

Capítulo 2:

**The origin of self-government and the contradictory nature of the hispanic-american colonial state. The case of Buenos Aires in the XVIIIth century**

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Romantic historians in nineteenth century Argentina were concerned with the historical roots of self-government and self-determination in the Rio de la Plata region, and with the origins of the separation from the Peruvian viceroyalty of the Rio de la Plata, Paraguay, Upper Peru, and Uruguayan provinces. In approximating these vital questions, romantic thinkers like Juan Bautista Alberdi traced the origin of these processes and their effect to the autonomous federalist nature (secessionism) of feudal (corporative) structures such as the municipal councils, the *cabildos*, which resisted the centralist and absolutist nature of bishops and governors from the early beginnings of colonial domination in the sixteenth and seventeenth centuries.<sup>1</sup>

Historians of the positivist school, who boasted a more scientific as well as a more skeptical concept of history, portrayed the colonial "political society", essentially the *cabildo* (municipal council), in somewhat contradictory ways. Those of an early positivist tradition, like Domingo F. Sarmiento and Francisco Ramos Mexía, Eduardo Madero, and more recently Emilio Ravignani, more influenced by British and Chilean historians (W. Parish, Buckle, Barros Arana, Bello), traced the historical origins of the revolution of independence to the role played in the colonial era by intra-colonial struggles at the *cabildo* level.<sup>2</sup> Those of a late positivist tradition, such as Paul Groussac, Juan A. García, Roberto Levillier, Ricardo Levene, and José Ingenieros, more influenced by French historians, refused to acknowledge the historical role played by intra-colonial struggles within the *cabildos* as an antecedent of the revolutions of independence. They assigned the historical roots of self-government and self-determination exclusively to the influence of the American and French revolutions. For them the *cabildos* were oligarchic corporations, parodies of Castilian municipal councils abolished by Charles V after the battle of Villalar, that opposed material progress and resisted goals of national organization.<sup>3</sup>

Unlike Juan A. García, the main positivist historian, who believed that class struggle in colonial Argentina took place between a port bourgeoisie and an interior (provincial) proletariat, José Ingenieros and Ramón J. Cárcano suggested that conflicts occurred mainly within the bloc in power, between different corporations and *estamentos*. Ingenieros hinted, without testing his hypothesis, that the idea of self-government and self-determination took shape owing to a conflicting process caused by the penetration of commercial capital; Cárcano proved that conflicts in the colonial era occurred essentially between the church and the state.<sup>4</sup>

Notwithstanding these contributions, scholars of the late positivist tradition were unable to provide acceptable historical background for the sudden breakdown in communication between the Spanish and the Latin American people, between Buenos Aires and the interior provinces, and between the city and the countryside. Although members of the *Nueva Escuela Histórica* (a neo-positivist trend), such as Ricardo Levene, chose a materialist perspective to interpret Argentine history, acknowledging

the existence of classes (disguised as corporations, castes and estamentos, in seventeenth-century Buenos Aires, by denying the precedence of struggles as the means by which classes become constituted, their theories revealed the lack of a dialectical framework.

As a tool against the right wing of Argentine positivism, as well as against the so-called Nueva Escuela Histórica, a nationalist revival within a still liberal framework was propounded early in the twentieth century. Historians from the interior provinces and border countries (formerly part of the Rio de la Plata viceroyalty) reacted against positivism and restored confidence in the competence of the interior provinces to overcome dependence upon the internal colonialism of Buenos Aires, as well as to overcome the century-old balkanization process.<sup>5</sup> This new trend of thought emphasized the military and economic contribution of the interior provinces to the foundation, development and military security of seventeenth-century Buenos Aires. This trend also suggested on the part of Buenos Aires an indifference to and negligence of the destiny of the interior cities in their bloody struggle against nomadic Indians.<sup>6</sup>

Later, left-wing liberals, following a diffusionist approach, considered that the penetration of commercial capital under the loose control of a Hapsburg-Iberian mercantilism, helped to develop an embryo of bourgeois democracy and gradually dissolve the corporative state.<sup>7</sup> On the other hand, left-wing and right-wing nationalists, following a Dependency perspective, believed that inter-corporative struggles within Latin American municipalities, unlike those in Europe, played basically a progressive function.<sup>8</sup> However, the national left, in order to perpetuate the myth that during the colonial period, Spanish America, or more specifically, the Peruvian viceroyalty (where Buenos Aires was a component part), had been one united nation, underestimated the commercial rivalry between Lima and Buenos Aires and the consequent inter-corporative struggles within each one of the colonial ports.<sup>9</sup>

Finally, the first exponent of the leftist school of thought among Argentine historians, Rodolfo Puiggrós, although still influenced by French positivism, identified the cabildo with a feudal commune.<sup>10</sup> The new left school of thought, however, followed a class-reductionist approach and underestimated the role played by the public sale of offices in inter-corporative struggles. This trend viewed conflicts within colonial municipal councils (*Vicuñas* versus *Vascongados* in Potosí, *Beneméritos* versus *Confederados* in Buenos Aires) as inter-capitalist struggles, and considered that the penetration of commercial capital under the loose dominance of a Hapsburg-Iberian mercantilism reinforced a colonial corporatist state.<sup>11</sup>

