on the subject. Because of the duplication and repetition of points in his various tracts, I have chosen to cite examples from his major and most easily available works.

#### The Rights of Americans

In the Spanish province of New Spain, the year 1808 was explosive. The news of Napoleon's imprisonment of Charles IV and his son Ferdinand

(in addition to the abdication of Charles and the elevation of Joseph Bonaparte to the throne of Spain) all came at once. The shock caused great confusion and a wild scramble for power. The Ayuntamiento of Mexico, composed mainly of creoles, declared they would have nothing to do with the Napoleonic puppet. Americans, said the Ayuntamiento, no longer owed allegiance to viceroy or Audiencia, since these institutions drew their authority from the king. A junta, provisional of course, should be set up to rule in the king's absence. The Audiencia, composed mainly of peninsular Spaniards, declared that nothing of the kind should take place. Audiencia and viceroy were appointees of the king and, therefore, should rule until he be restored. Viceroy José de Iturrigaray, one of Godoy's appointees, had ideas of his own. He thought there was little hope of anyone beating Napoleon and restoring the king. The colonies were ripe for independence, and Iturrigaray saw himself as the leader of a new nation. He therefore supported the creole faction and called a junta. When the Spaniards became convinced Iturrigaray was in league with the creole junta, they imprisoned the viceroy and sent him off to Spain. The Audiencia co-operated by naming Pedro de Garibay, an aging general, as the new Mexican viceroy. This move, led by Spanish commercial leaders of Mexico, was manifestly illegal since the Audiencia had no power to name viceroys.<sup>1</sup>

Padre Mier's defense of American insurrection and rebellion began with this incident. Iturrigaray's wife paid him to write a defense of the viceroy's conduct.<sup>2</sup> This effort formed the first part of Fray Servando's Historia. The work was frankly polemical, and in the process of proving Iturrigaray innocent of traitorous actions, Mier built a strong case for

American independence. The fault for the insurrection was laid at the door of the Spaniards who imprisoned the loyal viceroy, thus disrupting government and bringing rebellion to the province of New Spain.

The crux of the dispute was whether or not Iturrigaray had the legal right to call for a junta. The problem could only be resolved by reviewing the entire legal relationship between the provinces and Spain. If, as Mier and the Mexican creoles claimed, Spain and the provinces were legally equal, there could be no reason to forbid the provinces juntas when Spain herself had organized such bodies for the defense of the nation. On the other hand, should the provinces be colonies they could not claim the same rights as the peninsula.

America never was, in law or in fact, a colony of Spain. To support this contention Fray Servando began a long discussion of the laws of the Indies and the rights of America. He cited many royal decrees and statements supporting his point. The gist of the argument was that the Indies, incorporated into the Crowns of Castile and Aragon, were considered on an equal footing with the other provinces of Spain. Laws issued for America were patterned after those in Castile, and where no law existed for a particular incident, those of Castile were applicable. In addition, Americans were declared equals of Europeans in all respects. That the Crown sent viceroys instead of governors to the overseas provinces was another indication that the Indies were not considered colonies but kingdoms equal to any in Spain.<sup>3</sup>

Throughout this discussion of the legal relationship of provinces to Spain, Mier cited profusely from the laws of the Indies and works of such jurists as Solórzano Pereira. His argument is familiar to students

of the institutions of colonial Spanish America and need not be developed here. Suffice it to say that Fray Servando made a convincing case for the equality of Spain and America. The argument crops up in connection with other controversies, and will be dealt with later.<sup>4</sup>

Once the equality of Spain and America was established, Fray Servando pointed out the precedent for provincial juntas. When Napoleon entered Spain, the nation rose to defend the fatherland. To this end each province erected a junta to conduct the war of resistance to Napoleon's forces. When Iturrigaray convoked New Spain's junta, there was no central government generally recognized on the peninsula. New Spain, in such a situation, should form her own junta to manage the kingdom. The viceroy and other royal officials had insufficient authority to govern the country in the king's absence. In such extraordinary circumstances, the viceroy needed the aid and advice of representatives chosen from the people. Such a procedure was nothing new, for the laws of the nation clearly recognized that a ruler should have a popular council of wise men to advise him.<sup>5</sup>

#### The Rebellion

This, then, was the situation that provoked the outbreak of violence in Mexico. The creoles, said Mier, feared the same forces that imprisoned the viceroy would turn New Spain over to the French. Although authorities tried to convince the people there was no danger of Spain giving them over, the creoles were unimpressed. In spite of the laws of the Indies forbidding the sale or disposal of Spanish American provinces, Spain had sold Louisiana, Santo Domingo, and Trinidad. How could honest, loyal Americans have faith that the same fate might not befall the rest of Spanish America now that the king was in captivity? Obviously, strong measures were

necessary to assure the integrity of Ferdinand's overseas empire. The insurgents, raising high the banner of the Virgin of Guadalupe and crying "viva Fernando VII," were committed to saving their province for the king.<sup>6</sup>

In pursuing this course, claimed Mier, the Mexicans were following the doctrines of respected authorities on international law. New Spain was in an interregnum caused by the absence of their sovereign, Ferdinand VII. According to Heineccius, the people had a right to name magistrates to execute the laws until the monarch should be restored.<sup>7</sup>

Grotius, too, sanctioned this behavior by comparing the state of interregnum with that of a rich inheritance which is in danger of being diminished or destroyed. To conserve the estate, it must be placed in the charge of a public authority. In the case of America, that authority, said Mier, should be the immortal people.<sup>8</sup>

Because Americans in New Spain felt their society in eminent danger and knew the administrators of royal authority were enslaved, they had, according to Jovellanos, ". . . un derecho extraordinario y legítimo de insurrección."<sup>9</sup> Hidalgo's uprising was only the effort of the people to assert their rights under that ". . . verdad infalible según las antiguas leyes constitucionales . . ." whereby ". . . faltando el rey retrovierte la soberanía al pueblo. . . ."10

Thus began the rebellion in New Spain. According to Fray Servando, the patriots under Hidalgo were only interested in conserving the kingdom for their legitimate sovereign, Ferdinand. However, the principles Mier established as the basis for the right of rebellion were thinly veiled excuses for independence. Before proceeding to a discussion of Mier's

defense of complete or almost complete independence, a recapitulation is in order.

In his defense of the actions of the viceroy, Fray Servando established three major points. Spain and America were legally equal in all respects. Because this was so, America had as much right as Spain to establish provincial juntas to govern in the absence of the monarch. Prevented from establishing a junta and fearing for the safety of the kingdom during the interregnum, the people had the legitimate right of insurrection. Therefore, Hidalgo's rebellion was not against king and country, but in their behalf.<sup>11</sup>

#### The Separation of America

The next step in the campaign to pry America away from Spain was to show that the two countries were, except for the king, completely independent by law. This argument stemmed from the earlier one over provincial and peninsular equality. Mier's proof that the provinces were in all respects equal to Spain led quite naturally to the proposition that Americans were " . . . independientes de los españoles en su gobierno económico, y solo dependientes de su rey. . . ." The next step was equally easy. " . . . Si falta [el rey], los americanos son dueños de gobernarse como les parezca de la misma manera que los españoles sus iguales."<sup>12</sup> As usual, Padre Mier was not content to enunciate the principle; he proved it with the laws of the Indies and the opinions of distinguished observers and students of Indian law such as Solórzano Pereira and Baron von Humboldt.

By a fairly simple addition to his earlier theory, Padre Mier went a long way toward complete independence. The situation as it now stood

had Spain and America separate and equal provinces joined by nothing more than the royal person. Each was free to govern as it chose when the monarch was absent. Thus, according to Fray Servando, Spain and America were two separate countries each governing in the name of the same monarch. The chances for independence were improving. All that was necessary now was a disavowal of the monarch.

When the news of Charles IV's abdication reached America, the municipal and provincial officials had called upon all citizens to swear allegiance to the new sovereign, Ferdinand VII. Naturally, if this oath should be observed, there was little hope for independence. Before Padre Mier could do away with the monarch altogether, he had to find some means of getting around the oath. In the Recopilación de Indias Mier found some declarations which served his purpose nicely. The essence of these pronouncements was that the kings of Spain agreed under oath that " . . . para siempre jamás no serán [las Indias] enagenadas ni apartados en todo ni parte . . . por ninguna causa o razón, o en favor de ninguna persona . . . ."13 This, said Fray Servando, was the Magna Carta of the Americas.

This Magna Carta authorized the provinces to resist any attempt to transfer them to another person. The oath of the people to support the House of Bourbon was no longer binding because the sale of Louisiana, Santo Domingo, and Trinidad was against the oath of the king to his people.<sup>14</sup>

If the voiding of the king's oath never to give up any of the provinces were not enough to release Americans from their allegiance to Ferdinand and the House of Bourbon, there were other reasons for ending the attachment to the monarch. Fray Servando claimed that the renouncement of Charles IV was sincere and voluntary. By that act, the Bourbon

dynasty lost their right to the throne of Spain. In addition, the crown of Spain was essentially elective; if Ferdinand were king, it was only by virtue of the voluntary choice of the people.<sup>15</sup> Since America had had no chance to express their preference, they were free to renounce the Bourbons.

Furthermore, that royal house was impotent to help Spain. Because the general good of the nation came before the good of a dynasty, there could no longer be any link between the Bourbons and Spain. Kings were for the good of nations, and must be constituted by the nation. Spain owed no allegiance to Ferdinand unless, of course, she wished to renew it. America was, to all intents and purposes, independent.<sup>16</sup>

Padre Mier had come a long way from his initial statement that the revolution in New Spain was in defense of Ferdinand. He denied Ferdinand's right to American assistance and declared the independence of America. To finish up his theoretical destruction of the monarchy, he turned to the Bible for proof of the morality of refusing to support a king.

Since he had already demolished Bourbon claims to the throne, he had only to refute those who argued that Spain and America should submit to the tyrant Napoleon. These misguided souls, who thought the Bible justified the role of tyrants and recommended submission to them, misunderstood the meaning of the verses cited in support of their contention. Claiming to be a doctor of theology, Mier felt qualified to discuss the question. The verse most used to claim obedience to tyrants was from Matthew, chapter 22, verse 21: "Render therefore to Caesar the things that are Caesar's; and to God, the things that are God's." There were, said Mier, only three conclusions that could be drawn from this verse.

