

Patrimonial Liberalism: A Weberian Approach to Early Latin American State-Making

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Abstract

The attempts to create liberal institutions in the absence of a recognizable liberal political culture have traditionally disconcerted historians of the Iberian world. Liberal ideas not only legitimized the termination of the colonial bond with the metropolis, but also bolstered attempts to create modern state institutions on both sides of the Iberian Atlantic. At the same time, patrimonial practices were widespread and recurrent phenomena throughout the early period of state formation. The ritual invocation and the political functionality of liberal ideas in this context demand a more nuanced explanation than simply discarding them as mere propaganda or empty political rhetoric. However unstable or contradictory 19th-century Latin American politics were, they were systematically worded in the language of liberalism and enjoyed a latent legitimacy that reflected the normative universe of the old colonial society. This article tries to explain the background of the 'patrimonial' type of liberalism that spread throughout Latin America after the Atlantic Revolutions and the potential that Max Weber's theoretical framework offers for its interpretation.

Keywords: Max Weber, Patrimonialism, Liberalism, Latin America, State-making

Patrimonialism in Max Weber

For a long time, 'patrimonialism' was a term that critical social sciences loved to hate because, since the 1960s, it had been used by modernization theorists as a culturally biased and static concept to explain the alleged 'deviation' of Latin American societies from the unidirectional path of change from tradition to modernity (Schwartzman). [1] For Max Weber, patrimonialism was a type of 'traditional domination', that is, "when authority is claimed by it and believed in by virtue of the sanctity of age-old rules and norms" (226-7). Organized rule is based in this case on "personal loyalty which results from common upbringing" (Weber 226-7). Whereas the roots of traditional domination grow out of the master's authority over his household and the belief in the inviolability of traditional norms, under bureaucratic domination the norms are established rationally, appeal to a sense of abstract legality, and presuppose technical training. The application of such concepts to contemporary societies meant bringing them back into the traditional-modern dichotomy and

risked essentializing some of their features.

In fact, there is no single, universally accepted definition of 'patrimonialism'. The notion of a *Patrimonialstaat* (patrimonial state) was originally devised by the conservative jurist Karl Ludwig von Haller in the wake of the European Restoration in opposition to the contractual theories of the state disseminated by the French Revolution (von Haller). [2] According to him, patriarchal states were the most common ones in history and were derived from the aggregation of seigniorial house and land rights (*Haus- und Grundherrschaft*). Max Weber refined the term a century later, conveying a new meaning to it within the wider context of his theory of domination. For him, patrimonial conditions have had extraordinary importance as a historical platform for larger political structures. Patrimonialism, along with patriarchalism, was thus portrayed as a subtype of traditional domination that developed as a differentiation from the *oikos*, the household domain. It implied the legitimate exercise of jurisdictional power and of certain political rights as if they were private. A 'patrimonial state' emerged when the

ruler managed his political authority in the same discretionary way as he did his patriarchal power, i.e. as a personal instrument.

In Weberian terms, therefore, patrimonialism essentially refers to the mode in which power is exercised and distributed throughout society, but it also involves a certain type of legitimacy. The origin and limits of the patrimonial ruler's authority are viewed as legitimate insofar as they are 'traditional', that is, as long as they rely on the belief in the "inviolability of that which has existed from time out of mind" (Weber 1006). Patrimonial regimes are characterized by a continuous tension between the central authority and the centrifugal tendencies of the subordinate powers, as this mode of subjection is based on customary bonds of reciprocity between the ruler and his dependents. The difference between patriarchal and patrimonial authority was for Weber only one of degree for, unlike the former, patrimonialism includes an administrative cadre. Patrimonial rule could be exercised through the granting of feudal tenure to dependants, who could then transmit it to their heirs, or by bequeathing benefits to office-holders. The first case was typical of the European Middle Ages, whereas the prebendal mode is identified with ancient and Oriental societies.

Admittedly, Hegel's conception of the rational state (i.e. the state whose administrative body is based on the rationality of the law) as the dialectical culmination of *Sittlichkeit* (the ethical order of the community) looms large in Weber's legal-rational type of domination and its ascription to the modern bureaucratic state. However, Weber's categories were embedded in a larger conceptual network and used in complex historical descriptions that did not strictly imply an evolutionary outline. He recognized historical passages connecting one type of authority to the other. For instance, revolutionary movements guided by charismatic leaders could crystallize into a traditional order or bureaucratize into a rational formal organization. It was Talcott Parsons, the first translator of Weber's work into English and his most influential interpreter in the American academy, who transformed these 'ideal types' into a developmental process. After the Second World War, the notion of patrimonialism was reshaped by structural-

functionalist sociology and linked on the one hand to traditional society and, on the other hand, used as an explanation of why some countries were 'lagging behind' in the process of economic and social modernization.