The different colonial corporations, however, especially the cabildo, did not always play the same political role, often siding with the secular church and the mercantile bourgeoisie against the governor, the regular clergy, or the feudal encomenderos. Then too, the different colonial estamentos, essentially the *Beneméritos* and the *Confederados*, did not always reach the same degree of intra-colonial conflict. I will try to show in this chapter that a low degree of commercial penetration (an indirect external constraint) gave room to an hegemony based on Cabildo elections and to political crises where internal market-oriented merchants preserved a political leadership within the Cabildo. On the contrary, a strong presence of commercial capital gave room to an hegemony based on the purchase of public offices and to political crises where the external market-oriented merchants obtained and held hegemony within the Cabildo.

The colonial state was neither an object of dominant class forces, as postulated by the liberal left (Instrumentalist school), nor was it a subject (or structure) that controlled class forces, as propounded by the national left. I am trying to show, following Poulantzas's structuralist view, a contradictory outcome of social antagonisms inscribed in the very structure of the colonial state.<sup>12</sup> The colonial state of Buenos Aires was essentially an administrative (judicial, legislative, military, and ecclesiastical) organization that extracted resources from trade and deployed them to defend the frontiers from

external and internal threats. It also attempted to keep order within the city and its surroundings. Consequently, while it is always true that the colonial state was greatly constrained by economic conditions, and shaped by class forces disguised as castes, states and corporations, Theda Skocpol and Ellen Kay Trimberger have stated that "state structures and activities also had an underlying integrity and a logic of their own".<sup>13</sup>

In view of the "misleadingly static connotations" with which these two last paradigms interpreted the political impact of the penetration of commercial capital, I am going to analyse in this chapter the contradictory nature of the colonial state, in exclusive relation to the factions competing for political power.

The contradictory nature of the colonial state shaped the bureaucracy and the internal political conflicts. When commercial capital came to dominate the *encomienda* and landed interests, as it did in the first half of the seventeenth century in Buenos Aires, the growth of a mercantile interest group was not only a function of economic success, but also a function of the level of hegemony held in the "political and civil societies" by the merchants themselves. In the light of this fact, it could be said that the building of a new colonial state implied the transformation of the social relations of production and distribution, and of the prevailing religious, cultural, moral, political, and social beliefs. Simultaneously, the construction of a new colonial state gave birth to a new mercantile hegemony but struggling against external and internal constraints and by legitimizing a local power bloc (intra-colonial alliance).<sup>14</sup>

Apart from shaping the nature of the colonial state, the penetration of commercial capital also shaped the nature of internal political conflicts. This colonial state was a result of social antagonisms inscribed in its very structure. It is necessary to realize that the residents of Buenos Aires in such a state did not all enjoy the same rights and bear the same responsibilities. The differences generated within the Buenos Aires mercantile bourgeoisie were caused by the contradictory development between the internal market-oriented merchants (related to wine, tobacco, sugar and yerba producers of the Paraguayan and western regions) and the external market-oriented merchants (slave-traders), by the diverse forms of association with the Portuguese commercial capital and by credit rivalries.

This intra-colonial conflict also penetrated the ideological bloc. In a period of deep and generalized ideological crisis, accentuated by Francisco de Alfaro's pro-Indian visit, a crisis of confidence on the spontaneous reproduction of a neo-feudal system broke out.<sup>15</sup> This crisis of confidence turned into an exacerbation of all the ideological contradictions and in a disintegration of the unity of the dominant ideological discourse. As the role of all ideologies, as we are told by Laclau (1978), consists of transforming individuals into historical subjects or agents, these ideological crises necessarily turned all social agents into severe crises of identity.<sup>16</sup> Each one of the factions in struggle tried to reconstruct a new ideological unity conveying a description which could disarticulate the ideological discourse of opposing forces --on the one side, the *Confederados*, who conveyed a sort of Erasmian anti-clericalism, and on the other side, the *Beneméritos* who conveyed a sort of anti-semitism.

Internal and external market-oriented interests, agents of both external and internal constraints, were organized and reorganized into corporations and *estamentos* (social ranks and estates). These corporations and *estamentos* (social ranks or states) struggled with each other for the control of the political society and the embryonic civil society, composed of artisans, professionals (doctors, barbers, lawyers), retail merchants (*pulperos*), and private administrators (managers of chaplaincies). The immediate result of intra-colonial conflicts was the reaccommodation of jurisdictions and areas of influence. In seeking influence each faction in struggle wished to control and manipulate the administrative and judicial tools of bureaucratic domination and to secure the largest share possible of

the revenue from public offices. The classic class struggle in colonial Buenos Aires developed exclusively within a tiny, privileged minority. During this period the great productive mass of the people, Indians and slaves, lent only passive support to the combatants. In addition, the Portuguese immigration, with the consequent mixture of races, helped to remove the border lines of an estamental social stratification such as the one existing in Buenos Aires and gave room to a peculiar type of class struggle known as intra-colonial conflict. This type of conflict consisted essentially of inter-estamental conflicts.