1. No one was obligated to give the sovereign anything except what was conceded by a cortes. 2. Spaniards had to give Joseph Bonaparte all the money in Spain with his bust on it. 3. One ought to pay Joseph Bonaparte the tributes rather than Ferdinand VII. None of these conclusions could be used to oblige submission to a tyrant.<sup>17</sup>

In other parts of the Bible, said Dr. Mier, it explicitly allowed the vows of loyalty to a sovereign to be broken should he become a tyrant. The instance in III Kings 11:33 and 12 was almost identical to that of America against Spain.<sup>18</sup> The scriptures further showed that monarchy was not necessarily the preferred government. According to I Kings 10, every nation had the right to elect its government.<sup>19</sup>

Thus, even the Bible was added to the arguments overwhelmingly in favor of American independence. Nowhere could be found any substantial reason for continued subservience to the Spanish crown. Fray Servando's case for the theoretical justification of revolution was almost complete. He had only to dispose of the tricky problem of the Cortes. If he could prove America owed no allegiance to the Spanish Cortes, the revolution would be vindicated and theoretical independence proclaimed.

#### The Cortes

In September, 1810 a general Cortes of the nation was convoked at Cadiz. Its purpose was to provide a center of government for the nation and to institute necessary reforms. One of its first pronouncements was to declare Spain and America equal and integral parts of the same monarchy, whose citizens enjoyed equal rights and privileges. Such a development reopened the question of American allegiance to Spain. It could be alleged that Americans should now disavow the rebellion and support the Cortes.

After all, not only had their rights of equality been confirmed, but America was now represented in the highest councils of the nation. Fray Servando refused to accept this line of reconciliation, for he, like many other Americans, was bent on independence.

The declaration of American equality with Spain was, said Mier, absurd. America had always been equal by the laws of the Indies and the pacts made between conqueror and king. This equality proffered by the Cortes was not even as good as what America had before. In the laws of the Indies, creoles were not only given equal rights with Spaniards, but preference in employments.<sup>20</sup>

The grant of representation in the Cortes was a small gain since the Americans were conceded too few deputies. Why, said Mier, should America support a Cortes that was obviously out to subordinate the overseas provinces to Spain? Until America was allowed more representatives, she must continue to oppose the peninsula and defend her rights.<sup>21</sup>

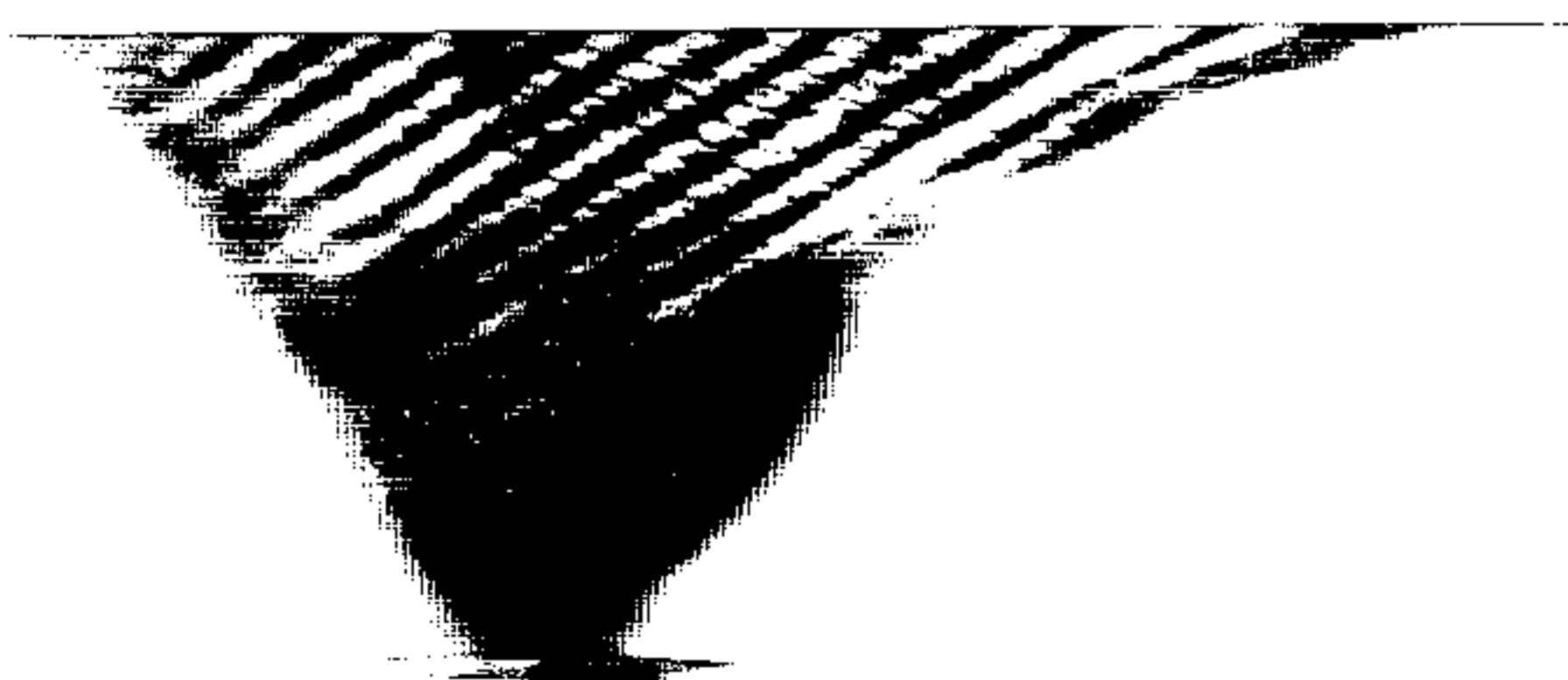
In 1812 the Cortes rejected an English offer to mediate the dispute between Spain and America and prepared to send a military force to New Spain. Padre Mier found in this act another reason for continued opposition to the Cortes. By sending troops to America, Spain cut the only remaining tie between the two countries. Even the Cortes, said Mier, recognized the right of a nation to depose a king and elect another if the king should wage an unjust war on his vassals. There was no doubt that this war was unjust.<sup>22</sup>

The Cortes itself played right into Padre Mier's hands by declaring that its authority rested on the principle of popular sovereignty. By that act it lost, he affirmed, all right to wage war on America for declaring its reversion to popular sovereignty.<sup>23</sup>

These reasons alone should have been enough to dissuade anyone that the Cortes could claim support from the Americans. With the promulgation of the Constitution of 1812, Fray Servando got another opportunity to disavow the Cortes, its works, the Constitution, and Spain.

Before going into Fray Servando's reasons for rejecting the Constitution of 1812, a quick summary of his main arguments is necessary. In defense of the American rebels, Fray Servando based himself on the ancient legislation of the Spanish monarchy. He was " . . . uno de los muchos rebeldes legitimistas, un insurgente apegado a la ley."<sup>24</sup> This apparent paradox of Padre Mier's political ideology was one of the main consistencies of his thought. He continually cited the ancient traditions of Spain and Church for support of his doctrines. His use of contemporary thinkers was almost always in the spirit of providing unnecessary confirmation of eternal principles. The philosophers of the French revolution were, for Padre Mier, poor guides. He thought little of that " . . . tejido de sofismas, doradas con el brillo de la elocuencia encantadora del filósofo de Ginebra."<sup>25</sup> Although it is not within the scope of this essay to investigate the sources of Fray Servando's political ideology, it must be pointed out that through his travels and extensive readings he was acquainted with the major writers and thinkers of the Enlightenment as well as classical scholars. But Padre Mier preferred to base his arguments on the traditions of Spain in America and to refer to newer political theorists only as some sort of concession.

By the time Fray Servando got to the Constitution of 1812, he had all but dissolved the links between Spain and America, and what was more



impressive, he had done it with the laws of Spain. He had disavowed the House of Bourbon and denied biblical sanction to the institution of monarchy. To cap this achievement, he showed why the representative Cortes need not be obeyed in America. With this accomplishment under his belt, he proceeded to demonstrate the injustices of the Constitution of 1812 and to show Americans why they should repudiate it.

#### The Constitution of 1812

The promulgation of the Constitution of 1812 presented American rebels with another difficult choice. Should they accept this liberal representative document which recognized most of their demands, or should they continue the insurrection? In hopes of influencing his countrymen, Mier presented a discussion of the grave errors inherent in the Constitution. In addition to feeding the fires of revolution, Fray Servando undoubtedly hoped to show Europe, especially England, that the Americans had reason for rejecting the new Constitution. Padre Mier based his criticism of the Constitution on three levels. The worse injustice of this document was the disenfranchisement of thousands of Americans reputedly of African descent. Furthermore, the Constitution was poorly planned and contradictory in many spots. Because of these two major defects, Americans were not required to obey the new document, nor to hold to their oath should they have already sworn to support the Constitution.

