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Discourse on the Independence of the Mexican Empire

The custom among civilized peoples, in making some substantial change to their government, has been to reveal and clarify before all other nations the reasons that justify those changes. Inasmuch as such change cannot be limited to the internal effects that constitutional alterations produce in a state, and inasmuch as such change is necessarily very important to foreign societies because of the established relationships that unite the peoples of the world and have more or less influence on their prosperity or decline, the right of self-preservation indisputably authorizes those other societies to inform themselves of the motives that drove their neighbors to establish the new constitution and also to remove the obstacles that the constitution might pose to their just aspirations.

The Mexican Empire, upon entering into the enjoyment of the rights that fall to it as an independent nation, could not feign ignorance of an obligation or consideration so important. It therefore endeavored to make clear to the world, through explanations and public declarations, the justifications that supported it in requesting and effecting its independence from the Spanish monarchy. To this end, its deputies have pursued independence with firmness and persistence in the cortes of Madrid, its writers have defended it in Mexico against the charge of treason and rebellion, and its soldiers have contended for it on the battlefield with arms in hand. But despite not having been able to give a solid and satisfactory response to the arguments that justify independence, despite having now proven itself by the force of arms, a necessary effect of the extent and rapidity with which the opinion that favors independence has spread, many consider that independence unjust and unlawful. Even the legislators of the [Iberian] Peninsula, those illustri-

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ous patriots who have known how to liberate their own country from the yoke that oppressed them, refusing to recognize the principles sanctioned in their Constitution and openly proclaimed to the world, cannot reconcile themselves to the fact that laws deduced immediately from those principles have their effective fulfillment on the American continent, which urgently demands they be observed.

Those heroes who have justly been admired by the nations of Europe for the great services they have rendered the cause of liberty; those wise men who have laid out the road and smoothed the path that leads to independence; those patriots, we repeat, are the ones who must be accused of inconsistency, because loving the cause, they detest and abominate the result; because establishing a principle, they reject its consequences; finally, because proclaiming liberty in their country with the greatest firmness, they sustain the slavery of Mexico with the same tenacity.

Indeed, without looking beyond the Spanish Constitution and without outside assistance from the works of the most celebrated writers on public law, the Constitution itself supplies us with enough to justify the independence of our empire. The Constitution firmly establishes, as an indisputable principle and as base of the entire constitutional system, the essential inalienable sovereignty of the nation, and the laws of that code proclaim and recognize this doctrine in the most legitimate way. Through those laws comes recognition of the incontestable right that all peoples have to establish the government most suitable to them, alter it, modify it, and abolish it completely when their happiness requires it. Through the Constitution, finally, comes the recognition that in the people of the nation lies the authority to dictate the fundamental laws that ought to rule the nation, to create magistrates that apply those laws to particular cases, settling the disputes that can originate in the opposing nature of interests and organizing a public force that makes effective the observance of the laws and the enforcement of judicial sentences. The consolidation of all these powers results in that supreme authority that exists in societies and that we know by the name of sovereignty. If, then, sovereignty, in those stated terms, is an essential and inherent power of all societies, how can it be denied to this totality of individuals that make up what we call the Mexican Empire? If the legislators of the Peninsula wish to act according to their principles, they will have to do one of two things: either acknowledge the right that helped

us to effect independence, or deny that we have the capacity to create a strong government that can sustain that independence against external invasions, to enter into political and trade relations with external powers, and to combine those individual interests with the public interest in such a way that internal upheavals, the germ and origin of civil war and anarchy, are avoided. In a word, they will have to deny that our people can and should be understood in the sense that one ascribes to this word “society.”

To proceed, then, with accuracy on such an important subject and to finish off the disputes between the Spanish and Mexican people from their origin at one stroke, we will attempt to put the question in its true perspective.

The independence proclaimed in Mexico can be considered either illegal for lack of authority in the society to alter its government or untimely because the individuals who make up this empire cannot yet be counted among the company of societies inasmuch as they do not possess the totality of conditions necessary to constitute a people. The first is notoriously opposed to the principles sanctioned in the Spanish Constitution, of which we have made mention, and contrary to the rights of all humankind, which the author of the universe did not create to be a patrimony of one or of many men or nations. So, then, the only possibility that remains to the Spaniards is to deny the status of people or nation to the inhabitants of these provinces. To argue persuasively against such an incorrect view, it will be enough to give an exact and precise definition of the ideas corresponding to these words and to apply them to the Mexican Empire in a way so clear and so obvious that no sensible man can deny recognizing in the totality of its individuals a legitimate and formally constituted people.