Unlike future intra-colonial struggles strongly influenced by the penetration of commercial capital, the Creole rebellion in the city of Santa Fé in the 1580s was caused by a resistance to a Spanish non-commercial colonization.<sup>17</sup> During the rest of the sixteenth century, Spaniards appeared strongly embarrassed about the possibility of new Creole rebellions. Later, once this threat disappeared, intra-colonial struggles were mobilized by the penetration of commercial capital.

In the interior cities, where internal market-oriented interests prevailed, royal officials exerted a very weak influence and the cabildos were controlled almost exclusively by encomenderos. After 1602 in Buenos Aires, commercial capital, external market-oriented interests, and non-encomendero entrepreneurs (*Confederados*) gradually became dominant. However, they did not completely dominate the Cabildos; the royal officials still maintained a strong influence. Thus, the Cabildo became a battlefield where both sides (internal and external market-oriented interests) struggled for hegemony. The *Beneméritos* claimed to represent the "party of order", while the *Confederados* were accused of representing the "party of anarchy". Each of the factions tried to achieve legitimacy and subordinate the other through inter-corporative clashes. It was as Jacques Heers said about the towns of Medieval Italy "...power or exile for each faction, total victory or at least the temporary loss of all influence and even of all property in the town for the leaders".<sup>18</sup>

In core colonies of the Spanish empire such as Mexico or Perú, the main inter-corporative conflicts arose between viceroys and audiencias, or between archbishops and viceroys. In peripheral colonies, like Buenos Aires, the most crucial external tug-of-war arose among the Council of the Indies, the Peruvian viceroyalty, the Real Audiencia of Charcas, the Archbishop of Charcas, and the Riode la Plata governorship.

Once an external balance of power was achieved there still remained unsettled an internal tug-of-war. Internally, the most decisive tug-of-war occurred among governors, Cabildo, royal officials, and bishops, or within different corporations (*Beneméritos* vs. *Confederados* within the Cabildo membership), therefore affecting the necessary balance of power among them. Balance of power meant distribution of power in the colony in such a way that no single power, neither the Cabildo, nor the Governor, nor the bishop, nor the Royal Officials, nor the *Alguacil Mayor*, was allowed to become so strong as to dominate or dictate other powers and thereby change the existing balance.

Hapsburg colonial administration became not so much a matter of vertical command from the Spanish metropoli, as a system of checks and balances of self-governing bureaucratic institutions. The longer the royal bureaucrat remained in office, the more obvious became the contradictory trends of Hapsburg's dual concept of authority and control.<sup>19</sup> In J. Phelan's view the Spanish state was a late convert to absolutism.

However, whenever the balance of power was changed an intra-colonial struggle broke out. This struggle was stimulated by the contradictory nature of the colonial state, for it comprised an antagonistic subordination to metropolitan authorities, an inconsistent relation with the colonial church, an incoherent division of the secular power, an ambivalent circulation of a political elite, and a contradictory distribution of protocol or ceremonial rights.

First, unlike independent nation-states, the colonial state experienced a subordination to metropolitan authorities. In a peripheral colonial state, this subordination generated among local corporations (Audiencias, cabildos, bishoprics, governorships) a widespread competition for the royal favor. Bishops and governors alike struggled each other for the royal favor. This competition for political favors generated multiple conflicts. The struggle against the governor, begun in Buenos Aires, was transferred to Seville and Madrid. There it merged with the rivalry of the Spanish factions who tried to push their own candidates for the governor office as well as their own policies, or who attempted to protect the governor whom the king had appointed at their instance. In this fashion, as a result of Buenos Aires weak economic situation, because of the prohibition to export silver, petitions in the seventeenth century addressed to the King were written by the Procuradores Generales (General Attorneys) Fray Martín Ignacio de Loyola (1600), Manuel de Frías (1612), and Antonio de León Pinelo (1623), on behalf of trade with both Seville and Bahía, and against Lima's monopolistic control of legal trade. The common denominator of these positions was complaints about the high prices of European merchandise in Upper Perú and the monetary and labor scarcity in Buenos Aires. These three attorneys of freer trade argued that the items imported by Buenos Aires from Spain or Brazil would not be directly competitive with those imported by Perú from Spain because of the enormous distance between the two regions. They added that although the concessions or permissions which might be granted to Buenos Aires could diminish the size of the traditional galleon fleet, these losses would be balanced with the revenues that Buenos Aires would provide.<sup>20</sup> The practical results of these complaints were essentially a population policy oriented towards the importation of African slave labor and a land policy oriented towards a "junker" strategy of rural development. Polemicing with those complaints there were also petitions on behalf of protectionist policies. But nevertheless, protectionism, in the colonial period, despite its militant character, did not have an industrial character, but restricted itself to the interests of each regional sector: sugar, tobacco, and yerba mate producers from Paraguay and wine producers from Cuyo promoted petitions, protests and other protectionist expressions. As a result of this competition for royal favor numerous corporative conflicts broke out.

In addition to competition for the royal favor, local authorities competed for the favor of the Peruvian viceroy and the Real Audiencia of Charcas. For instance, some petitions addressed to the Real Audiencia of Charcas requested the removal of governors and lieutenant-governors as well as the remission of Visitadores (Visitors).