At the heart of Fray Servando's objection to the Constitution was the twenty-second article which defined a citizen for the purpose of representation. The offending passage ran thus: "The channels of virtue and merit are left open for Spaniards reputed of African origin on either side to attain citizenship. . . ." The article denied citizenship rights

to reputed Negroes without special provision of the Cortes in individual cases. Furthermore, subsequent articles provided that only citizens would be counted in the census for apportionment of deputies.<sup>16</sup>

The provision was poorly worded and vulnerable to attack. Fray Servando began by claiming the provision was unjust and unenforceable. It was absurd, he said, because all Spaniards had African ancestors. The Moorish occupation of the peninsula insured even the noblest families of some connection with Africa. The law was poorly phrased. Such a nebulous definition of citizen was bound to lead to acrimonious litigations over whether or not one should be considered "reputed of African origin."<sup>27</sup>

If the above line of argument be pursued further, said Padre Mier, the law would disqualify half or all of Spain as citizens. Since this was obviously not the intention of the framers of the Constitution, something else must have been desired from this provision. It was, said Mier, directed at the castes of America with the obvious intent of subordinating the American provinces to Spain. Seeing that the population of America including the castes was greater than that of the peninsula, the Spanish members of the Cortes inserted this provision to insure their control over the Americas. It showed the manifest hypocrisy of these Spaniards who offered equality and then took it away by disenfranchizing half the population. Furthermore, there was no precedent for such cavalier treatment of mulattoes. The laws of the Indies and the most important Spanish jurist, Solórzano Pereira, upheld the principle of citizenship for Negroes and their descendents. Although at the beginning of the overseas empire they were excluded from many things, it was because they were illegitimate

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illegitimate

and generally dissolute. But should they be legitimate and of good habits, they ought to be considered citizens. This whole attempt to disenfranchise Negroes and mulattoes was but a transparent strategy to reduce the Americas to second class provinces.<sup>28</sup>

Padre Mier found the Constitution not only unjust with respect to the Americas, but unwise in the political part and useless in the judicial and economic sections.<sup>29</sup> He complained that the Constitution was contradictory in that the king was responsible for his conduct and for that of his ministers, but was given control of the Armed Forces.<sup>30</sup> Furthermore, the existence of a Council of State that had to be consulted for everything, especially ecclesiastical and judicial appointments, was dangerous since it was responsible to no one.<sup>31</sup>

Why, indeed, questioned Fray Servando, did the Constitution only provide for one Cortes meeting in the peninsula instead of separate provincial cortes? Such a system of one general cortes was most impractical since it would make it almost impossible for the American deputies to arrive in time for meetings. Furthermore, if necessary to elect a different deputy every year, the kingdom would be in constant electoral turmoil. If the American deputies ever reached the peninsula in time to do any good, they would have to work under adverse circumstances. They would be in a strange country with neither friend nor protector to help them in times of need. It would be expecting too much of these men that they could be effective representatives of America in such a hostile atmosphere. However the situation was viewed, there could be no doubt that the Constitution was designed to deprive America of her rights.<sup>32</sup>

As for the judicial system, Padre Mier thought it had destroyed in

one fell swoop the whole beneficial legal structure of the Spanish empire. The king or his ministers could imprison a citizen. A judge could use force on the prisoner, or keep him incommunicado. Such a system with its other errors could mean nothing but two and one-half centuries of trial and revision before it would become workable.

" . . . Veo con la nueva Constitución destrozar de un golpe toda su organización y systema, restituyendonos al antiguo caos. . . ."33

In this criticism of the Constitution, Fray Servando followed the same procedure as in his earlier disputations. Basing himself firmly on the traditions of the Spanish monarchy, he refuted the article denying Negroes the rights of citizenship. In the same vein he picked at the institutional structure created or sanctioned by the Constitution. None of the criticism was particularly well taken with the exception of the question of Negro representation. In this issue, Padre Mier had a moral as well as political theme. To deny Negroes rights was the same as imputing less humanity to them than to other men. Such a conclusion could be drawn from the articles involved, and Padre Mier exploited this theme to the fullest. In political terms the article definitely limited the rights of representation of the Americans. Here Mier had a justifiable complaint and an inflammatory issue. The argument figured in many of his political tracts.<sup>34</sup>

Having proved the injustices of the Constitution, Padre Mier had now to demonstrate that Americans need not swear, nor obey the document. He based his arguments on two contentions. His main objection was that the Cortes had no power to obligate Americans to swear the Constitution without first allowing a vote on its provisions. Secondly, he questioned

the power of the Cortes to change the previous constitution of the nation.

When the final draft of the Constitution was approved by the Cortes, the American deputies protested the entire thing. In their protest, they maintained that because the difficulties of the times prevented a complete and free representation of the people, the authority of the Constitution could and should be questioned. Since the Cortes could not legislate against the general will of the people, and even less in the matter of a law that would obligate them forever, a vote of the general public was mandatory. But the Cortes had required that the Constitution be published and sworn immediately. In such a case how could the general will of the people be known? Should the document be sworn at once, the people, in spite of their exclusive right to give themselves fundamental laws, would have given themselves one without their consent or even against their will.<sup>35</sup> The Cortes was operating under the delusion of a miserable sophism in requiring the nation to swear the Constitution without voting on it, and in prohibiting any changes in the document for eight years. It was, in effect, maintaining that because "la soberanía reside esencialmente en la nación" and because ". . . nosotros [las Cortes] la representamos; luego en nosotros reside la soberanía."<sup>36</sup> This was incorrect. If sovereignty resided essentially in the nation, it resided, argued Mier, always and incommunicably in the nation. Thus, even though the provinces elected representatives they retained the right to review their work or annul it as they saw fit.<sup>37</sup>

Not only did the Cortes include a clause forbidding changes in the

fundamental law, but it exceeded its powers when it took the liberty of forming a new constitution. To support his allegation Fray Servando quoted a speech by Jovellanos in which the famous Spanish politician contended that the only thing the Cortes was empowered to do was reform the existing constitution of the nation as embodied in the laws of the kingdom.<sup>38</sup> With this argument Mier felt the Cortes and its child, the Constitution of 1812, sufficiently discredited.

To wind up his criticism of the Constitution and Cortes, he exposed the real motives and object of the peninsular assembly. The Europeans " . . . intentan abolir el pacto social que los americanos celebraron con los reyes de España y sustituirles otro a su [los americanos] pesar que los ponga en absoluta dependencia de ellos [los europeos] . . . ." <sup>39</sup>

Thus concluded Fray Servando's theoretical liberation of America. In the process of his propaganda he found nothing that linked Spain and America and powerful theoretical considerations that separated them. His arguments went back as far as the Old Testament and up to the contemporary events in the Cortes of Spain. In almost all instances, Padre Mier found his inspiration in the laws of Spain and the works of Hispanic legal theorists. His primary concern in the defense of America was to prove the legitimacy of the rebellions. His logic and procedure were reminiscent of the legal arguments in favor of every phase of the Conquest and settlement of America. The preoccupation with legitimacy was, in itself, a primary Spanish characteristic. The contention that "las ideas de la Revolución emancipadora de 1810 son de origen hispánico principalmente . . ." was substantiated in the propaganda of Fray Servando Teresa de Mier.<sup>40</sup>

The Grievances of Americans

Although primarily interested in the theory of independence, Fray Servando included in his propaganda a discussion of the more mundane grievances of Americans. As would be expected from his unhappy experiences with the Spanish authorities in New Spain and the peninsula, Fray Servando considered discrimination against creoles one of the major reasons for the insurrection. He was also quick to point out the economic disadvantages suffered by American businessmen and merchants. To counter reports of excessive brutality by Hidalgo's troops, Mier reported stories of Spanish atrocities in the suppression of the rebellion and brought in Las Casas to witness traditional Spanish cruelty during the Conquest and early colonial period. In these statements, as in his theoretical arguments, Padre Mier had two objectives. The revolution in America needed adherents from among the propertied and more affluent creoles in order to succeed. Evidently Fray Servando hoped his propaganda would strengthen and encourage creole desire for independence. In addition, the European and United States public had to be convinced of the justice of the war against Spain, for Mier believed foreign aid essential for the completion of independence.

Even though the immediate cause of the revolution was the news that the provisional government of Spain had verified the unjust imprisonment of the viceroy, Iturrigaray, the rebellion itself had been long preparing. The injustices of the Spanish government in giving appointments to Spaniards rather than creoles was the fundamental cause behind the disturbances. The major complaint of Americans was always over their almost complete exclusion from government and ecclesiastic appointments. As an

example of this iniquitous practice, Mier recounted his experience with Spanish officials because of the Guadalupe sermon. The creole-Spanish rivalry even extended to the religious activities in the provinces. People wondered, said Mier, why the clergy led the rebellion. The reason was simple. Being creoles, they were deprived of all advancement. Furthermore, they were the best educated members of the population and felt more deeply the loss of their rights. To compound this problem, the creoles could not claim their rights under the laws of the Indies because the Court in Spain was so ignorant and corrupt that no remedy was forthcoming.<sup>41</sup>

On top of the personal discrimination suffered by creoles Spain added a series of economic restrictions. Not only did the crown enjoy a monopoly of the tobacco industry, but it prohibited the development of a provincial textile industry. It refused permission for the cultivation of grapes and olives, for the processing and sale of wine and beer, for the exploitation of the fish industry, and for the manufacture of mercury used in silver processing. The evils of this restrictive policy were made worse by the denial of free trade not only with Europe, but with other American provinces. These reasons alone would be enough to justify the insurrection.<sup>42</sup>

Although the provocation for rebellion was strong, moderation and restraint on the part of the Spanish authorities might have brought about a quick reconciliation. Instead, claimed Padre Mier, they followed the same cruel and barbarous methods used to conquer the continent from the Indians in the sixteenth century. To prove his allegation, Fray Servando told numerous atrocity stories about individual royalist generals. He

whitewashed similar actions of Hidalgo's mob as exaggerations of defeated Spaniards. Needless cruelty, said Mier, was one of the main reasons for the continuance of the rebellion.<sup>43</sup>

To cap a long discussion of Spanish and American incompatibility, Mier presented his translation and edition of Thomas Paine's pamphlet, Common Sense, with appropriate changes in names and places to make it fit Spanish America. In his translation, Spain and America must separate because Spain was at too great a distance to govern her provinces. How could the trust necessary for government exist when Spain was only interested in what she could get out of America? Since her own profit was the guiding motive of Spain's American policy, Americans had a right, and indeed a duty, to take up arms to prevent the ruin of the New World. Separation was now necessary; Spain had sent her troops and fired the first shot. Americans must defend themselves. If Americans loved their children and their country, absolute independence was the only thing worthy of the work and danger.<sup>44</sup>

As can be seen from the preceding summary, Fray Servando was less interested in the practical reasons for the rebellion than in the theoretical justification for independence. His practical arguments were relatively simple and devoid of the impressive weight of ancient legal documentation. They had the appearance of afterthoughts, presented to those few unconvinced by the legal rights of Americans. It should not be assumed, however, that Mier was only a legal revolutionary, immersed in the theory of rebellion and uninterested in concrete measures to bring it about.

### The Successful Revolt

Independence was an elusive goal for the Mexican revolutionaries. Before 1821, the rebellion in New Spain was for all intents and purposes dead, and only a few cores of resistance remained. Padre Mier was worried about the future of his country. Although the revolution was justifiable and independence a logical necessity, the revolution could not get off the ground. Why? To help his countrymen, Fray Servando gave some suggestions for the successful completion of the war. His recurrent theme was unity. The insurgents must be united or the movement would be lost. Not only from a military point of view was unity necessary; foreign aid must be secured for the successful prosecution of the war, and it would be denied a divided revolutionary movement.