Patrimonialism acquired new connotations in the 1960s, when the then emerging paradigm of *civic culture* promoted a behavioral approach to the study of politics. This perspective interpreted political change through social attitudes and led to the comparison of political cultures in the Americas, a task that was carried out with uneven skill and eventually transformed into an essentialist and culturalist interpretation of social agency. Drawing on Parsons' belief that Calvinist religiosity –with its egalitarian, individualistic ethos, and its skepticism of state power– had become institutionalized in the United States as a pattern of social values, some authors maintained that in Latin America the combined effects of the Catholic Counter-Reformation, patrimonial rule, and colonial dependence had inversely crystallized into a *monistic* political culture that had outlived its original background and continued projecting its influence on contemporary societies in the forms of charismatic rule, authoritarian corporatism, and bureaucratic paternalism.

The Patrimonial State in Spanish America

Though there are few explicit mentions of Latin America in Weber's work, his notion of patrimonialism is particularly helpful in describing some characteristics of the colonial regime. [3] The Spanish system of domination in America was originally devised to exploit mineral resources through forced labour and exact tribute from native peoples. The *Estado indiano*, the colonial state that emerged from this scheme, shows some resemblance to the ideal features of the patrimonial state depicted in Weber's work. Originally created by the private initiative of military entrepreneurs, the *Conquistadores*, who tried to impose patrimonial rule on domains gained for the Crown at their own expense, it soon developed –not without struggle– into a more cohesive and centralized structure of domination. Colonial society became ethnically organized into a caste system that differed from

the matrix society in the Iberian Peninsula. Spaniards and Indians were initially pressed by the Crown to live in their own *repúblicas* or communities, but Creole domination depended on the availability of indentured native labour. Unlike the fiefdom and the *corvée* institutions in Europe, the *encomienda* and the *repartimiento* – which had some indigenous precedents, like the *mita* system in the Inca Empire and the *coatequitl* among the Aztecs – were not modes of servitude entailed to land tenure. They were temporary grants of native workforce that were bestowed by the Crown either to private individuals for their personal service or to community-driven projects. Both types of service fell under royal discretion and could not be transmitted by the beneficiaries to their descendants. Despite the pressure of the American *encomenderos* on the Crown and their occasional display of violent protest, they were unable to transform their privileged status into that of European feudal nobility. By the mid-16th century the Indian tribute was monetized, formally putting the relationship between the natives and the *encomienda* holders on an equal footing with the *pecheros* (peasant tributaries) from Castile and their feudal lords, but with the significant difference that the tax was imposed on the Indians based on their ethnic status, whereas the Castilian commoners were taxed according to their property (Pollack).

This ethno-corporative system has sometimes been described as ‘tributary despotism’. [4] However, if some practices of the colonial regime showed patrimonial characteristics, other features, especially after the Bourbon reforms in the 18th century, brought it closer to what Weber labelled as a ‘rational’ type of bureaucratic domination. [5] With time, colonial rule was increasingly organized around a central authority, made use of *ad hoc* administrative bodies, like the Council of the Indies in the Peninsula and the *Audiencias* and *Cabildos* in America, and developed a corpus of specialized jurisprudence. According to Weber, bureaucratic domination presupposes a cadre of professionally trained administrators, as the enactment of norms is guided by permits and rules that appeal to some sense of abstract rationality and constitute the core of legal authority. Unlike patriarchal commands, which are predominantly value

oriented, bureaucratic norms are established according to instrumental purposes and have a formal-rational basis. Pressed by particular circumstances, like competition with rival powers and fiscal necessity, Weber admitted the possibility that patrimonial domination developed some rational administrative traits, as happened with modern capitalism in feudal Europe. Capitalism, however, had also been ‘advanced’ in Europe by the political and economic interests of the urban guilds and merchants, a role that the colonial cities and the Creole elites failed to play in Spanish America. The Spanish conquerors founded cities in order to legitimize their achievements and as instruments for the control of the territory, but the land-owning and mining interests that prevailed among these groups were linked to a seigniorial *ethos*, not to bourgeois entrepreneurship. [6]