Second, unlike liberal democracies in the late nineteenth century, the colonial state did not experience a separation of church and state. In other words, in a pre-capitalist state, due to the Patronato Real, each one of the two spheres (church and state) overlapped each other, becoming a source of real conflict.<sup>21</sup>

The Laws of the Indies bestowed complete power on the governors in Buenos Aires to discharge the rights of the royal patronage. The essence of this patronage was the right of presentation. Whenever a low ecclesiastical office like the deanery or the archdeaconry was to be filled, the candidate was presented to the bishop of the Buenos Aires diocese by the governor.<sup>22</sup> While bishops were able to excommunicate and absolve public authorities, governors and Reales Audiencias were responsible for erecting churches, chapels and hospitals, for authorizing the establishment of religious orders and the holding of provincial councils or synods, for expelling scandalous priests, for securing absolution from excommunication, and for administering education, hospitals and institutions of charity. By excommunicating, bishops could prevent governors from administering justice, having discipline within the army, keeping delinquents in jail, and from presiding over the yearly Cabildo assembly where new municipal authorities were elected.

Third, again unlike liberal republics of the nineteenth century, the colonial state did not practice

the myth of the division of powers among the executive, the judiciary, and the legislative branches.<sup>23</sup> Many of the colonial officials shared those same functions, although in different proportions. Every major agency of government from the Council of the Indies to the audiencias, town councils, and corregimientos, according to John Phelan, "...combined both judicial and administrative authority".<sup>24</sup> In other words, in a pre-capitalist state, each one of the three branches of the "political society" of a liberal state was being fragmented among several different authorities, thus becoming a permanent source of conflict. For instance, the administration of justice was shared by the *alcaldes de segundo voto*, the lieutenant governor, the *oficiales reales*, the ecclesiastic courts, the Holy Office of the Inquisition, the military courts, and the Real Audiencia. Also, the control of direct coercion was shared by governors, bishops, *alguaciles mayores*, *alcaldes de primer voto*, Reales Audiencias, and *Alcaldes de Hermandad*. This confusing way of mixing different public roles was carried on to such a degree that it was quite hard to distinguish a militaryman from a councilman. Both officials displayed military and legislative authority together by taking part in Cabildo meetings exhibiting their military rank rather than their municipal rank. Ultimately, this confusing exhibition of ranks was finally brought to an end. In 1668, Councilman Alonso Estéban de Esquivel complained about the way the Corregidor Pedro de Ocampo entered into the Cabildo assembly, wearing his insignia of Capitán a Guerra (War Captain). Esquivel asked Ocampo to leave the meeting in order to discuss the proper way he should wear his uniform from then on. Ocampo replied by refusing to leave the assembly. Finally, the case was brought to the consideration of the newly established Real Audiencia.<sup>25</sup> This high judicial tribunal put a stop to this endless discussion on rituals, by ordering the Corregidor not to carry a sword at council meetings, asking him instead to carry his vara (stick).<sup>26</sup>

In a similar fashion, the process of enacting laws and regulations was shared by the members of the Cabildo (*regidores*), the members of the Ecclesiastical Chapter, the ecclesiastical synods, and the Council of the Indies. Whenever cabildos needed to extend their power to enact tributary laws, governors summoned *cabildos abiertos*, and in doing so, cabildos avoided conflict and resistance. The *cabildo abierto* was a special kind of local assembly which served, in one of its functions, as a general public forum to consolidate the bloc in power, by recruiting large segments of an estate-oriented society and of an embryonic "civil society". The inclusion of priests and artisans meant that at this kind of meetings a broader bloc, with different corporations and guilds, could form. As an example, governors in Buenos Aires convoked *cabildos abiertos* in 1632 to construct forts, and in 1638 to raise military subsidies.<sup>27</sup>

Fourth, the colonial state did not recruit and promote the colonial political elite exclusively through electoral means but also through the public sale of offices. These two competing mechanisms of elite recruitment also constituted a permanent source of conflict. For instance, between the *Alférez Real* and the *Depositario General* conflicts broke out very often. Their conflict stemmed partially from the fact that the *Alférez Real* was an elected position while the *Depositario General* was a purchased position. The *Depositario General* Bernardo de León disputed twice his right to speak, sit, and cast his vote before the *Alférez Real* could do so. It happened first in 1608 against Víctor Casco de Mendoza's claim, and again ten years later in 1618, against General Enrique Enríquez's claim.<sup>28</sup>

Finally, also unlike liberal democracies, in a pre-capitalist colonial state such as Buenos Aires the magistrates' deep and constant preoccupation with honor and protocol constituted a chronic source of conflicts. Consistent with the pre-capitalist class structure of their time, public administrators, in Buenos Aires as elsewhere, attached the highest relevance to inequalities of rank, precedence, protocol, and reputation. Accordingly, they were extremely irritable when it came to any violation of their prerogatives, privileges of rank, and symbols of vainglory and haughtiness.