Because Spain was in such a terrible state herself, she was an insignificant enemy to a united America. Without the combined effort of the provinces, however, no progress could be made. Individual provinces and leaders must subordinate their personal ambitions to the common goal of independence. Once independence was won, the provinces could decide how they would govern themselves. A united America could command the respect of foreign nations and secure aid. By force of numbers, America would destroy Spanish influence and become a world power.<sup>45</sup>

Although Fray Servando soon gave up the impossible hope of united America confronting impotent Spain, he continued to plead for unity among the warring factions in New Spain. The only reason Mexico was unable to secure her freedom was the lack of a central agency to conduct

the revolution. Ignorance, inexperience, and ambition kept the revolutionary chiefs from co-operating. What was needed was a civil center of power that would represent the nation, conduct war, and make alliances and treaties with foreign countries. Without such a body, no possible road to independence could be found.<sup>46</sup>

Naturally, Fray Servando made these recommendations with particular foreign countries in mind. At first he had great hopes that England would aid the colonies in their fight against Spain. He appealed to the mercantile interests of England and called for a long friendship between Americans and Englishmen. He further maintained that England had no obligation to help Spain regain her rebellious colonies. If England could not materially aid America, the least she could do would be to stay neutral.<sup>47</sup> Padre Mier soon became disillusioned with England and turned to the United States as a source of possible aid.

In order to impress North Americans with Mexico's sincere desire for freedom from Spanish tyranny, the revolutionaries should form some kind of representative congress. By this means, claimed Mier, there would be a government to negotiate with the United States. The manner and form of the congress, as well as the electoral procedure, was of little or no importance. "Si los monos supiesen hablar, bastaría que el Congreso fuese de ellos y dijese que representan la nación. Entre los hombres no se necesitan sino farsas porque todo es una comedia."<sup>48</sup> Once this congress be formed, it should make its first order of business the naming of a plenipotentiary representative to be sent to Washington or New York to treat with the government of the United States. Such a deputy should be given sufficient funds to convince authorities in the

United States that the revolution was a going concern. In addition, the debts contracted by Mina in his disastrous expedition to aid Mexico should be partially paid. This would help establish Mexico's credit and convince merchants to lend more money to the revolutionary government.

Although these measures be done with a certain amount of illegality, the revolutionists should maintain appearances at all costs. Mier reminded the revolutionists that any irregularities could be smoothed out after independence had been won. Anyway, the need for such a measure was obvious and " . . . la necesidad no está sujeta a leyes. Salus populi suprema lex est."<sup>49</sup> Naturally, in order that the congress might be formed, some military chiefs must give up part of their power and influence to the new congress. However, the benefits of unity far outweighed the disadvantages of a small reduction in the personal power of a few generals.<sup>50</sup>

Fray Servando included the United States in his propaganda. In a tract definitely directed at North American audiences, he pointed out various reasons why the United States should help the insurgents. The publication of the Plan de Iguala early in 1821 put Fray Servando in a difficult position. He had maintained that the United States should help liberate Mexico because Mexicans wanted to establish a republic just like the United States. Now, the Plan de Iguala provided for a monarchy headed by a European prince. With typical agility, Fray Servando proceeded to turn this unexpected event to his own account. In the first place, he said, the Plan de Iguala was mainly a political strategem designed to unite Mexicans against Spain. It had yet to be approved by

the people. Nonetheless, the existence of such a Plan indicated strong monarchist sentiment in Mexico. But, should the United States recognize Mexican independence, she would be in a position to see that Mexico became a republic. If the United States refused to act and allowed the Plan de Iguala to be carried out, she would always regret it. An independent monarchy in the Americas would necessarily involve the United States in the quarrels of Europe. In addition, a monarchy would be little inclined to give special trade privileges to a neighboring republic.

To cap off this bizarre argument, Fray Servando made the startling prediction that should the United States declare herself " . . . por la independencia de México, . . . no solo será [México] república, sino confederada con los Estados Unidos."<sup>51</sup> This statement can only be explained by Padre Mier's propagandistic enthusiasm and might have been revised out of the tract had it ever been published. It does, nonetheless, indicate the importance Mier placed on United States intervention in the independence movement.<sup>52</sup>

Subsequent events soon rendered these discussions academic. On 27 September 1821 Iturbide entered the capital and Mexico was finally free. In February 1822 the first constituent congress was called to decide the form of government for Mexico. Fray Servando was elected a member of this important Mexican congress and played an important role in its deliberations. In his activities in and out of the Congress he continued his propaganda, this time in defense of what he considered the best government for Mexico.

Of his long and spirited battle of words over the liberation of America, much has already been said. Fray Servando's efforts on behalf

of independence are difficult to judge. It is almost impossible to calculate their effectiveness. Yet his ideas did achieve rather wide distribution within Mexico, and his name was well known by most contemporary literate Mexicans. The writings and propaganda of Padre Mier are most important for what they tell about the revolutionary movement. Since few of his ideas were original, he was an effective mirror of his time. The ideas and theories appearing in his numerous and repetitive tracts were those most likely to impress his fellow countrymen. Fray Servando de Mier's revolutionary ideology is suggestive of the rationalizations that convinced Americans of the need and righteousness of independence.

NOTES TO CHAPTER II

<sup>1</sup>I have taken this account of the disturbances in New Spain from Leslie Byrd Simpson, Many Mexicos (Berkeley, 1961), pp. 183-185.

<sup>2</sup>Bedford K. Hadley, "The Enigmatic Padre Mier," pp. 99-100.

<sup>3</sup>See all of Mier's Historia. One example of this kind of argument is ibid., I, 117-132.

<sup>4</sup>For a complete review of the legal relationship between America and Spain from the 16th to the 18th century see Ricardo Levene, Las Indias no eran colonias (Buenos Aires, 1951). The whole book deals with this subject, but on pages 48 to 50 there is a short summary of the laws bearing on the controversy. Levene's arguments follow almost exactly those of Fray Servando.

<sup>5</sup>Mier, Historia, I, 95-98.

<sup>6</sup>Ibid., pp. 260-270.

<sup>7</sup>Ibid., p. xxxvi.

<sup>8</sup>Ibid., p. xxxv.

<sup>9</sup>Ibid., p. 270.

<sup>10</sup>Ibid., p. 58.

<sup>11</sup>For a succinct schemata of Padre Mier's main points on the legitimacy of rebellion and his major doctrinal sources see Jesús Reyes Heróles, El liberalismo mexicano (Mexico, 1957), I, 18-19.

<sup>12</sup>Mier, Historia, II, 162.

<sup>13</sup>Ibid., pp. 168-169.

<sup>14</sup>Ibid., pp. 47-50, 169.

<sup>15</sup>Ibid., pp. 47-48.

<sup>16</sup>Ibid., p. 48. See also Mier, Cartas del Dr. Fray Servando Teresa de Mier, (Bajo el seudónimo de un Americano) años de 1811 y 1812, in Obras completas del Dr. José Eleuterio González, segunda parte del tomo IV (Monterrey, 1888), pp. 16-18, 67-71.

<sup>17</sup>Mier, Historia, II, 51-52 and notes.

<sup>18</sup>Ibid., p. 53.

<sup>19</sup>Mier, Memoria político-instructiva, enviada desde Filadelfia en agosto de 1821, a los gefes independientes del Anáhuac, llamado por los españoles Nueva España (Mexico, 1822), p. 69.

<sup>20</sup>Mier, Historia, I, 117-120, 134-135, 137; and II, 176-177.

Fray Servando cited many laws of the Indies to prove this allegation. Perhaps the most explicit is ley 14, tit. 2, lib. 3 which provided that when, for any employment, ". . . sucediere concurrir muchos pretendientes con igualdad de méritos, sean preferidos los decendientes de los primeros descubridores de las Indias, y después los pacificadores y pobladores, y los que hayan nacido an equellas Provincias. . . ." Creoles were also to be preferred for ecclesiastical offices. See ley 5, tit. 6, lib. 1; ley 24, tit. 6, lib. 1; and ley 29, tit. 6, lib. 1.

<sup>21</sup>Mier, Historia, I, 63 and 131.

<sup>22</sup>Ibid., II, 57-59.

<sup>23</sup>Ibid., p. 165.

<sup>24</sup>Antonello Gerbi, Viejas polémicas sobre el nuevo mundo (Lima, 1946), p. 271.

<sup>25</sup>Mier, Historia, II, 166.

<sup>26</sup>Arnold R. Verduin, Manual of Spanish Constitutions, 1808-1931: translation and introductions (Ypsilanti, Michigan: 1941), pp. 11-35. See especially articles 5, 18, 22, 23, and 29.

<sup>27</sup>Mier, Historia, II, 234-248.

<sup>28</sup>This summary of Padre Mier's arguments is taken from a number of places. That this was a main issue at the Cortes among the American deputies can be seen in James F. King's article cited in note <sup>34</sup> below. Examples of Mier's opinions can be found in the Historia, I, 124-130, and II, 236-237. See also Mier, "Situación sobre las castas," and "Idea de la constitución" in Escritos inéditos. For another version of the same arguments see Mier, Cartas de un Americano, pp. 26-34, 42-49, 94-96.

<sup>29</sup>Mier, Historia, II, 235.

<sup>30</sup>Ibid., p. 234. Padre Mier was wrong. The king, according to the Constitution of 1812, was not subject to responsibility. See article 168. Neither was the king responsible for his ministers. They were responsible to the Cortes. See article 226.

<sup>31</sup>Mier, Historia, II, 234. Here again Fray Servando misread the Constitution which made the Councilors of State removable upon presentation of just cause to the Supreme Court of Justice. See article 239.

<sup>32</sup>Mier, Historia, II, 243-254.

<sup>33</sup>Ibid., p. 255.

<sup>34</sup>For Mier's opinion on the moral issue of Negro humanity see ibid., pp. 234-248. Fray Servando was not the only one to exploit this argument. ". . . the denial of an equal basis of representation, more than any other act of the Cortes, encouraged and justified incipient revolt in

America; and the deliberate adoption of racial discrimination provided revolutionary leaders with a powerful appeal to numerous colored elements in the population." James F. King, "The Colored Castes and American Representation in the Cortes of Cádiz," Hispanic American Historical Review XXXIII (1953), 33.

<sup>35</sup>Mier, Historia, II, 264.

<sup>36</sup>Ibid.