The instructions emanating from the Crown were far from obtaining automatic obedience overseas; they had to be balanced against the interests of colonial society. In the absence of a substantial degree of political representation or a constitutional separation of powers, the combined effect of ill-defined competences, overlapping jurisdictions, and venal administrative practices helped the Crown to counterbalance different local interests and exercise some remote control of colonial authorities. The result was a malleable system of governance that allowed colonial society ample space for adaptation, bargaining, and outright corruption (Phelan). The maxim ‘*se acata, pero no se cumple*’ (the order is complied with, but not implemented), usually applied to laws arriving from the Peninsula which were deemed inappropriate for the American context or contradictory to the ‘real’ interests of the Crown, discloses the value-oriented rationality that underlay the whole colonial administrative system. This is a type of substantive rationality (*wertrationales Handeln*, in Weber’s terminology) that strives for goals that may not be formally rational in themselves, but that are nonetheless pursued by rational means. Its features are easily recognizable in the colonial legal corpus (the *Leyes de Indias* or *Derecho indiano*), which combined local and Castilian law, and was characterized by the lack of systematicity, a casuistic approach, and the ultimate reliance

on natural law. The reforms implemented by the Bourbons during the mid-18th century somewhat altered the administrative system of the American territories, but the reinforcement of central authority did not necessarily make the whole structure more homogeneous.

Latin American history in the 19th century has often been portrayed as a beleaguered attempt to erect state institutions legitimized by liberal doctrines in the societies that emerged from the demise of the colonial regime. [7] However, adjectives like ‘imaginary,’ ‘chimerical,’ ‘incomplete,’ or ‘disenchanted’ abound in the titles of many monographs on the political history of the region. Even if Latin American states belong to the earliest wave of constitutional polities that emerged from the Atlantic revolutions, the foundations of the new independent regimes took a long time to consolidate. When this occurred, the outcome was often weak and unstable governments. The old metropolis did not fare much better, and during most of the 19th century, insurreccional *juntas* and military *pronunciamientos* were the order of the day. [8] However, an explanation is still needed for the recurrent and ritual invocation of liberal ideas in this context. Liberalism not only legitimized the termination of the colonial bond but also flanked subsequent attempts to establish national institutions in the region and made a stormy return at the end of the 20th century under an economic, ‘neoliberal’ guise. Liberal ideas were not a mere ideological transplant in the region. Alongside the obvious imports from the European Enlightenment and the American and French Revolutions, they emerged from a specific Ibero-American debate. [9] For a long time, however, Latin American historiography remained confined between the narrow limits drawn by the hagiographic tone of the *historias patrias*, which conceived of the independence ideology as a ‘continuation’ of the French and American Revolutions, and a ‘hispanicist’ alternative associated with conservative positions. In fact, the conventional literature on the age of revolutions did not recognize such a continuity, [10] whereas both perspectives are seen nowadays as being out of tune with reality. It is generally accepted now that the European and Spanish references are not mutually exclusive.

Constitutional liberalism was an experience induced both from the metropolis (the drafting of the first Spanish Constitution in Cádiz in 1810 included Spanish American representatives) and by the first insurreccional movements.

The reasons for the contrast between the early constitutional experiences in the Iberian world and their political malfunctioning have been alternatively searched for in cultural characteristics, economic weakness, or in the insurmountable differences between contending factions. [11] Such interpretations are not necessarily incompatible, but they seem unable to provide an integrated view of the local political traditions, their institutional basis, and the social meanings attached to them.

Liberalism, Natural Law and Traditional Domination

A lasting matter of discussion between what we could call the ‘Franco/American’ and the ‘Hispanicist’ paradigms for the interpretation of the Spanish-American revolutions was the perceptible affinity between some political notions expressed in the early constitutions and Catholic natural law. This should be a surprise to no one, given that liberalism draws its normative sources from natural law theories and their political-theological background. The categories of natural law are nevertheless far from constituting a homogeneous body. Catholic and Protestant legal theorists defined individual rights, sovereign authority, and the constitution of society in recognisably different manners. The connections between natural law (a legitimation of ‘traditional domination’), the contractual roots of liberalism (an ideology about the political and property rights of the individual) and patrimonialism cannot be understood without considering the background of feudalism and the rise of absolute monarchy.

European feudalism can be formally described as a network of transactional obligations within which the status of the King in relation to the nobles was little more than *primus inter pares* (the first among peers). Within this context, natural law emerged as a body of legal norms that attempted to settle feudal disputes and to organise the different layers of authority. In

order to reaffirm the power of the monarch as a right of its own, natural law theories codified royal sovereignty as a contractual system. Early modern Europe became the first region in the world with a pattern of political relations based on the legal control of sovereign power and on individual statutory rights. Constitutional rule was nevertheless the contingent result of a combination of elements, like the balance of powers between aristocracy and the Crown, the decentralisation of military structures, and the resilience of commoners' rights (Downing). Institutions like parliaments and charters draw their original roots from the contractual customs of an evanescent feudal world in tension with the emerging absolutist practices. The way in which these strains were resolved gave the different liberal traditions their particular brand.