In the colonial period, there were an enormous variety of public and religious festivities. Many of these involved the Spanish king and his family: in particular, coronations and royal marriages or

funerals. The city also celebrated the installation of a new governor or bishop. There were also a large number of religious feast days. For all these events, the participation of every religious order and artisan guild was determined by its position in the protocol or order of precedence. Each religious order and artisan guild was assigned an exact position in processions and feasts, and was required to contribute, according to its position, guards, provisions, or money.

The struggle between governors and bishops was often about issues of ceremony or protocol. Governors struggled to preserve the rights accorded them by the Patronato Real, to be acknowledged by the appointment of priests.<sup>29</sup> Already in 1630, a conflict arose between Bishop Gabriel de Peralta and Governor Francisco de Céspedes over the nature of who should "dar la paz" (a special ceremony in solemn masses where priests and sacristans embraced each other as an evidence of peace and harmony within the church bureaucracy). Instead of sending the deacon or a priest to "dar la paz", Bishop Peralta humiliated governor Céspedes by appointing a twelve year old boy dressed with cassock and surplice.<sup>30</sup> Also in 1635, a conflict arose over the grate's location within the cathedral. When the cathedral was founded in 1620, during the time when the first bishop Fray Pedro Carranza was selected, the grate formed something of a chapel close to the high altar. Between the grate and the altar formerly sat the governors representing the king and using the prerogatives of the Patronato Real. But since the grate was removed and taken to the presbytery, the governor and the remaining public officials sat unsegregated from the rest of the people. This offended the elitist sensibilities of Governor Pedro Estéban Dávila, who responded by boycotting the mass held at the cathedral. Further, the secular authorities took their respective chairs and moved to the Franciscan church.<sup>31</sup>

Although bureaucratic sources of colonial conflicts were important, the main source of conflict between *Beneméritos* and *Confederados* lay in the economic policies adopted. Whenever the *Confederados* took over, control of commerce was lifted and the fiscal burden of supporting the municipal government reverted to the internal market-oriented producers. The dominance of the *Confederados* tended to encourage participation in international trade, owing to the open nature inherent in "free trade" economics. Consequently, the *Confederado* hegemony helped to raise the commercial value of public offices.

In order to speed the process of license issuance the dominance of the *Confederados* who controlled the royal officials, tended to undervalue the seized merchandise. During Marín Negrón's governorship (1610-14) slaves were appraised invariably at \$70 each. Against royal recommendations to drastically raise the value at which slaves were sold in public auctions, Governor Beaumont y Navarra raised a slave's value in 1615 only to \$100. In 1619, under Governor Góngora, it was raised only to \$144.<sup>32</sup> Conversely, whenever the *Benemérito* assumed control, governors tended to overvalue the merchandise seized in order to protect the native products, to raise crown revenues, and to hold the external market-oriented interests responsible for the financial support of the municipal government. In this way high prices in public auctions acted as a protective tariff. By so doing the *Beneméritos* tended to reduce the commercial value of public offices.

Apart from providing an important source of revenue, protective tariffs had the added advantage of shifting to the merchants part of the responsibility for extracting the economic surplus from the lower classes or castas. This made it more difficult for the *Confederados* to blame, as they had in the past, the *Benemérito* elite. When Hernandarias, representing internal market-oriented interests, took over in 1606-1609 and 1615-1618, the value of a slave was raised to \$200.<sup>33</sup> Likewise, when these same interests prevailed, between 1603 and 1605, the Buenos Aires Cabildo granted the inheritors of the first settlers a monopoly over wild cattle. By the same token, between 1620 and 1623, under Visitador Alonso Pérez de Salazar, alcabala (excise) taxes were imposed.<sup>34</sup>

Discriminatory fiscal policies concerning the introduction of Portuguese wine and of Brazilian

wood and sugar became a serious response to indirect external constraints (smuggling). In 1614, the *Confederado* authorities, in order to thwart the internal market-oriented producers, encouraged the introduction of foreign wines.<sup>35</sup> A year later, however, the *Benemérito* authorities (internal market-oriented forces) obtained the protection of wine, honey and sugar coming from Paraguay, by forbidding the entrance of those products from Brazil.<sup>36</sup> But once Governor Diego de Góngora assumed power in 1618, Paraguayan wine was once again discouraged from the market on behalf of Portuguese wines.<sup>37</sup> It appears that Paraguayan wine acquired a bad reputation because of deliberate propaganda fostered by the Cabildo and by the Portuguese merchants in order to eliminate untaxable and unprofitable home-brewing.

The predominant economic group also determined fiscal policies not necessarily related to trade. It is my contention that when the external market-oriented interests were in power, discretionary authority expanded, and corruption, bribery, kickbacks, and extortions increased. This discretionary policy was facilitated by the fact that ultimate jurisdiction in fiscal matters belonged to the distant Audiencia de Charcas. Despite the fact that the official governors' salary was only 3,000 ducats (or \$4,125 pesos de a ocho reales) annually, Governor Marín Negrón, as is shown in his will, left about \$80,000 at the time of his death, and Governor Góngora left in excess of \$20,000.<sup>38</sup> Lieutenant governors, with no formal salary, were known to be extremely corrupt. The cases of Mateo Leal de Ayala, in 1615, publicly known to be a partner in the illegal businesses of Diego de Vega and Juan de Vergara, and of Diego Páez Clavijo, in 1620, are the most notorious. The same was true of royal officials. Treasurers and accountants ostensibly earned a mere \$1,286 per annum. Their actual wealth at the end of their tenure, however, was more than several times this amount.<sup>39</sup> Fear of seizure caused by juicios de residencia, however, induced public officials to keep their savings in cash rather than to invest in the Buenos Aires land market.