Those writers on public law who, to their great honor and the benefit of humanity, have supported and clarified the sovereignty of the people, placing the inalienable rights of nations within reach of even the least informed classes, have not taken equal care to determine the conditions essentially necessary to constitute a society. In our judgment, this lack of care is the reason why all the good effects that should be expected from this beneficent principle have not been perceived. Ignorant people, persuaded of their sovereignty but lacking precise ideas that determine in a fixed and exact way the sense of the word “nation,” have believed that

the entirety of the human species, without other qualities and circumstances, should be considered as “nation”—mistaken concepts that will surely foment discord and disunion and promote civil war!

What is it, then, that we understand by this word “nation,” a “people” or a “society”? And what is the sense that writers on public law have given to the word “nation” when they confirm its sovereignty in those stated terms? It can be nothing other than the free and voluntary coming together of men who can and want, in a legitimately possessed land, to constitute themselves as a state independent from the rest. Nor is it credible that the nations recognized as sovereign and independent can allege rights other than the inherent power to constitute themselves as such and their determined intent to effect it. But which are these necessarily essential conditions under which a nation can constitute itself? Indispensable are: (1) The legitimate possession of the land it occupies. (2) The appropriate enlightenment and resolve to come to know the rights of the free man and to know how to sustain them against despotism’s internal attacks and the external violence of invasion. Finally, a population sufficient to ensure, in a steady and stable way, the subsistence of the state by establishment of an armed force, which both avoids the internal convulsions produced by the discontent of the unruly disorderly elements and contains the hostile designs of ambitious foreign countries. In a word, a legitimately possessed land and the physical and moral force to sustain it are the essential components of any society.

From these luminous principles, whose palpable and manifest evidence must make a strong impression even on the most dubious man, one immediate and legitimate consequence is deduced: that the individuals of this empire are or should be recognized as a true people. They occupy a land whose possession cannot be disputed by any nation in the world; they have made clear to the world by explanations and public declarations that they know the rights of the free man and the justice of the cause they defend; finally, they have succeeded, by taking up arms, in achieving their independence with no assistance other than their own strength, destroying in the brief space of seven months the formidable power of an established government.

It remains for us to put each of these propositions to the test.

1. No nation in the world can dispute with us the land we occupy, because which nation would it be and which the rights that it could allege in support of its claims? Would it be Spain? This seems to be the only

one, and in effect no other nation seeks it. Let us examine, then, the titles to its dominion, and we will see that they appear to be unlawful. Neither the king, in particular, nor the people of the Spanish nation can revoke the right of property. The time passed when it was accepted as true that the king and some number of citizens were the wealthy proprietors with authority to dispossess the rest, for no other reason than their whim, from the land that the latter had made fruitful for cultivation through their hardships and personal labor. Since the fall of feudalism, every man has a sacred right not to be dispossessed of legally acquired land. How, then, does Spain claim to have rights over a territory that in no way belongs to it, that it gave away entirely in parceling it out among the colonists from whom the current owners descend, and who perhaps never possessed it legitimately?

Indeed, all the rights commonly alleged to justify this illegitimate possession appear unlawful as soon as they are examined. Everything Spain can allege in support of its claims consists in: the donation of Alexander VI; the cession of Moctezuma; the right of conquest; the preaching of the gospel; the establishment, defense, protection, and development of the colony; and, finally, the oath of loyalty.

To hold as legitimate the donation of Alexander, it is necessary to assume the Roman pontiff was the proprietor and universal lord of all the earth. Well, having no more reason to concede him this property in America than in Europe, Asia, and Africa, if his dominion is admitted in the first, it cannot be denied in the others. And what would be the result of such a doctrine, as absurd as it is monstrous? That the sacred right of property would be revoked; that nothing could be fixed or stable on this point, and that all the peoples and nations would exist at the discretion of a man who, with no other reason than his sovereignty and absolute will, could, as can any proprietor, dispossess them from the land they occupy; that is to say, he could exhaust the wellspring of wealth and dry up the fountains of public happiness. And would the wise and liberal legislators of the Peninsula let these antisocial doctrines stand? In no way; in the century of the Enlightenment and Spanish liberty, none of its sons thinks so absurdly and mistakenly.

The cession of Moctezuma is just like that of Fernando VII: It was snatched by force; it was declared null by the peoples of the empire, who took up arms to resist the usurpations of the invading army, which, like the French in Spain, tried to legitimate by violence a renunciation as un-

lawful as that of Bayonne. The Spanish censured this, and they cannot endorse something that is entirely similar to it.

The right of conquest is the right of the strongest, which can be and in fact has been suppressed by another, equal right.