English liberalism, the first to mark the historical path, emerged from the reaction of the gentry and its political allies against the prerogatives of the Crown. Texts like those written by John Locke basically depicted what political practice had established in England after the civil war in the mid-17th century. The English liberal matrix, permeated as it was by Protestant individualist values, viewed private property as a safeguard for civic autonomy and as the expression of social competence. [12] In France, the materialization of liberty as civil equality and popular sovereignty was mainly the result of a cultural process. Even if French theories on the popular origin of political authority can be dated back to the late 16th century, it was the rationalism of the Enlightenment that prepared the path for the *Rights of Men* and the Revolution. German liberalism was somehow belated in comparison to its English and French counterparts, due to a large extent to the tardy unification of the country. The theory of the *Rechtsstaat*, as established in Kantian and Hegelian legal philosophy, offered a juridical approach to political legitimacy. The formal generality of the law was seen as a bulwark against arbitrary rule, whereas the ethical responsibility of the state as agent of civil peace was brought to the fore. For Max Weber too the rationality of the law, both in procedural and substantial matters, was the benchmark of the legal-rational type of domination (Weber 656-7). This aspect of German liberal theory

conspicuously contrasts with the equivalent task attributed to the market by the Scottish Enlightenment and its "commercial humanism" (Pocock). Even today, German *Ordoliberalismus*, unlike Anglo-Saxon neoliberalism, emphasizes the juridical and political responsibility of the state for ensuring an adequate environment for economic competition.

The history of liberal ideas in the Iberian world is somewhat different. Spanish absolutism did not emerge from the suppression of internal religious wars, but from territorial expansion, first in the Peninsula and then in America. The repression and ultimate expulsion of religious dissenters spared the Spanish sovereigns many of the obstacles that hampered the full assertion of royal authority in other kingdoms. For centuries, scholasticism provided the framework for the moral and political self-interpretation of Iberian society. [13] The extemporaneous resort of Spanish political thought in the 16th century to Thomism (which is a medieval reformulation of Aristotelian philosophy) has been attributed to the particular situation of the country (Morse, *El Espejo de Próspero*). After the crisis of medieval universalism, the emerging Spanish monarchy needed to conciliate the political rationale of absolutism with a new ecumenical order that could incorporate the native peoples of the New World into Catholic civilisation. Natural law provided a propitious template for this task. The idea of the 'common good', as systematized by Thomas Aquinas and later developed by Iberian scholasticism, played a pivotal role. For Aquinas there are different types of laws (human, natural and divine), all of them accessible to human reason. Whereas natural law, which allows us to discern good from evil, is available to man through natural reason, human law is "nothing more than an ordinance of reason for the common good, made by him who has care of the community" (Aquinas art. 4). This is a normative self-description of patrimonial authority. To put it in Weberian terms, legal rationality has for Aquinas a material purpose, for the law must be addressed to the common good, but it also exudes a patrimonial character, since it is entrusted to the ruler of the community. The normative affinity of monarchical power to patriarchal authority is even more obvious in the

work of Jean Bodin and Robert Filmer, the earliest theorists of absolutism, who portrayed the just administration of the household as a model for the governance of the polity by the sovereign. [14] Spanish legal philosophers like Francisco Suárez, Francisco de Vitoria, Domingo de Soto, or Luis de Molina assumed the Aristotelian/Thomistic view of society as an organic hierarchy. Within this architectonic worldview, political authority does not emanate from naked force or arbitrary rule, but from its natural position in the hierarchical order of society. Similarly, subjective rights are not conceived as immanent to human beings; they depend on a substantive moral order that transcends them. This is the ultimate origin of the Catholic political tenet, according to which unjust law cannot arouse obedience and dissolves the moral bond of the community. This view had practical consequences, since for the political theory of the Spanish Golden Age,

“The legal order is not the result of a decision or a rule [...]. Rules and decisions do not create order. It is within a given, pre-established order that their ruling function is ascribed to them [...]. Social structure derives from natural law, and without it society cannot achieve its ends.” (Maravall 124-5, my translation)