Whether a fiscal policy tended to activate or to discourage an intracolony struggle depended largely on the group occupying the predominant position of power. Above all, this result depended on whether the fiscal policy was based on internal market-oriented interests or on external market-oriented forces. These pendular shifts in fiscal policies essentially depended on the degree of the external constraint.

Since external market-oriented merchants have been influenced by the contradictory nature of the colonial state, the public official's bargaining position with regard to these merchants should take into account this contradiction. Those who supported the governor would receive proportional benefits (e.g.: military promotions, cabildo membership, public lands, etc.). Finally, governors, royal officials, and external market-oriented merchants, after intense and sometimes violent bargaining, managed to reach a compromise, a compromise that was reflected in the political composition of the cabildo. Two main objections were raised to governors and to cabildos. One was their complicity in indirect external constraints (smuggling activities), and the other was their abuses of the power of appointment. The former consisted of the acceptance of bribes and kickbacks from slave-traders and royal officials. The latter was facilitated by the apparent inability of the cabildo to prevent nepotism in governor's appointments.

In managing state coercion it was possible to have a variety of different bureaucratic jurisdictions commanding force and administering justice, exercising a multipolar power, within the same territory.

Governors and gobernadores adelantados, though they formally represented the king, in practice became affiliated with local interests. Apart from their obligations to fill the military ranks, governors had the responsibility of filling all the vacancies in the secular clergy and in civilian posts, of erecting churches and hospitals, of summoning Juntas de Guerra, of deciding a tie vote in cabildo

elections, and of assigning land grants and vacant encomiendas. By distributing royal land and encomendado Indians governors had a strong presence in the economic realm. But whenever governors were absent the *alcaldes ordinarios* came to their replacement, with all the governor's powers. A similar delegation process occurred when, during the second government of Hernandarias (1609), governors started to appoint Lieutenant Governors. This new appointment included the rank of General, the power to judge in cases of appeal about judicial decisions issued by the *alcaldes ordinarios*, and the power to participate in *cabildo* assemblies. The consequent overlapping of judicial authority between the Audiencia de Charcas and Lieutenant Governors within the Río de la Plata judicial system became a deep source of permanent bureaucratic conflicts. For instance, already in 1607, governor Hernandarias got involved into a severe conflict with the Real Audiencia of Charcas, for having prosecuted Gaspar de Acevedo, Escribano de Registro y de la Real Hacienda, who had illegally introduced in the recent past around 200 slaves.<sup>40</sup> By subordinating the Río de la Plata governorship to the judicial control of the Real Audiencia of Charcas in 1608, the Council of the Indies was able to balance the power of the Paraguayan governor as well as the local influence of the *Benemérito* elite. Later on, whenever the external market-oriented interests of the *Confederado* elite through lieutenant-governors, like Mateo Leal de Ayala in 1614, Diego Páez Clavijo in 1623, and Francisco de Céspedes in 1627, put out of balance the royal interests, the Real Audiencia of Charcas intervened sending *Visitadores* (Visitors) in order to restore both the external and internal balance of power.<sup>41</sup>

The *alguacil mayor* simultaneously served the provincial governors in the *cabildo* as a judicial functionary of bailiff, responsible for law enforcement and for appointing jailors. For the care of the city and the freedom of citizens, the *alguacil* depended upon the *cabildo*.<sup>42</sup> In this way, the *alguacil mayor* office became extremely strategic and valuable for smuggling activities. For police matters he was a subordinate of the governor. Moreover, the *alguacil mayor* was responsible for appointing *alguaciles* menores in the parishes. As the latter used to abuse their prerogatives by deriving extra surpluses from those members of the lower classes who practiced smuggling activities, violence erupted more often. Thus, it was not possible for a public official to have such a contradictory variety of jurisdictions in a peaceful balance too long, without defining their limits.

The *oficiales reales* were those officials mainly responsible for collecting the crown income, who also possessed judicial authority to carry out their commitment. The two most important royal officials were the accountant and the treasurer. The fact that neither governors nor *alcaldes* had keys to the royal treasury and could not intervene in their functions made these two public offices independent and powerful.<sup>43</sup> Delays in forwarding accounts, due to weather difficulties for the ships that traversed the Atlantic, increased the importance of available cash and turned the treasury into a veritable local bank. In addition to collecting custom revenues, the royal officials were responsible for subsidizing *socorros* (military troops) coming from Spain on their way to Chile (1583, 1601, 1605, and 1623), as well as for sending fiscal surpluses from Buenos Aires, a subordinate cashier's office, to the main cashier's offices either in Upper Peru, Chile, or Paraguay (see Table 1).<sup>44</sup>

Moreover, the royal officials were responsible for investigation (visiting) incoming vessels. From the governorship of Hernando de Zárate (1594-1595) until the end of the second governorship of Hernandarias (1609), governors, following the *Ordenanzas de Madrigal* (Madrigal regulations) of 1591, used to investigate (visit) incoming vessels without the presence of the royal officials.<sup>45</sup> But beginning with the governorship of Diego Marín Negrón (1609), governors had to investigate incoming vessels, following new regulations that prescribed the collection of the *almojarifazgo real* (royal custom tax), in company with the royal officials.<sup>46</sup> This joint responsibility obliged both governors and royal officials to reach a compromise concerning the valuation of the merchandise seized.