<sup>37</sup>" . . . aunque la nación elija representantes o mandatarios, no solo tienen derecho a revisar su obra para ratificarla o anularla, sino para castigar a los atrevidos que no han consultado su voluntad. . . ." Ibid., p. 265. Mier maintained this position in order to discredit the Cortes and Constitution but changed his argument when, in pleading for centralized federalism in the second constituent congress, he recommended the deputies disregard the wishes of their provinces. See Chapter III below. This is another example of Mier's propagandistic use of any and all arguments available to support one cause and completely contradictory arguments to support another.

<sup>38</sup>Mier, Historia, II, 265.

<sup>39</sup>Ibid., p. 162.

<sup>40</sup>Levene, Las Indias no eran colonias, p. 156.

<sup>41</sup>This series of arguments is one of Mier's favorite. It appears, in all or in part, throughout his writings. For example, see Mier, Memorias, ed. Castro Leal, I, 187; Mier, Historia, I, 232-234, 242-243; and II, 162-163. See also note 20 above.

<sup>42</sup>Mier, Historia, I, 234.

<sup>43</sup>Ibid., pp. 245-258, 274, 296-298. See also volume II, 1-113.

<sup>44</sup>Ibid., 273-274. Also in Mier, Memoria político-instructiva, pp. 127-134.

<sup>45</sup>Mier, Historia, II, 273-274, 316-317. Also see Mier, Questión política: Puede ser libre la Nueva España? MS., Mier papers, Latin American Library, University of Texas Library, Austin, p. 105.

<sup>46</sup>Ibid.

<sup>47</sup>Mier, Historia, II, 60-61, 315-316.

<sup>48</sup>Mier, "Discurse escrito por el Dr. Dñ. Servando Teresa de Mier en San Juan de Ulúa en diciembre de 1820," Escritos inéditos, p. 210. Fray Servando believed that all the United States needed was some pretense of legitimacy and she would join Mexico against Spain. In expression this idea Mier was unable to pass up a rhetorical flourish to emphasize his point.

<sup>49</sup>Ibid., p. 221. This quotation explains much of Mier's contradictory arguments. Once he had decided what was best for the people he used all arguments that might support his opinion regardless of their inherent contradictions.

<sup>50</sup>Ibid., pp. 213-227. For a slightly different version of Mier's recommendations see Mier, Questión política, MS.

<sup>51</sup>Mier, "Nos prometieron constituciones," Escritos inéditos, p. 367.

<sup>52</sup>For Padre Mier's arguments on the Plan de Iguala and United States intervention see ibid., pp. 359-368.

CHAPTER III  
THE GOVERNMENT FOR MEXICO

Monarchy or Republic

After the promulgation of the Plan de Iguala when the independence of Mexico was fast becoming a reality, the almost successful revolutionists were faced with the problem of choosing a form of government for Mexico. The Plan de Iguala provided for a constitutional monarchy with a European prince on the throne. Many insurgents, however, were dedicated republicans. Fray Servando de Mier rightly calculated that this was the most important question of the times and threw himself wholeheartedly into the propagandistic battle. The topic was familiar to Padre Mier who had made recommendations for the future government of America as early as 1813 in his Historia. Since that time, he had modified his ideas. In the first part of his career he was a decided partisan of British institutions and customs. Throughout his Historia, Mier commended the English political virtues to all Americans. He cautioned them against following too closely the example of the United States. By 1821 and the Plan de Iguala, Padre Mier had become disillusioned with England and placed his confidence in the republican institutions of the United States. The reasons for this change of heart are quite complex, and there is still no agreement among historians about the motives for the change.

Although Fray Servando praised the English constitution, parliament, and liberties, he never directly praised their king. What was good about England was its maturity of political action, its two chamber

parliament, and its protection of individual rights. That such a system was based on the existence of a monarch left Padre Mier unimpressed, although he admired the way the powers of the English monarch were circumscribed by parliament and law. In light of these considerations it seems safe to say that Fray Servando was never a defender of monarchy.

The reasons for Fray Servando's alienation from England and attraction to the United States are easier understood. His campaign in England for British intervention in favor of independence was a failure. The English ministers were too interested in preserving the balance of power in Europe to aid the struggling colonies in America. In the United States, on the other hand, Padre Mier found many people interested in the success of the independence movement. Fray Servando himself was able to secure financial aid for the abortive Mina expedition. The co-operation and attention he received on his visits to the United States may have also contributed to his affection for republican government.<sup>1</sup>

Padre Mier recognized the contradictions inherent in his various publications on the best form of government for Mexico. Although in the Historia he had recommended that Americans should take the English constitution as their model, he later rejected this idea and characterized England as one of the most dangerous enemies of America. In an attempt to smooth out the contradiction, Mier alleged that while in England he had been forced by circumstances to "anglicanizar" his ideas.<sup>2</sup> Once these preliminary difficulties were disposed of, Fray Servando launched his attack on monarchies.

All monarchies were bad, but those headed by Bourbons were the worst of all--a pointed allusion to the Plan de Iguala which provided for a Bourbon prince. These monarchs, said Mier, presumed a divine right to rule which led them to despotism, and they were always involved in European wars. Their courts and retinues were expensive; they constituted themselves as idols, expecting to be treated as such.<sup>3</sup> A system of this nature would not do for America.

Mexico should shun monarchy and choose a republic, for if the Plan de Iguala should be fulfilled, the United States and the rest of republican America would object. The result would be more war. Only republican government was applicable in America. Just look at the prosperity of the United States! The United States must be the guide, not Britain nor Spain. The republican form of government was ". . . el único en que el interés particular siempre activo es el mismo interés general del gobierno y del estado."<sup>4</sup>

The growth and prosperity of the United States was, said Mier, the result of the republican system. It seems an enchantment, ". . . pero es un encanto anexo en todas partes y tiempos al gobierno republicano, a la verdadera y completa libertad, que solo en él se goza. . . ."<sup>5</sup> The Republic of Rome was just one example of the benefits to be achieved from republicanism. Even the Bible concurred in praising the greatness of the Roman republic in I Maccabees 8. God himself chose a republic as the form of government for his chosen people. When the Jews asked for a king, the Lord cautioned them against such a step. Republicanism, then, had the biblical imprimatur.<sup>6</sup>

## Iturbide

This discussion was soon settled. On 18 May 1822 Iturbide was proclaimed Emperor by an army-led mob from the streets of Mexico. The Congress, cowed by bayonets, acquiesced, and the tragic farce of the Mexican empire had begun. Up to this time, Fray Servando had been held captive in the fortress of San Juan de Ulúa by the Spanish commander Dávila. Mier was captured and imprisoned in this last outpost of Spanish control on his return from the United States to take his seat in the constituent congress as deputy from Nuevo León.

On 21 May 1822 Fray Servando was released from the fortress. Although the congress had petitioned Dávila to free the deputy from Nuevo León, this alone could not have convinced the Spanish commander, since the congress had no means of compelling him. Lucas Alamán wrote that it was quite possible Mier had been released to cause Iturbide trouble. His political affiliations were well known, and Dávila probably thought Fray Servando would cause more trouble for the new nation outside the prison.<sup>7</sup> This supposition of Alamán's had the advantage of corresponding to the events that transcribed. Padre Mier, ". . . an uncompromising republican, . . . had hardly set foot on shore when he began to inveigh against the monarchy. . . ."8

During his trip from San Juan de Ulúa to Mexico to take part in the congressional deliberations, Padre Mier stopped for a two and one-half hour interview with Iturbide. He refused to treat the new Emperor with due respect and declared himself displeased with the Empire. In the interview, Fray Servando made it clear that as long as Iturbide would rule with moderation and equity and maintain the representative system,

he would not oppose him. Should Iturbide become a tyrant or despot, Mier would become his irreconcilable enemy.<sup>9</sup>

With this somewhat ominous beginning, Fray Servando entered Mexico to begin his career as a congressional deputy and imperial gadfly. Because of his picturesque life and numerous writings on the subject of independence and republicanism, Padre Mier became the center of the anti-Iturbide forces in Congress. Within the legislative body, Fray Servando's opposition took the form of opposing any measures that might tend to uphold or enhance the prestige and power of the Emperor.

Mier's congressional campaign against Iturbide did not become exciting until August 1822. On 3 August he asked for permission to speak in favor of a proposition providing that government ministers must be required to attend meetings of Congress when a matter in their competence came up. In his discourse, Fray Servando claimed that the attendance of ministers was necessary to make them more responsible to the legislature. That much discussion and conflict might grow out of such a system was good for the political process. Padre Mier showed how the conflict of opinions in the English parliament resulted in the choice of the best possible alternative in any given case. Without the presentation of different views the Mexican legislature might fall into the errors of the French National Assembly. In that body, the legislators were divided into two diametrically opposed groups. Without any middle ground, the French were always being drawn to extreme solutions. Thus, concluded Mier, the ministers must attend meetings in order that they might add a third opinion to those of the legislators. They must be obligated to attend to insure their presence.<sup>10</sup>

This relatively minor attack on the prerogatives of the executive was indicative of the tenor of Mier's first interventions in the debates. On 16 August these small attacks grew into a full-fledged controversy. Iturbide asked that a previous congressional decree providing for legislative election of judges to the Supreme Court be changed to executive nomination. The heated debate over this issue showed the depth of congressional dissatisfaction with the Emperor. Fray Servando led the opposition to this proposal.

In his speech, Padre Mier's first concern was to establish the ascendancy of congress over executive. Sovereignty, he said, resided essentially in the nation. It could never be given up--only delegated. Previous agreements made in the name of Mexico, such as the Plan de Iguala and the Spanish Constitution of 1812, were not binding because they were made by individuals or by juntas with limited powers. The constituent congress, however, was sovereign because it had the full, delegated powers of the nation.<sup>11</sup>

Since the congress was sovereign, why should it not nominate the judges? Just as congress saw fit to delegate the executive power into the hands of an emperor, it should delegate the judicial power into the hands of a supreme court. Why should the congress allow another power to intervene? It was alleged that the Emperor should be given this power because he, too, represented the nation. Said Mier, ". . . es una equivocación. . . . Hemos elegido emperador, pero aún no lo hemos constituido. Todavía podemos limitar sus atribuciones. . . . Le hemos subdelegado [al emperador] el ejercicio del poder ejecutivo; pero aún retenemos la supremacía de ese mismo poder. . . ."12

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If the congress were to delegate the appointment of judges to the executive, a dangerous concentration of power would result. The very vehemence of discussion was an indication of the executive's tremendous influence. All Europe was trying to contain the power of the executive within the area laid out by their constitutions. Mexico should beware of increasing the emperor's prerogatives.<sup>13</sup> Padre Mier was fully aware of Iturbide's machinations to free himself from congressional control.