Spanish Thomism rejected the Calvinist principle that made political authority dependent on the will of God. Even if the ultimate source of authority was to be found in divine law, sociability was conceived as a natural attribute of human beings, not as a heavenly grace. It is society as a whole, not the isolated individuals, which possesses the attributes for life in common through a ‘pact of association’. The common good, however, refers to something qualitatively different, if not quite opposite, to the numerical addition of individual interests. According to the doctrine established by Francisco Suárez, God did not bestow political authority directly on the sovereign but through the intermediation of civil society. The legitimacy of political authority originates in the natural capacity that human beings have to associate and make laws. This primordial capacity was conferred to the ruler by the community as a ‘pact of subordination’

that can be reversed if the sovereign betrays his natural function. In Catholic legal philosophy, then, political authority serves a clear purpose: the preservation of the common good, understood as the harmony of society with a natural moral order. Scholars and public officials in the Iberian world were usually trained in this legal tradition. It is no surprise that modern liberal tracts were often read and interpreted within this template. This social imaginary can be clearly recognized during the political crisis created by the forced abdication of the King in 1810 under Napoleon’s pressure, when the American *juntas* and *cabildos* claimed the reversion of sovereignty to them (Colom González, “El trono vacío”). Similarly, Betham’s utilitarian philosophy, whose introduction in Colombia was promoted very early by the *libertador* Francisco de Paula Santander, was taught under the traditional pattern of natural law, with the idea of ‘maximum utility’ swiftly transformed into the scholastic notion of the ‘common good’. [15]

Patrimonial Liberalism

Liberal institutions in Latin America had to adapt to the difficult circumstances under which the national states were built. The normative expectations aroused by the independence movements lay far ahead of the institutional capacity of the new regimes, whose social structures were still substantially the same as in the colonial period. Between 1810 and 1850, more than sixty constitutions were proclaimed in the new republics. Several of the attempted polities crumbled, like Grand Colombia and the Central American Union. Military uprisings and the ousting of governments followed one another. This turmoil reflected the inability of the new regimes to establish a legitimate and functioning political order. Insurgent actions often echoed territorial tensions and were inspired by an oligarchic spirit that had been present from the very inception of the independence movements. The *juntas* that originally repealed the Crown’s officials in 1810 were mostly composed of the landed and commercial groups of colonial society. In Bolívar’s famous speech in Angostura in 1819, in which he made public his plans for an independent republic in Venezuela, the

new political arrangement included a life-term presidency, an indirect representative system, and a hereditary senate. This was a more participatory model than the one the coastal planters who first seized power in Caracas had attempted in 1811. The first Venezuelan constitution, while admitting the natives and the *pardos* (mixed-race subjects of African ancestry) into citizenship, clearly biased the possibilities of political influence in favour of the landed gentry. This model offered a sharp contrast to the Mexican constitution of Apatzingán (1814), which removed caste distinctions and envisaged the incorporation of all male adults into the body politic.

Among the ‘founding fathers’ of the new republics, it was commonly believed that the constitutions were responsible for the happiness of the peoples. Good laws created fair institutions, and these in turn could elevate the moral and political standards of society. Military charisma, as expressed in *caudillo* rule, incarnated the desire of conveying a common purpose to the nation. This is why leaders like Santa Anna in Mexico described their access to power as a personal sacrifice for the sake of the country (Lomnitz-Adler 289ff). This type of vision overlooked the internal conditions of society as a key element to its governance and relied instead on the effects of applying an external normative pattern to it –a “constitutive outside,” to put it in Derrida’s terms. [16] Formal systems of neutral and legally enforceable rules that could foster political compromise between opposing views and interests –the Weberian type of legal-rational domination– were generally ignored. This was not too far from the worldview of traditional *iusnaturalism*, which conceived political integration in terms of a substantive moral order to which society should conform. Luis Díez del Corral, in his classic description of 19th century Spanish liberalism, maintained that

“The state, for an extreme liberal, could not consist of a combination of concrete or historical elements, but of the straight and immediate realization of an absolute logos. A logos which, for its absolute character, did not need social channels or the expression of support. A single

individual could proclaim it. The instigator of a political uprising did not have to try to convince. It sufficed with ‘pronouncing’ his opinion, as a prophecy that would shine in all its truth”. (Díez del Corral 481) [17]

Bolívar himself reproduced this normative intuition. His political language, emblazoned with the rhetoric of classical republicanism, expressed an idea of liberty that was closer to that of the ancient republics than to modern complex societies. For him, the new *patrias*, in order to fulfil their emancipating duty, had to be created *ex nihilo*, breaking with the past and leaning exclusively on the civic virtue of individuals. Much like the Jacobins during the *Terreur*, Bolívar attributed the failure of the new republics to the corrupting effect of the colonial legacy. Under such circumstances, a too liberal legislation could only create *repúblicas aéreas*, political bodies with no substantial hold. The only alternative was to instil the principles of freedom under the supervision of a ‘paternal government’, but for him personally it was too late. By the end of his life he bitterly confessed to General Flores in Ecuador that serving a revolution was like ploughing the seas, and declared Spanish America to be ungovernable, on the verge of falling “into the hands of the unrestrained multitudes, and then into the hands of tyrants of all races and colors” (Bolívar 146).