The higher the valuation of the merchant revenue that accrued to the crown the greater the commercial value of the corresponding public offices. The public official who found the smuggled items

first had the right to a third of the seized merchandise.<sup>47</sup> Royal officials, besides being responsible (together with the governor, the comisario of the Holy Office, the notary, and the *alguacil mayor*) for inspecting incoming vessels, for confiscating smuggled merchandise, and for asking questions concerning non-Catholic religious objects and forbidden books, had the right to appraise the items that were seized in order to sell them at public auction.<sup>48</sup> In 1620, however, Governor Góngora excluded the *oficiales reales* from any intervention in cases of illegal introduction of African slaves, and retained for himself the rights to a third of the seized merchandise.<sup>49</sup> As a result of the controversy concerning this issue, a debate ensued in the Consejo de Indias (Council of the Indies). After a long judicial process the Council pronounced a verdict in 1622 that favored royal officials over governors. Three years later, early in 1625, a real cédula (royal order), ordered that the customary third of the seized merchandise should be equally distributed between governors and royal officials. This controversy almost ended late in 1625 when the king ordered temporarily that slaves introduced without licenses should be considered free.<sup>50</sup>

Notaries were also involved in this tug-of-war concerning the seizure of offices and magistracies among public officials. Notaries of the Royal Exchequer together with governors were supposed to inspect incoming vessels. Should they discover illegal merchandise they were to seize it. Once the illegal merchandise was seized, auctions were granted. Through these auctions and by issuing the correspondent licenses notaries of the Royal Exchequer legitimized the illegal merchandise. Without those licenses, any illegal merchandise was subject to seizure by other municipalities. In performing this job the notary became one of the most powerful officials within the colonial bureaucracy. In order to put a stop to this increasing influence Governor Hernandarias, in 1607, unsuccessfully tried to prosecute Gaspar de Acevedo, Escribano de Real Hacienda y de la Real Hacienda, under the charges of having illegally introduced 198 slaves.<sup>51</sup> Unlike notaries of the royal exchequer, *cabildo* notaries were not concerned with the inspection of incoming vessels but with the daily record of *cabildo* activities, including judicial decisions issued by the *alcaldes de segundo voto*. In keeping those records the *cabildo* notary also became one of the most significant officials within the colonial state. In order to obstruct his crucial role Lieutenant-Governor Mateo Leal de Ayala, with the support of General Sebastián de Orduña and Juan de Tapia de Vargas, put Cristóbal Remón, the *Cabildo* notary, in prison. He was finally banished to the city of Luanda, in Angola, where he later died.

Finally, the Buenos Aires *Cabildo* was a corporation with a diversified set of executive, deliberative, judicial and ceremonial functions and responsibilities representing the high urban *estamentos* (ranks or estates) and local interests strictly classified according to their family backgrounds and wealth. Its theoretical autonomy was limited by the overwhelming power of the governor, the Real Audiencia, and the Council of the Indies. Through the yearly petitions registered in the *cabildo* records, the *regidores* (municipal councillors) showed other means that they employed to ensure the accomplishment of less controversial matters. The most common petitions solicited citizenship, salaries, and cattle brands, or requested licenses to export staples, to import slaves, to perform artisanship, to settle ranches, to open *pulperías* (liquor and general stores), to set landmarks on rural estates, to hunt and gather wild cattle, or to make hides, grease, and tallow --all of which constituted political means of interfering in the economic realm.<sup>52</sup>

Summarizing, I have verified how the contradictory nature of the colonial state stimulated the intra-colonial struggle, this contradictory nature reflected the character of a state that structured itself in relation to external and internal economic, social, and political constraints. Externally it was structured in relation to the Spanish "political society" (the Peruvian viceroyalty, the Audiencia of Charcas, and the Council of the Indies) and the Portuguese smuggling network, and internally in relation to the local "political and civil society" (governors, *alguaciles*, *oficiales reales*, bishops, provinciales of religious orders and members of the Cathedral Chapter on one side; and artisans, professionals, and private administrators on the other). The peculiar way of structuring its own contradictory nature signalled the

most important historical antecedent of the revolution of independence.

## Footnotes

<sup>1</sup> Alberdi, 1856, chapter, XVIII. For a further detailed study on Alberdi, see Quentin-Mauroy, 1982, 71-89.

<sup>2</sup> Sarmiento, 1883; Ramos Mexía, 1887, chapter III; and Quesada, 1881, 499. About Ramos Mexía's historical ideas, see Orgaz, 1922, 159-181; and Zorraquín Becú, 1958, chapter V.