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Never one to limit his opposition to official debate, Fray Servando carried his crusade to all parts of society. He spoke of the Emperor with great contempt. He was active in congress, in the streets, in meetings, always provoking revolution against the government.<sup>14</sup> Fray Servando not only spoke in public, but he also conspired in secret. On about the first of August, Fray Servando began holding secret meetings to plan the overthrow of Iturbide. Unfortunately for the conspirators, one of their number was a government spy. On 27 August Fray Servando and fourteen other deputies were arrested and imprisoned for conspiracy. The congress, indignant at the affront to its dignity and the blatant violation of its privilege of congressional immunity, demanded custody of the arrested deputies and presentation of charges. The government refused on the grounds of an incomplete case against the prisoners. Confronted with executive control of the army, congress was helpless, and the deputies remained in jail.<sup>15</sup>

But imprisonment was never an obstacle to Mier, who continued his anti-Iturbide campaign with increased vigor. One vehicle of opposition was satiric verse. When Iturbide had the Archbishop fulminate

excommunications against all republican sympathizers, Mier replied with a stinging décima against this policy.

Dizque pretenda el tirano  
Que una excomuni3n saliera  
En que ipso facto incurriera  
Todo hombre republicano?

Y por que crimen? Es llano:  
Por que de su magestad  
Se opone con libertad  
A la infausta monarquía  
¿Puede darse mas impía  
Herética pravedad?

To better control the rump legislature, Iturbide replaced the original congress with a hand-picked Junta Instituyente. On receipt of this news, Padre Mier tossed off another décima.

Un obispo, presidente  
Dos payasos, secretarios;  
Cien cuervos estrafalarios  
Es la Junta instituyente.

Tan ruín y villana gente  
Cierto es que legislarán  
A gusto del gran sultán:  
Un magnífico serm3n  
Será la Constituci3n  
Que estos brutos formarán. 17

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Bustamante noted that these satires gained wide circulation and were the reason Iturbide transferred Mier to the old prison of the Inquisition and incarcerated him in the section called del olvido. Except for one brief period of freedom, Mier remained in prison until liberated by victorious republican forces, 23 February 1823. While the effect of such ephemeral writings on the collapse of the Empire may be questioned, they did contribute to the general dissatisfaction with the Iturbidist regime.

Through his congressional opposition, secret plottings, and satirical verses, Fray Servando contributed much to the eventual defeat of the Emperor. Because of his untiring republican campaign, "Padre Mier deserves . . . the credit . . . for Iturbide's downfall."<sup>18</sup>

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#### Centralism or Federalism

Having rid Mexico of her second Empire, the deputies of the constituent congress began to debate the formation of a constitution. The restored congress was presented a plan for a republican constitution, but before it could be acted upon, a second constituent congress had to be elected. In both congresses Padre Mier stood out as a leader of the forces fighting for a strong central government. Although his fight was unsuccessful, Padre Mier's ideas represented important Mexican sentiment.

The most important battle of the congresses was over the question of federalism. In the first congress, the majority of delegates were for a modified form of federalism that would guarantee the states jurisdiction within their own boundaries but retain the balance of power in the national government. Before the first congress was dissolved, Fray

Servando and a number of other deputies put their heads together and came up with a plan for a constitution for Mexico. In the preface to that document, they acknowledged the popular demand for federalism. Yet, they pointed out, there was always the danger that federalism, which divides a nation into smaller states, would facilitate the dissolution of the country. Men were only strong through union; complete federalism tended to weaken or destroy union. Thus, the plan called for a moderate federal system where sovereignty resided in the national government.<sup>19</sup>

The plan was never voted on before the dissolution of the first congress. Mier and his adherents had the plan printed and distributed to the provinces in hopes that it might influence the selection of delegates. It did not, for the provinces returned a decidedly liberal, federalist congress. Although Mier was re-elected from Nuevo León, many of his more conservative companions were defeated by avowed federalists.

On 7 November 1823 the second constituent congress was installed and began debate on the Acta constitutiva. This document, which would provide the basis for a national constitution, was substituted for Mier's earlier plan. It was decidedly federalist. The crucial articles were numbers five and six. Five provided that the nation be constituted into a federated republic, and six that the states be sovereign and independent. The heated discussion over these articles showed the centrifugal forces in Mexico after the Empire.

In the debates over the Acta, Padre Mier fought a losing battle for more centralization. His major effort to influence the congress

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came on 13 December 1823 when article five came up for discussion. This speech, later known as the Profecía, was the best Mier gave during his congressional career. It is a closely reasoned and well-written exposition of the problems inherent in the federal system, in general, and in a federated Mexico, in particular.

The famous discourse began with a protestation of Mier's disinterestedness. He noted that at his advanced age there was little he could possibly gain from either kind of constitution. He then reminded his listeners of his long republican career. Having established these preliminary qualifications, Padre Mier moved on to the question of federalism. The general desire for a federation on the model of the United States was misguided. Those who advocated such a plan had not given sufficient thought to the vast differences between the two countries. The English colonies were divided states who federated themselves to oppose the tyranny of England. Mexico was always united; to federate would be to divide the nation. Furthermore, the United States was prepared for constitutional government while Mexico was not.<sup>20</sup>

Fray Servando not only wanted to show that the United States and Mexico were in different circumstances, but that those countries that adopted the United States federal system had become disillusioned and submerged in civil war. Witness Venezuela and Columbia, he said, where rivers of blood were the result of the United States system. Buenos Aires was also in difficulty because of this kind of federation. These republics found it necessary to centralize to solve their problems.<sup>21</sup>

Since the majority of deputies were elected to help form a federal republic, Fray Servando's only hope of success was to convince these

deputies to vote against the wishes of their provinces. Although the people wanted federalism, Mier went to some length to prove that the deputies were not obligated to vote as their provinces instructed. The Congress was sovereign, he claimed, and it could not be limited by any restriction. The deputies, although elected by the provinces, represented the whole nation. No deputy should have qualms about voting contrary to the wishes of his province should he feel it advisable.<sup>22</sup>

But could the Congress be sure that the nation wanted a federal republic? Mier thought not. It was more probable, he said, that some clever people in the provinces, seeing the possibilities for personal benefit, decided the people wanted federalism. How could the people want an anglo-American federation? They hardly knew what it was. "Llaméense cien hombres, no digo de los campos, ni de los pueblos donde hay quién sepa leer, ni que existen siquiera en el mundo anglo-americanos: de México mismo, de esas galerías háganse bajar cien hombres, pregúntenseles qué casta de animal es república federada, y doy mi pescuezo si no responden treinta mil desatinos."<sup>23</sup>

Even supposing the general will was for federalism, there was no lawful reason that the representatives of the people had to obey this will. Because the people have always been victims of demagogues their numerical will was a poor guide. The congress should take the welfare of the people into consideration and vote for a centralized republic, not a federation. The general will principle was a true metaphysical principle, but worthless in practice because nowhere existed the abstract man necessary to make it work.<sup>24</sup>

The best system for Mexico was a middle course between a strict centralist and loose federalist government. The states should have sufficient powers to control and administer affairs within their borders, but they should not be sovereign. Sovereignty should reside completely in the central government. Such a system would provide Mexico with a unity needed to withstand the pressures of foreign ambition and internal dissension.

Without such a government, Mexico would be plunged into a series of civil wars. The inequality of provinces would be a continual cause of dissension. There was no way to avoid this, for no province was willing to donate part of its territory to a smaller.

But civil war was not the only danger Mier believed threatened the new republic. The Holy Alliance had designs on Mexico, and should it find Mexico disunited, that would be the end of the republic. To divide the nation was to lay it open to easy attack and conquest.

Mexico was not yet ready for any constitution, let alone a federal instrument. More time was necessary. Public men had no experience in the art of government, and the provinces were easily controlled by demagogues. Perhaps it would be best for Mexico to do without a constitution until she had acquired more sophistication. In the meantime, the nation could be governed by the ancient laws of Spain and the Constitution of 1812.

In conclusion, Padre Mier pleaded for the rejection of provincial demands for a federated republic. If they did not do so Mexico would suffer. "Preveo la división, las emulaciones, el disorden, la ruina y el trastorno de nuestra tierra hasta sus cimientos."<sup>25</sup>

Thus ran the Profecía. It is evident from the contents why this speech became so famous. Almost every one of Mier's predictions came true. The federal system as defined in the Acta was adopted, and Mexico was plunged into a series of civil wars and pronunciamientos. One has only to be reminded of the career of Santa Anna to appreciate the chaos of Mexican political life. Although the Holy Alliance was not the threat envisioned by Fray Servando, the weakness of Mexico against a foreign invader was amply proven in 1847 and again in 1862.

#### Executive, Legislature, and Judiciary

Fray Servando's constitutional contributions were not limited to the centralism-federalism fight. He also made proposals on the form and prerogatives of the executive, legislative, and judicial branches of government. In the Plan de la constitución mentioned earlier, his ideas were prominent, although he probably did not write the document.

The executive branch of government should be composed of three individuals named every three years by the legislature. They should declare war and command the army, but always with the advice and consent of the legislature. They should also be in charge of the nation's finances and diplomacy. Mier thought that the members of the executive could be chosen from among the legislators.<sup>26</sup>

On the question of a legislative branch of government, Mier was at odds with the other members of the commission that drew up the plan. In the plan, the legislature was unicameral and elected by a system of indirect representation. The commission based its decision on the experience of the French Assembly, the Spanish Cortes, and the Peruvian congress. Mier could not abide this recommendation and wrote his own

dissenting opinion attached to the printed copies of the plan. In this particular instance, Fray Servando was upholding an old opinion of his. As early as 1813 he had recommended Mexicans stay away from unicameral government because it led to heated arguments and party intrigues. The pressure of the moment in a one-house legislature resulted in laws passed without enough reflection. The experience of the French convention and the Spanish Cortes were examples of this dangerous precipitation.<sup>27</sup>

What was needed, said Mier, was a second legislative chamber similar to the one found in the United States and Colombia. In it each state would have equal representation regardless of size or population. It would be composed of men over thirty-five years old who, being more mature and conservative than the popular chamber, would moderate the impetuosity of the first house. The existence of two houses would serve as a check on the laws and would guard against one party dominating the government.<sup>28</sup> The second house, or senate, should not be completely re-elected for each period. Instead, only half should be elected at one time, thus providing an element of continuity and experience in the conduct of government affairs.<sup>29</sup>

In these recommendations, the shadow of the United States Constitution lurks in the background. Padre Mier was quite impressed by the constitutional structure of the United States. In addition, his own disappointment with the deliberations of the Spanish Cortes soured him on unicameral legislatures. Fray Servando was fearful of innovations and felt more at home with familiar systems of government. Indicative of this attitude was his reaction to the judicial system proposed by the majority of the commission.