In Spain, the continued political function of the Crown during most of the 19th century made a difference with its former colonies. In this case, the problem derived from the need to fabricate parliamentary majorities that were favourable to the executive branch, whose head was appointed by the King. In 1833, upon the death of Ferdinand VII –the *felon King* who had first nominally accepted and then betrayed the first constitutional regime– his widow María Cristina de Borbón was appointed regent. She became the legal guardian of her underage daughter Isabella II, whose dynastic rights were challenged by her uncle Don Carlos, the brother of the deceased King supported by the absolutist, soon to be named *Carlist*, party. This legitimist opposition would stay at the margins of the institutional system for most of the century, a period during which it instigated two major

civil wars. On the other hand, the Regency established an alliance with the heads of the *moderate* liberal party, whose members were mostly in exile, but it excluded the *exalted* or *progressive* Liberals from the political circuit. This left the Progressives with the sole recourse of insurrection, with the occasional support of the army, in order to press the Crown to bring their faction into government. Once in power, the conditions for legitimizing a *de facto* situation were easily at hand. This scheme counted on the preventive reaction of the Crown, which anticipated every insurrectional assault on power by bestowing its confidence on the successful rebellious faction. With the calling of new elections and the fabrication of an *ad hoc* parliamentary majority, the constitutional system was reinstated, thus initiating a new cycle that in the long term tended to re-establish the hegemony of Moderate governments (Artola). This pattern repeated itself with little variation for over forty years, during which time it included a short-lived dynastical change and a failed republican experiment. The Restoration of the Bourbon dynasty in 1874 inaugurated a rotational spoils system by which the Liberals and the Conservatives, after a ritual of pre-arranged elections, peacefully took turns in government, bringing their clients to public office.

The first century of Ibero-American liberalism thus reveals a general blockade of the formal mechanisms for political succession. Rather than a system of rules for open political competition, what we usually find are extra-institutional modes of mobilization and informal agreements between the contending groups for the sharing of political power. Behind this patrimonial pattern, it is possible to recognize the rationale of a patronage system that prolonged some traditional practices. Violent political change and *ad hoc* legal rearrangements could be seen as legitimate from the perspective of the political and intellectual tradition in which Iberian liberalism was ingrained. Society was perceived as serving a collective purpose and as being something more than a mere aggregation of its individual components pursuing their private interests in the market; its internal structure had to correspond to certain principles of justice. In the absence of such conditions, the established

order became illegitimate and could be resisted. This was the normative logic running deep under the recurrent political uprisings. The *pronunciamientos* somehow reproduced the contractual basis upon which the new liberal order was imagined. Antonio Annino has shown how during most of the 19th century the Mexican *pueblos* felt free to break their subordination to the national governments whenever they saw fit. This view was fully coherent with the doctrine of Catholic natural law on intermediate 'moral bodies', which saw the municipalities as naturally self-sufficient communities that unite in order to create a larger body politic. From this perspective,

"The act of constituting the nation is not the sovereign act of a constituent assembly. The nation already exists in its natural state and expresses itself through other representative bodies, whose reciprocal contract predates the constitutional norm, and imposes an imperative mandate upon the constituents by means of the *plan* [insurrectional program]". (Annino 80, my translation).