<sup>3</sup> García, 1900, chapter VIII, sect.2; Levillier, 1912, 81-83; Levene, 1911, chapter VII; and Ingenieros, 1918, chapter II, section 4, pp.38-41.

<sup>4</sup> Ingenieros, 1900, 234; and Cárcano, 1929.

<sup>5</sup> Among them were Leopoldo Lugones, Manuel Gálvez, Ricardo Rojas, Blas Garay, Manuel Cervera, Manuel F. Mantilla, Benigno Martínez, Juan Estéban Guastavino, Fulgencio Moreno, and Ricardo Jaimes Freyre.

<sup>6</sup> Cervera, 1907, 354 and 365.

<sup>7</sup> Garretón, 1933.

<sup>8</sup> Molina, 1949.

<sup>9</sup> Tiscornia, 1973; and Vedoya, 1973.

<sup>10</sup> Puiggrós, 1942, 62.

<sup>11</sup> Peña, 1970.

<sup>12</sup> Wolfe, 1981, 72.

<sup>13</sup> Skocpol and Trimberger, 1978, 128.

<sup>14</sup> Zieman and Lanzendorfer, 1977; and Phelan, 1960, 47.

<sup>15</sup> About Alfaro's visit, see Gandía, 1939; Mora Mérida, 1973, 164-173; and Doucet, 1977 and 1978.

<sup>16</sup> Laclau, 1978, 116.

<sup>17</sup> For the Creole rebellion of Santa Fé in the 1580's, see Sierra, 1957, 391-95; Leiva, 1971, n.6/7; and Funes, 1974, 159-177.

<sup>18</sup> Heers, 1977, 54.

<sup>19</sup> Phelan, 1967, 327. See also, Lang, 1980, 227-233.

<sup>20</sup> Levene, 1915, chapter VII; and Molina, 1966, 125.

<sup>21</sup> See Rodríguez Valencia, 1957; Lafuente, 1957; Shiels, 1961; and Hera, 1963.

<sup>22</sup> Mecham, 1934, 26 and 31.

<sup>23</sup> About the myth of the division of powers, see Eisenmann, 1933, 190; and Eisenmann, 133-160, quoted by Althusser, 1964, chapter V.

<sup>24</sup> Phelan, 1967, 324.

<sup>25</sup> Acuerdos, Municip., X, 186-194.

<sup>26</sup> Acuerdos, AGN, XIII, 25-29.

<sup>27</sup> Garretón, 1933, 210-218; Tapia, 1966; Sáenz Valiente, 1952, chapter VI; and Acuerdos, AGN, VII, 356, and VIII, 115, 248-363.

<sup>28</sup> Acuerdos, Municip., v.I, 503; and v.III, 365.

<sup>29</sup> Peña, 1916, v.V, 42.

<sup>30</sup> Furlong, 1944, 87.

<sup>31</sup> Acuerdos, Municip., V, 124.

<sup>32</sup> Canabrava, 1944, 87-88.

<sup>33</sup> Molina, 1966, 113.

<sup>34</sup> Peña, 1916, 14.

<sup>35</sup> Acuerdos, AGN, III, 99.

<sup>36</sup> Acuerdos, AGN, III, 229.

<sup>37</sup> Tiscornia, 1973, 146; and Garavaglia, 1978, 29-30.

<sup>38</sup> Canabrava, 1944, 107.

<sup>39</sup> Peña, 1916, 43; and Molina, 1964, 16.

<sup>40</sup> Correspondencia de la Ciudad de Buenos Aires con los Reyes de España, t.II, 27ff.

<sup>41</sup> About Enrique de Jerez's visit in 1614, see Cordero, 1978, 300. About Pérez de Salazar's visit in 1623, see Canabrava, 1944, chapter XII, and Mora Mérida, 1973, 86. About Andrés de León Garavito's visit in 1630, see Peña, 1916, 48-49.

<sup>42</sup> Garretón, 1933, 285.

<sup>43</sup> Garretón, 1933, 363.

<sup>44</sup> Table I lists the remitters of silver to Potosí and the amounts of those shipments. Also, the Buenos Aires treasurer previously delivered subsidies to Paraguay. In 1639, Diego Rivera, a boatman from Paraguay, received from Captain Pedro de Roxas y Acevedo \$2.100, which had to be delivered to Pedro de Lugo y Navarra, governor of Paraguay (AGN, Sla IX, Protocolos de Real Hacienda, f.27).

<sup>45</sup> Molina, 1966, 169.

<sup>46</sup> Molina, 1966, 171-172

<sup>47</sup> Tiscornia, 1973, 119.

<sup>48</sup> Tiscornia, 1973, 120.

<sup>49</sup> Sierra, 1957, II, 145.

<sup>50</sup> Molina, 1966, 174.

<sup>51</sup> Correspondencia de la Ciudad de Buenos Aires con los Reyes de España, II, 27ff.

<sup>52</sup> Eizaguirre, 1929, 15; Wiarda, 1972, 206; and Kruger, 1981, 36.