The plan provided for a group of judges to decide cases of the first instance, magistrates to decide second and third instances, and a supreme court to watch over magistrates and judges. The supreme court was to be subject to the jurisdiction of a Senado. This system was easily agreed upon with the exception of the Senado. A quasi-legislative group with judicial functions, it was to be formed by two individuals from each province proposed by the electoral jantas in the provinces and named by the provincial congresses. In addition to jurisdiction over the entire judicial system, the Senado would have wide powers to judge the individuals of the executive and the deputies to the national congress. It could convoke extraordinary congresses and dispose of the local militia, as well as propose new laws deemed necessary and void those deemed unconstitutional.<sup>30</sup>

The invention of the Senado, claimed Mier, was unwise. At a time when the provincial governments were worried about a concentration of power in the national government, the commission had created a body that would concentrate even more power in Mexico City. The whole proposal was much too complicated to work smoothly. When dealing with the future of a nation, it would be best to avoid untried institutions. New constitutional theories ruined France and destroyed the authority of the Spanish Cortes. "En esta materia, mientras menos invención mas seguridad."<sup>31</sup>

In addition to this basic constitutional framework, the plan contained a section on the rights and duties of citizens. It guaranteed the freedoms of thought, speech, and press. Equality before the law and the right to be governed only by representative congresses were

assured, as well as the sanctity of private property. The duties of a citizen included an obligation to profess the Roman Catholic religion as the only one of the state, to obey the legitimate authorities, to respect the rights of other citizens, and to cooperate for the good of the nation.<sup>32</sup>

To guard against a future reversion to despotism, the commission gave the national and provincial legislatures the duty of providing educational institutes to educate the people for self-government. Mier must certainly have had a hand in the inclusion of this provision, since he was always a champion of more and better education.<sup>33</sup>

#### Fray Servando's Mexico

Although many of these ideas on the proper constitution were never realized, they gave a clear idea of how Fray Servando would have organized Mexico. The salient feature of his proposals was the strength of the central government. The states and their provincial assemblies were given very limited functions, and the supremacy of the central government was clearly stated. Padre Mier had little faith in the ability of the people to elect their representatives by direct popular election. The representatives to the national congress were elected indirectly, and the executive was elected by the deputies. Education was deemed necessary before the people could be trusted with the responsibilities of full citizenship.

It is interesting to note that many of Padre Mier's recommendations were based on the same principles he had so vociferously combatted in his independence propaganda. In congress, Fray Servando fought a gallant but losing battle to take sovereignty away from the provinces. But in

his independence propaganda, he had based the legality of the rebellion on the inalienable right of provinces to govern themselves and to assume sovereignty should they disagree with the metropolis.

Although France and Spain were always called in as examples of what not to do, Padre Mier was never sure whether to take the United States or Britain as his model. If the question were one of federalism vs. centralism, Padre Mier warned against following the United States example. If, however, the question were republic vs. empire, he recommended the system found in the United States.

As a good propagandist, Padre Mier's primary concern was to convince his audience. For one particular purpose, Mier would marshal all arguments that might sustain his point. For another, he would use an entirely different and sometimes contradictory set of arguments. Since few people were likely to have read all his tracts, let alone remember the numerous arguments, the effectiveness of his writings was probably unaffected by the contradictions.

In his constitutional debates and writings, Fray Servando was representative of a school of thought no longer viable in Mexico. He was a traditionalist and an aristocrat of sorts. His ideal government for Mexico would have been a centralized federal republic, run and controlled by an elite creole congress. In such a republic Fray Servando would have been one of the most prominent and influential figures. Unfortunately for Mier, the revolutionary independence movement, which he took such pains to justify, created the sentiment and logic for a decentralized federal republic ruled by provincial military coalitions. The liberal, anti-aristocratic revolt begun with the Spanish Constitution

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of 1812 and culminating in the Mexican constitution of 1857 was not  
to be slowed down by one determined priest from Nuevo León.

NOTES TO CHAPTER III

<sup>1</sup>For an interesting discussion of this problem see Hadley, "The Enigmatic Padre Mier," pp. 208-210. Hadley maintains Mier converted to republicanism because he saw a larger role for himself in a republican Mexico than in a Mexican empire.

<sup>2</sup>Mier's pro-English comments can be found in Mier, Historia, II, 316-318. His retraction and explanation are in Mier, Memoria político-instructiva, pp. 58, 90-97.

<sup>3</sup>Ibid., pp. 45-47.

<sup>4</sup>Ibid., p. 53. See also Mier, Plan de la constitución política de la nación mexicana (Mexico, 1823), pp. 1-5.

<sup>5</sup>Mier, Memoria político-instructiva, p. 77.

<sup>6</sup>Ibid., pp. 53-56. The biblical references for this last argument were: I Kings 8, and 10:25; and Osee 13:11.

<sup>7</sup>"La sospecha que entonces se tuvo de haber puesto Dávila en libertad al padre Mier, para hacer a Iturbide la hostilidad mas efectiva que podía imaginar, considerando a aquel eclesiástico como una tea encendida que arrojaba sobre los combustibles de todas clases que los sucesos habían ido acumulando en el imperio mejicano, puede tenerse pues por una suposición verosímil, ya que no sea un hecho averiguado," Alamán, Historia de Méjico, V, 645.

<sup>8</sup>Hubert Howe Bancroft, Works: History of Mexico (San Francisco, 1885), XII, 781.

<sup>9</sup>Said Mier, " . . . no está en mi mano dejar de ser lo [un enemigo irreconciliable] contra los déspotas y tiranos. Sabría morir; pero no

obedecerlos." Juan A. Mateos, Historia parlamentaria de los congresos mexicanos de 1821 a 1857 (Mexico, 1877), I, 677.

<sup>10</sup>Ibid., p. 732.

<sup>11</sup>Ibid., p. 796.

<sup>12</sup>Ibid.

<sup>13</sup>Ibid., p. 797.

<sup>14</sup>Quoted in Francisco Banegas Galván, Historia de México (Morelia, 1923), II, 150.

<sup>15</sup>For an account of the secret meetings see Hadley, "The Enigmatic Padre Mier," p. 254. For the government case and information about the conspiracy see, "Documentos para la historia de la guerra de independencia, 1810-1822," Publicaciones del Archivo General de la Nación (Mexico, 1933), XXIII, 238-278. The case against the deputies was mostly circumstantial evidence and the imprisonment just a convenient way to rid Iturbide of part of the opposition. It was for this reason that charges were never presented to the congress.

<sup>16</sup>Alamán, Historia de Méjico, V, 692.

<sup>17</sup>Bustamante, Historia del emperador D. Agustín de Iturbide, p. 23.

<sup>18</sup>Hadley, "The Enigmatic Padre Mier," p. 314. Mier's precise role in the downfall of Iturbide is difficult to pin down. While some historians have discounted Mier's influence, see note 5, Introduction, above, others see him as a principal actor in the Emperor's fall. Iturbide's biographer places Mier among the important opposition leaders in congress and notes that Mier's opposition dated from the Memoria político-instructiva written in Philadelphia in 1821. See William Spence Robertson, Iturbide of Mexico (Durham, 1952), pp. 81-82, 104-109, 182, 192, 205-207,

253, and 293. Another historian, not particularly partial to Mier, thought him" . . . un enemigo terrible." Francisco Banegas Galván, Historia de México, II, 149. The Government certainly thought Mier a ringleader in a conspiracy against government and Emperor. See "Documentos para la historia de la guerra de independencia, 1810-1822," pp. 238-278. Whether or not Fray Servando brought down the Empire, he certainly was an important opposition leader.

<sup>19</sup>Mier, Plan de la constitución, p. 7.

<sup>20</sup>Mier, "Profecía del Doctor Mier sobre la federación mexicana," Fray Servando Teresa de Mier, pp. 125-127.

<sup>21</sup>Ibid., pp. 127-128.

<sup>22</sup>Ibid., pp. 128-131. See also note 37 Chapter I above.

<sup>23</sup>Mier, "Profecía," p. 130.

<sup>24</sup>Ibid., pp. 130-132. Fray Servando had no love of the masses, of the people. His was an aristocratic view of society where the elite would rule for the benefit of all.

<sup>25</sup>Ibid., p. 140. For the entire text of the discourse see pages 124-140. This speech has stirred up a small controversy. Should Fray Servando be called a centralist or a federalist? Older historians from Lucas Alamán through Hubert Howe Bancroft labeled Mier centralist. Recently, Dr. Nettie Lee Benson attacked this belief in her article, "Servando Teresa de Mier: Federalist," Hispanic American Historical Review XXVIII (1948), 514-525. She maintains, and rightly so, that Mier never proposed a centralized republic but rather a centralized federalism. While it misrepresents Fray Servando to call him a centralist, it is not quite accurate to call him a federalist either.

The best solution is to eschew all labels and concentrate on what the man said. All who are interested in this little problem should read carefully the "Profecía" and then decide for themselves.

<sup>26</sup>Mier, Plan de la constitución, pp. 51-54; see also Mateos Historia parlamentaria, II, 172-173.

<sup>27</sup>Mier, Plan de la constitución, 17-21; see also Mier, Historia, II, 318.

<sup>28</sup>Mier, Plan de la constitución, pp. 66-81.

<sup>29</sup>Mateos, Historia parlamentaria, appendix to II, 443.

<sup>30</sup>Mier, Plan de la constitución, pp. 27-40.

<sup>31</sup>Ibid., p. 81. For the whole discussion see pages 66-81.

<sup>32</sup>Ibid., pp. 46-47.

<sup>33</sup>Ibid., pp. 23-27.