The proclamation of the Gospel cannot be a legitimate entitlement for taking possession of the land of catechized peoples. Otherwise, the apostles in the first centuries of the church and the missionaries in the following centuries would be legitimate owners of the land of the converted faithful, and the sacerdotal monarchy, so justly censured in the catechists of Paraguay, could be realized.

The establishment, protection, and development of the colonies have always been the work of individuals, and the Spanish government has played no part in this except to impede by its prohibitive laws and exclusive commerce the progress of agriculture, violating nature in a land capable of producing everything and causing the misery and discouragement of its inhabitants. These inhabitants, because they were prohibited from freely exporting their surplus fruits and importing articles of luxury and comfort, did not make this most fertile land produce anything but what was necessary to sustain a paltry commerce or, better stated, monopoly, incapable of creating great wealth and therefore suitable only for holding back the progress of this nascent colony. And will it be possible that what has caused the unhappiness of Mexico be precisely what is alleged as a right to continue oppressing it? What person, who is not ignorant of the principles of natural equity, will be able to approve such tyrannical behavior? The facts expressed are constant, the consequences are legitimate. What argument, then, can stand up to so palpable a proof? Will it perhaps be the investment of wealth in the establishment and defense of the colony? But here one must note two things: first, that Mexico, although oppressed, has produced enough to cover its expenses, always deducting a surplus that, until the beginning of the insurrection, never has been less than five million duros, which Spain has arranged to its favor and, for this very reason, cannot be certain it has suffered any misappropriation of funds, inasmuch as it was utilized in the establishment of the colonies. The second is that this defense, purely imaginary, has been more harmful and noxious than useful and beneficial to the Mexican territory, whose ports and cities have suffered the horrors of an invasion and the violence of a sacking for no other reason than its dependence on the Peninsula, dependence contrary to the intent

of nature, which did not create an entire world to subject it to following the fate of a small piece of Europe, the least extensive part of our antipodean hemisphere.

It remains for us only to make this illusion of a loyalty oath disappear, an oath that has been used so much to frighten the timid consciences and bewilder the minds of ignorant men. This oath is compulsory and necessarily conditional, that is to say, the people are obliged to obey the decisions of the government so long as they are beneficial to the community and fulfill their promise. If either of these two things is absent, the government's right to command and the peoples' obligation to obey terminate, and the social contract is dissolved. Every act emanating from a government that cannot or will not provide for the happiness of the people that has put its trust in it is null, unlawful, of no value, and, for this very reason, unworthy of being obeyed, and this is precisely the situation in which the Americas find themselves with respect to the Spanish government. Open the Constitution of the Spanish monarchy, and the slightest and most superficial examination will be enough to make clear the commitment of its authors to diminish American representation and obstruct the influence that the native born of those countries could and should have in the government established on the Peninsula. At each step, one comes across articles that confirm this truth, and this code, justly admired for the good judgment, common sense, and wisdom of all its measures in what pertains to Spain, does not lack for injustices, inconsistencies, and puerilities in what concerns America. But let us grant that the constitutional charter contains nothing contrary to the interests of America, that all and each one of the articles sanctioned in it are manifestly beneficial, and, if you wish, that they alone are capable of providing their happiness. It seems that no more can be conceded. Nonetheless, Spain's cause has not been improved by this. And why? Because despite the continuous and energetic demands that have been made to enforce their observance, nothing has been accomplished; our efforts have been useless, merit has been forgotten, virtue has been beaten down, incompetence positioned in high posts, and the outcries of a people reduced to misery disregarded. Well, now, either the Spanish government has tried to deceive us, observing a conduct entirely contrary to what is provided for in the text of the laws, or it has not had energy sufficient to see that they are observed. In either case we are absolved of the oath of loyalty because in neither have the conditions

been fulfilled under which this oath was offered, conditions that are the bond of union between the people and the government, essentially embedded in the nature of these contracts and the fundamental principle of every social contract.

Given that neither Spain nor any other power has a right to the land we occupy, we must make clear that this right resides in the general body of the Mexican people; that is to say, in the individuals born and lawfully domiciled in the empire.

The right of the peoples to possess the land they occupy must necessarily originate in one of these three principles: origin, birth, or residence, because the donation or purchase, if it is of occupied land, can be made legal only by the will of the proprietors, and if the land is unoccupied, no right whatsoever authorizes the donor or seller to transmit to the purchaser or recipient a right it does not have.