The dependence of the new constitutional arrangements on the corporative imagination of traditional society may explain why political uprisings enjoyed such a high degree of legitimacy and were accompanied by an elaborate ritualization. A *pronunciamiento* typically denounced the existing state of affairs, publicly declared the commitment with a new political project, and invited the citizenry to join the initiative, which generally aimed at the 'reconstitution' of the nation. Economic decline and political turmoil prevented the creation of a professional civil service and stable state institutions, which in turn stimulated the proliferation of political machines, extra-institutional negotiations, and spoils systems. The role of elections within this scheme was to give public sanction to the pacts reached behind the scenes between the different elite groups, which exacerbated the old colonial syndrome of *empleomanía* (the drive for public jobs by political means). [18] Successful electoral bosses or *caciques* were able to organize extensive

patronage networks through the dispensation of favours and benefits in a process that mixed the private and the public spheres. [19] Voting was usually mobilized through clientelist networks or controlled by outright manipulation. Personal and territorial rivalries usually weighed more than doctrinal antagonism. Ideological borders were porous and political actors often interchangeable. Violence was a constitutive part of the whole process. As Hilda Sabato has described it,

“The exercise of violence was seen as something legitimate not only against an external enemy, but also internally [...] when it was considered that the central government violated the Constitution or the premises upon which its legitimacy was based [...] The participation in these types of actions involved large portions of the population, often substantially larger than those that took part in the elections”. (Sabato 25) [20]

This type of reaction replicated similar situations in the colonial times. The usual tactic involved rebelling against the ‘bad government’ in the name of the King. When Indian peasants in the villages considered the King’s officials abettors of infringements of natural law and custom, “in their eyes they became fair targets of action to restore justice, including violence” (Guardino 26). As a collateral reaction, beleaguered governments in the republican period systematically resorted to emergency powers that were constitutionally ill-defined, thereby placing the political agency of the state outside the law (Aguilar Rivera 43ff). [21]

Conclusions

With time, the liberal ideology of Iberian societies from both sides of the Atlantic assumed different itineraries. The old scholasticism was commonly perceived as a cultural burden that needed to be substituted in order to instil new airs in society. In Argentina, Juan Bautista Alberdi introduced the type of ‘doctrinarian liberalism’ that prevailed in France during the Bourbon Restoration, the same ideology that

supported in Spain the instauration of a Royal Charter –a limited, mixed form of constitutional government– by the Regency after the death of Ferdinand VII. In 1843, the Spanish government sponsored the study tour of Julián Sanz del Río, a university professor, to Germany, with the purpose of importing a new public philosophy that better suited the political needs of the nation. The long-term outcome of this initiative was somewhat ironic, for it resulted in the introduction of Krausism, a philosophical system developed by Karl Christian Krause, an obscure disciple of Hegel scarcely known in the rest of Europe. In Spain, however, Krausism became a civic pedagogy and a decisive instrument for the ideological revamping of liberal elites. It ultimately helped establish, against the fierce opposition of the Catholic Church, the foundations for the renovation of the educational system during the Second Republic (1931-1939). In Latin America, on the contrary, the desire to do away with cultural remnants of the colonial past moved the intellectual elites to adopt positivism as an official philosophy, a step that supplied them well into the 20th century with an ideological frame to deal with concerns about the modernization of their countries. Not surprisingly, Mexican positivistic liberalism soon developed a patrimonialist tinge, when the *científicos* –a political clique inspired by positivistic ideas– became the technocratic support of Porfirio Díaz’s long and allegedly modernizing dictatorship.

The regimes that emerged from the revolutionary cycle of independence in Latin America have sometimes been characterized as ‘constitutional oligarchies.’ In this respect, they were not really different from the type of representative government first established in the United States, France, or England. Moreover, by 1847, just before the revolutionary wave that shook the foundations of the European Restoration, suffrage in Mexico and El Salvador, for instance, was more widespread than in the United States and most European countries (Przeworski 296). On the whole, liberal ideas in the region helped to establish volatile constitutional regimes, declared a variable range of civil and political rights, and advanced representative forms of government. At a deeper level, though, political practices

retained many of the patrimonial features of the old traditional society. Appealing to the common good of the nation as a reason to delegitimize and overthrow an extant government, or seeking social harmony through norms sanctioned by a substantive moral order, were practices that were coherently ingrained in a worldview that had been hegemonic for several centuries. These types of practices extended to the 20th century, when urbanization, industrialization, and the upsurge of mass politics substantially changed Latin American societies. Here I have tried to explain how this normative universe endorsed the legitimacy of patrimonial practices during the early period of state formation, but I have not implied a reduction of the phenomenon to a cultural cause. Patrimonialism should not be understood as a fixed cultural trait, but there is certainly a cultural side to it, since it refers to the meanings of social action. There are also social, economic, and political reasons involved. Weak governments were often constrained to bargain with or were captured by powerful groups and local elites. With the turn of the century, the consolidation of large export economies and the arrival of foreign capital allowed governments in the region to increase their fiscal base, and with it their institutional sustainability and military muscle. However, some patrimonial features were reproduced by the new populist regimes that appeared in the subsequent decades.