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## CHAPTER IV

### CONCLUSION

A scheme of the causes and goals of independence, taken from Padre Mier's writings, would be a useful summation and conclusion to this study of his political ideology.

Fray Servando was a provincial of talent whose advancement in society was blocked by discrimination. Mexican society was divided into three symbolic classes. On the bottom were the Indians, the Negros, and the mestizos. On top were the Spaniards who controlled much of the commerce and most of the best appointments in the kingdom. Just under the peninsulares, were the creole aristocrats. Although a creole might be rich, learned, and personable, he was forbidden social and political equality with peninsulares. The positions of highest prestige and power went to Spaniards, creoles received the second and third echelon posts. The system prevailed in both civil and ecclesiastical government.

The criollo-gachupín rivalry was one of the most important divisive elements in Mexico. Most any failure or frustration could be blamed on gachupín discrimination. Once convinced that the cause of his troubles was gachupín control of government, the creole could be counted on to support any movement to dethrone the hated Spaniard. The issue had moral overtones which added to its effectiveness. Discrimination was wrong; it was contrary to law; it was morally evil. Thus, the revolution could be painted as a holy crusade for the lost rights of Americas, and it was. A number of less moral ambitions could

be hidden under the guise of righting wrongs. Merchants with their eyes on the crown's tobacco monopoly could join the revolution under the acceptable banner of restoring American privileges.

The importance given this particular argument is indicative of the limited aims of the revolution. Indeed, the use of the word revolution seems almost too strong. Because the primary justification for the wars of independence was the discrimination against creoles, the principal aim of the insurrection was to eliminate the discrimination. In more realistic terms, the revolutionaries were bent on replacing the ruling class of peninsulares with a criollo aristocracy.

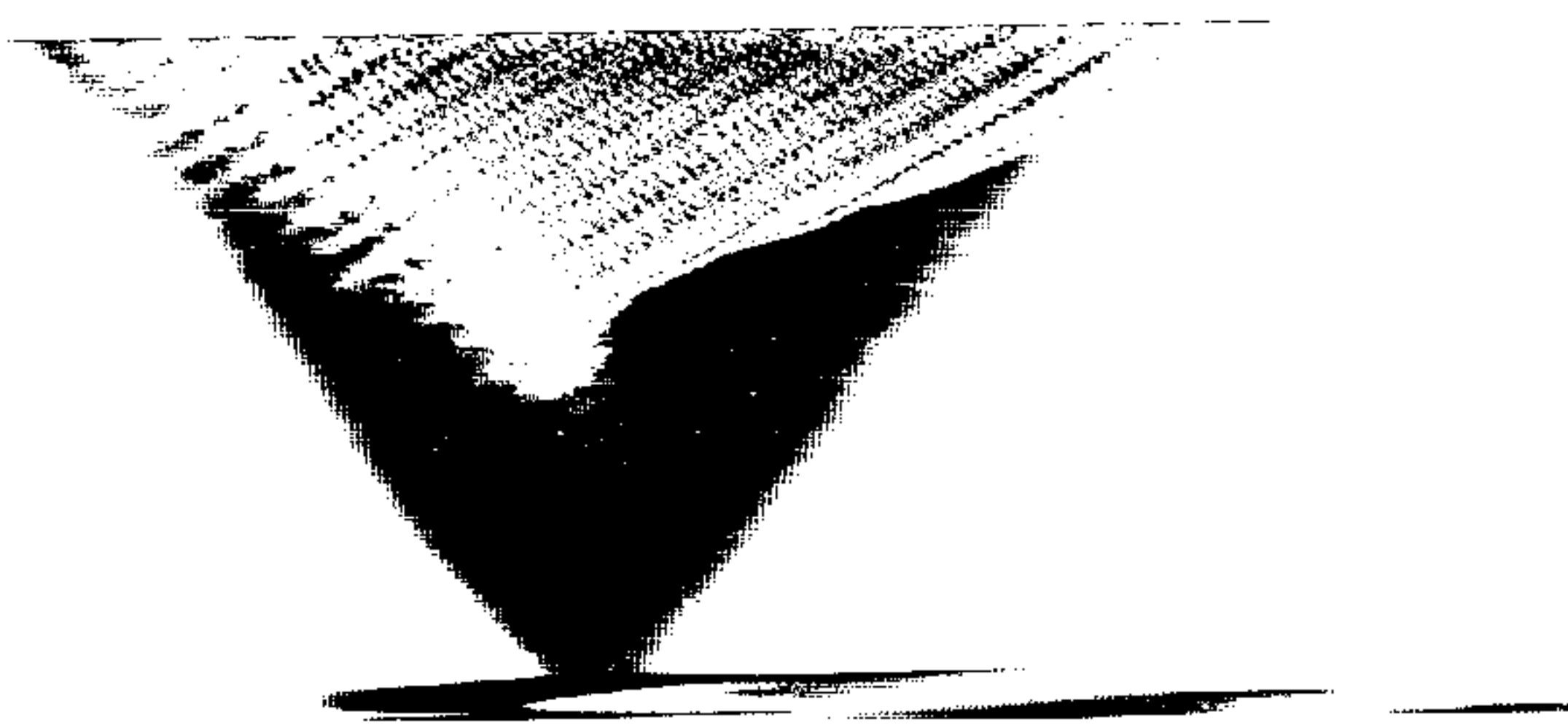
Fray Servando's concern with legitimizing the revolution is a further indication that the purpose of revolution was a change of rulers, rather than the destruction of a system. The extensive use of Spanish legislation to convince insurgents or potential insurgents of the legality and necessity of rebellion points up the general acceptance of the system. The implication of this line of argument was that once the cause of American ills--Spaniards--were removed, the ancient system of government could be allowed to work properly under creole direction.

Padre Mier's proposals for a government for independent Mexico also accentuate this desire to maintain the status quo with new leaders. He fought for a centralized republican government. It was to be a government by the elite creoles of Mexico who knew how to run things. The provinces had few if any men qualified to enter into the dangerous and difficult business of running a government. The electoral system was indirect and the legislature was the most powerful branch of government. Although Padre Mier did look to the United States as his institutional

model, he would rather have Mexico ruled under the Laws of the Indies and the Constitution of 1812 than under a decentralized federalism.

In Fray Servando's recommendations for government, there is a pronounced reluctance to innovate or experiment. The first criteria for a new government must be the establishment of the creole aristocracy in positions of power and authority. This was impossible under any European monarch who would bring his own aristocracy with him. Iturbide was anathema because of his absolutist leanings and royalist connections. Fray Servando never considered him anything more than a turncoat Spaniard. Republicanism was the doctrine of the moment; Padre Mier joined the clamor, but with sure intentions of restraining and modifying the more liberal aspects of republican dogma.

The conflicting and contradictory theories espoused during Fray Servando's life have caused historians no end of difficulty. What was the man's inner consistency? Was his only interest for the greater glory of Fray Servando, or was he a true patriot? If a unifying consistency must be found, it is his desire to change the center of political gravity from Spain to America; from Madrid to Mexico. If possible, the existing code of Spanish laws should be preserved; if not, a strong centralized republic could be established. If we accept this hypothesis as the central theme of Fray Servando's political career, his propagandistic adventures fall into a fairly orderly pattern. The Napoleonic invasions started Padre Mier on his political career. The maneuvers in Mexico between the gachupín supported Audiencia and creole supported Ayuntamiento brought the conflict into the open. Padre Mier naturally sided with the creoles in their bid for power. His discussion of this incident



clearly shows that Fray Servando's intent was always to give government to the creoles. Although he claimed everything was done in the name of Ferdinand, this rationale still holds, for the restored king would most probably have sanctioned any arrangements existing upon his reassumption of power. This was a well established practice of the Spanish crown since the coup de main of Cortés.

As Ferdinand's restoration became less probable, the advantages of complete political independence became more obvious. But it must be done legally. Unless the transfer of power from Spain to America were accomplished without disruption of established institutions, the independence movement would become a real revolution. In order for Fray Servando's ideal Mexico to be realized, order and stability must be retained. All his arguments for separation from Spain tend to support this hypothesis. Mexico reassumed her rights by ousting the usurping Spaniards and restoring creole government. The legislation of Spain and Indies guaranteed not only the legality of the transfer of power, but provided the link of continuity between the old and new leaders.

When independence became a reality, Fray Servando saw the impossibility of ruling Mexico within the same structure as before. In searching for a new framework of government, his guiding principle prevailed: the creole aristocracy must rule. Monarchy was rejected for two main reasons. If the monarch be imported, he would have ties with a European order Mier hoped to supersede. He would also be most likely to surround himself with the same class that upheld Ferdinand, the gachupín merchants. If the monarch be native, he would be

untrustworthy. Iturbide was the only serious pretender and he was suspect because of his long royalist affiliation and zealous suppression of the early revolt.

The only other choice available at the time was a republic. The United States, the most successful contemporary example, was Mier's model. Yet his enthusiasm for the United States never overrode his guiding principle. He disdained true federalism, for if the provinces were allowed to gain a substantial voice in the deliberations of the national government, Padre Mier's ideal Mexico would be endangered. Sovereignty had long been centered in Mexico City, and Padre Mier was afraid of splitting the kingdom into self-sufficient states. That would be going too far away from the status quo.

Of course the creation of this hypothetical framework for Padre Mier's thought leaves me open to the charge of depicting him as an opportunistic politician. Within the confines of the framework, Padre Mier gave many well-conceived and indeed admirable suggestions for the conduct of government. He undoubtedly thought he was promoting what was best for Mexico. No one should accuse Fray Servando of a lack of patriotism.

It is not uncommon, however, for reformers to envision a society in which they personally would be better off in some way. One seldom fights for a cause which, if successful, would ruin one's life. But the existence of this element of self-interest, ambition, or whatever, does not exclude the possibility that the reformer sincerely believes the cause he is fighting for is best for his country. An individual's conception of the ideal society will be one in which his individual interests are least hindered. It is immaterial whether the individual is interested in money, religion, justice, or political influence.

This study of the political ideology of Fray Servando shows not only what one Mexican priest thought of independence, but also what a large number of people considered important reasons for independence. Whether or not these ideas represent the actual motivations of Americans is here less important than that people thought these ideas expressed their reasons for wanting independence. An insight into the limited aims, legalistic arguments, and grievances of some Americans in their crusade for independence from Spain is a necessary preliminary to understanding the entire movement.

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