A generally accepted truth is that the legitimate possessor of unencumbered assets can transfer the dominion he enjoys to his sons and constitute them lawful masters of the paternal inheritance, and this is what we understand by right of origin or filiation. In the same way, every individual human being has the right to live in the country where he was born and, if he submits to the laws established by the appropriate authority, to enjoy the comforts that the society occupying the land offers; and this is what we know as right of birth. Finally, every foreigner settled in a society, with the expressed or tacit consent of the individuals who constitute that society, can acquire property, enter into the enjoyment of all the comforts the citizens of the state enjoy, and acquire a right we call residency. Because the right of society to the land it occupies is not nor can be anything more than the sum of the individual rights, one unquestionable conclusion follows by deduction: that the citizens of the state, which consists of all of them together being its lawful proprietors, must have a true dominion over the occupied land. Well, now, the citizens who make up the Mexican Empire fall into three classes: the descendants of the old inhabitants, the children of foreign origin in the country, and the Spaniards and other foreigners all living together there. Each one of them is the lawful proprietor of a part of the land, and this the Spanish government has never questioned. So the empire, which represents the totality of all of them, is the owner and absolute master of the territory they possess.

2. But if the Mexican people, or what is the same, the people who make up Mexico, are the lawful masters of the land they occupy, it is no less certain that they are sufficiently enlightened to know their rights and the great benefits independence carries with it, and if there were no other evidence of this truth than the many and great sacrifices they made to achieve independence, these alone would make it clear in a conclusive and decisive way. Eleven years of espionage, prisons, scaffolds, and uninterrupted defeats demonstrate the difficulty of the endeavor and the perseverance of the Mexican people, which has known how to sacrifice its most precious interests in order to achieve liberty. And this immutable steadfastness, this invincible perseverance in confronting such powerful obstacles, are they not proofs guaranteeing that there exists in the general body of the nation an intimate conviction that everything must be sacrificed to the interests of liberty? Has their conduct not demonstrated that they prefer death to servitude and that they are firmly resolved to die free rather than live as slaves? But if, despite all this, even their enlightenment is doubted, peruse their writings published since the year 1810 in England, France, Spain, North America, in Mexico in the presence of masters, and not only will one find many documents that would do honor to some nations that pass for enlightened, but also a total and absolute uniformity with respect to the principal point; that is to say, each one cooperating, by the means in his grasp, in the great work of emancipating the Mexican Empire.

Take in your hands this precious code sanctioned amidst the noise and clamor of arms in the town of Apatzingán. Examine it impartially and you will find inscribed in it all the principles characteristic of the liberal system: sovereignty of the people, the division of powers, the appropriate jurisdiction of each of them, liberty of the press, mutual obligations between the people and the government, the rights of free man, and the means of defense that must be provided to the criminal. In a word, you will find, delimited with sufficient precision and accuracy, the limits of each established authority and, perfectly combined, the liberty of the citizen and the supreme power of the society. So we do not hesitate to affirm resolutely that this code, with some slight adjustments, would have produced our independence and liberty from the year 1815 if the insidious maneuvers of the Spanish government, calculated to divide us, had not produced the pernicious consequence of separating from

the common interests a portion of citizens who, although very small compared with the rest, was the most necessary because it had taken up arms.

But the happy day arrived when the dawning light of citizenship broke throughout the land of Moctezuma, and the activity of this light penetrated the body of the Mexican army. The memorable twenty-fourth of February arrived, and the fields of Iguala repeated the echoes of the liberty pronounced by the immortal Iturbide. At that voice, the chains that bound our hemisphere and another were broken, and, free of them, we put into place, in the country of Anáhuac, a throne to the liberty that had been exiled from it for three centuries. This voice resounds in the provinces and spreads with the speed of light into all corners of the empire. The hero Negrete, as moderate in discussions as fearless on the battlefield, dispels the force of the tyrants with his presence alone and, at the head of his army, frees half the empire in two months. These generals, aided by the meritorious leaders Guerrero, Andrade, Bustamante, Echávarri, Herrera, Bravo, Barragán, Quintanar, Filisola, Santana, and others, make the Spanish domination disappear from this soil in the short space of six months, giving a new appearance to revolution, purging it of some stains contracted in the earlier era and, through moderation and concord, making it appear assured. How is it, then, that some men who have made the most deadly and destructive war against each other come together cordially to effect the liberty and independence of their country? How has it been possible that the voice of two generals in the short space of a few months united wills so discordant through a long eleven years that they would even wage a devastating war? This admirable phenomenon is the inevitable result of the rapid diffusion of the light, originating in the enlightenment that has made known to the people their true interests.