The established idea that patrimonialism is confined to traditional or developing societies is being increasingly challenged. Patrimonialism is related, on the one hand, to weak state institutions and to different forms of patronage and personal rulership, but on the other hand elite conflict within capitalist, bureaucratic societies can also generate patrimonialism. [22] Bureaucracies are the battleground for interest groups and organizations trying to capture or influence public investments and state regulatory functions. Social and political capital is transmitted through family contacts and informal networks in modern pluralistic democracies. In a similar vein, new powerful forms of nationalism and populism – mostly hybrid variations of them indeed– have appeared in recent years at the core of the developed countries. The irrational legitimacy of these movements has little to do with the magic

or charismatic aura that surrounded equivalent mobilizations in traditional societies. In spite of this, Weber's typology keeps offering a fertile hermeneutic framework for social analysis. It is up to us to adapt it to the changing nature of contemporary societies.

Endnotes

[1] For a typical example of this culturalist view, see Wiarda 1974.

[2] See also Breuer 2006, p. 80-91.

[3] Max Weber's writings were made available to the Spanish-speaking public relatively early, thanks mainly to their precocious translation by a group of Spanish republican exiles in Mexico. The first (partial) translation of *Wirtschaft und Gesellschaft* into Spanish was published in Mexico by Fondo de Cultura Económica in 1944, three years before the also incomplete English translation by Talcott Parsons. On this topic, see Álvaro Morcillo Laiz 2011. It took, however, several decades to engage the Weberian apparatus for the interpretation of Latin American society. See, for instance, Sarfatti 1966; Zabludovsky 1989; Pietschmann 1982.

[4] See Semo 1993.

[5] On the sale of public office, see Burkholder and Chandler 1972. Claudio Véliz (1980) has observed that centralist rule falls under the *rational* type of domination, whereas lineage, heritage and personalism typically are features of patrimonial rule; see his *The Centralist Tradition in Latin America*, p. 7.

[6] See Colom González 2016.

[7] See Jaksić and Posada Carbó (eds.) 2011; Peloso and Tenenbaum (eds.) 1996.

[8] See Escalante Gozalbo 1992; Aguilar Rivera 2000; Posada-Carbó 2006; Múnera 2011; and Rojas 2009.

[9] There is a vast and recent bibliography on the topic, mostly in Spanish and centered on the Cadiz Constitution as a pivotal reference. See, for instance, Guerra 1992; Cruz et al. 1993; Portillo et al. 2006; Breña 2006; Colomer Viadel (ed.) 2011; Varela Suanzes-Carpegna 2011; Fernández Sarasola 2011; and Gullón Abao and Gutiérrez Escudero (eds.) 2012.

[10] See, for instance, the classical work by Palmer 1959: *The Age of the Democratic Revolution: A Political History of Europe and America, 1760- 1800*. Its time span is so designed as to exclude the Latin American and Iberian revolutions.

[11] See Safford 1992; and Hale 1973.

[12] This normative core, which has attracted much of the Marxist critique of liberalism, was famously formulated by Macpherson 1962: *The Political Theory of Possessive Individualism: Hobbes to Locke*.

[13] Richard M. Morse, for instance, saw the 'Thomistic synthesis' between social order and the common good as the core of traditional Iberian ideology. See Morse 1954; and Morse 1982.

[14] See Filmer 1991 [1680], edited by Johann P. Sommerville; Bodin 1992 [1576], edited and translated by J. H. Franklin.

[15] See de Mora 1825: *Catecismo de Economía Política* (Londres: Ackermann).

[16] See Derrida 1988.

[17] My translation. A *pronunciamento* was the usual term to refer to a not necessarily violent military rebellion in the Spanish and Portuguese speaking countries during the 19th century. It consisted "in organizing the moment in which a military high rank, together with a group of patriots, would rebel in any part of the country and read a manifesto in favour of the Constitution. To their eyes, this gesture sufficed for igniting, like a trail of powder, the uprising of all the liberal focus ready for it. National insurrection would follow as a natural consequence of this public announcement" (Castells 81, my translation).

[18] See de Mora 1827.

[19] For an illustrative comparison of patronage practices in nineteenth-century Spain and Argentina, see Herrera and Ferraro 2013.

[20] For a reconstruction of the social dynamics that accompanied the electoral processes in Bolivia, see Irurozqui Victoriano 2000.

[21] As Diego Portales bluntly confessed in Chile, 'that lady that they call the Constitution has to be violated whenever the circumstances are extreme'. Letter to Antonio Garfias, December 6th, 1834.

[22] See Lachmann 2011.

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