And for a people who knew how to gain their independence, destroying a formidable enemy that they harbored in their breast, will it be impossible to repel a foreign force? A people to whom the rights of liberty are so familiar and who have a more than sufficient knowledge of the eternal maxims of justice, will they be oppressed by an internal despotism? In no way. This outcome is contrary to the experience of all the centuries and does not cohere with natural reason. It is certain that the enemies of independence and liberty will make every effort, first, to compel us to enter the Spanish dominion and, second, to impede or

make illusory the reforms consequent to the liberal system. But each of these until this day has a small following and, with passing time, no following, as is to be hoped from the liberty of the press and the enlightenment that characterizes the meritorious leaders who have led us to liberty.

3. To conclude this discourse, it remains only to make clear that to sustain the proclaimed independence, the physical force we have is sufficient. This physical force has as its base the population and the means of sustaining that population. With the population numerous and the state rich, there is everything necessary to raise an armed force capable of checking foreign invasions, especially when this armed force is inured to war by having been on campaign a considerable time.

Our population is much superior to that of various independent states of Europe and is indisputably double what the United States of America had when it pronounced itself independent, a force that made the British nation tremble and frustrated entirely all the plans of subjugation that Britain had with respect to its American colonies. This nation, whose maritime force is the greatest and most formidable the world has known, could not subject three million unarmed countrymen lacking in military knowledge and in a land that, as the least fertile of the entire continent, could not provide anything but the scarcest resources. And will Spain be able, threatened by foreign armies, shaken by internal upheavals, and with a navy in the most deplorable state, to reduce to its dominion the Mexican Empire, which has a population, according to the lowest estimate, of six million, an army inured to war, ready to sacrifice itself for the liberty of its *patria*, a fertile terrain, rich and abundant in every type of crop and, for this very reason, capable of raising and sustaining an army ten times greater than whatever the most formidable power of Europe can transport? It would be delirious to say so, and only a foolish man could enter into the ridiculous undertaking of supporting such a paradox.

Nor can the exigencies we have experienced in these days be avoided, for they are the inevitable consequences of the disorder that must emerge at the outset of a government that is starting to establish itself. Drain the water from the mines, establish freedom of trade, develop agriculture, and the state, by means of direct tax, without an excessive burden on individuals and without the espionage and fetters that the individual and system of customs carry with them, will have what is necessary for all

the expenses of state, to cover its letters of credit and establish a public bank free, if possible, of taxes on individuals “for the extinction of the debt” or, at the least, noticeably diminish such taxes.

From the principles expressed so far and from the application that we have made of them to the Mexican Empire, one can deduce: that it is the legitimate owner of the land it has and currently occupies; that it has in its favor and in support of its sovereign decrees the requisite enlightenment, the necessary population—that is to say, the physical and moral power—to sustain them; that, for that very reason, it is and must be considered and recognized as a true nation; and that, by reason of such, it has an unquestionable right to alter, modify, and abolish totally the established forms of government, substituting for them those it judges suitable for achieving the ultimate goal of society, which is not nor can be anything other than the happiness of the individuals that make it up; and that for this very reason the Mexican people is not nor can be called rebellious for having pronounced itself independent of the Spanish monarchy, for in this it has done nothing other than use the powers conceded by the author of nature to all societies to provide themselves with their happiness by the means they judge most adequate and conducive to this goal.

2

Discourse on the Limits of Civil Authority Deduced from Their Source

Surely few nations have been in such fortunate circumstances for creating constitutions with all possible human perfection as are the American nations, which a half century ago became independent of European powers: The enlightenment generally disseminated by the freedom of the press established in England, France, Spain, Portugal, and Naples; the spirit of liberty, rapidly diffused to all points of the globe; the enthusiasm with which liberal ideas and the rights of peoples, which have gone on to be the subject of a general discussion, have been proclaimed, maintained, and elevated to the highest state; the conviction, produced by the disasters of the most recent revolutions, that one cannot successfully implement certain theories, which, even though they present a store of speculative truths, cannot be realized in practice; and, finally, being entirely free of the obstacles naturally put in the way of any reform by a despotic government consolidated through hundreds of years on stale preconceived notions such as hereditary nobility, feudal domain, sovereignty of kings derived directly from God, and others of the same sort, which practically convinced peoples of the absurd and monstrous doctrine of natural inequality among the children of Adam and which have not permitted a total reform in the states of Europe through the slow but always progressive steps enlightenment has made in them. This lack of obstacles, we repeat, and this abundance of resources that at present make up the political situation of the American peoples, provide sufficient grounds for expecting, from the congresses established on their vast surface, constitutions much more perfect than those created in Europe.

In effect, the outcome has been completely what was to be expected. The Constitution of the United States of North America not only has

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