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“The rupture generation” : nineteenth-century Nahua intellectuals in Mexico City, 1774-1882

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Chapter 5

The Rupture Generation of Nahua Intellectuals and their Early Works

Introduction

As mentioned in the previous chapter, the major political changes in New Spain and in the Iberian Peninsula in the first decade of the nineteenth century deeply affected the lives of people from the Spanish American colonies. By analyzing the events that occurred both in Spain and Mexico at this time, we will be able to understand the political and social environment in which the first two of the mentioned Nahua intellectuals participated. The initial participation of Pedro Patiño and Juan Rodríguez Puebla in matters that affected their social environment directly resulted from these major changes in the way Spain administered its New World Empire politically. For instance, we will see that due to their advanced level of education, both Patiño Ixtolinque and Rodríguez Puebla became intimately involved both in matters of politics and education concerning Mexico's Indigenous People.

The positions that both Patiño Ixtolinque and Rodríguez Puebla held in such matters as the defense of the legitimacy of the kingship of Ferdinand VII before the Napoleonic Invasion in Spain revealed the wide knowledge that these individuals had about both political theory and law. It was precisely the threat that Napoleon's invasion posed for Spanish sovereignty in the capital of New Spain that inspired these intellectuals to express their ideas about government, and in the process they displayed their deep knowledge about natural law and other political ideals. Later on, these two Nahua intellectuals also manifested their enthusiasm for the idea of social equality that the Constitution of Cadiz of 1812 granted to the Indigenous Peoples of the Americas. Although the Constitution's principle of equality for the Indigenous Peoples and their recognition as Spanish citizens probably had the best political intentions, the existing colonial system in New Spain ran contrary to and contradicted these liberal ideas promoted by the said constitution.

Nevertheless, the principle of equality for New Spain's Indigenous Peoples brought a series of transformations within indigenous communities. One of the most important of these initial changes centered on the loss of the juridical concept of the "*indio*," a colonial marker of identity that indigenous communities had lived with and around which they had organized their government, society and daily lives for during almost three centuries. Additionally, the responsibilities and obligations of Indigenous Peoples also changed and the Constitution of Cadiz placed them on equal terms (at least in legal theory) with their non-indigenous counterparts, with the exception of those of African descent. The equal participation that former "Indians" had in the new political system signified a huge step forward in terms of political

equality; nevertheless, these changes failed to provide real social equality to the members of these indigenous communities. Well versed in the European political theories of the time, Nahua intellectuals realized the serious gaps and deficiencies that this radical change in legal status represented for them and their communities. In effect, the change of their “*indio*” status to their new condition as “citizens” implied the loss of their communal organizations, such as *cofradías*, *parcialidades*, and their access to exclusively indigenous schools, among other things, which had contributed to the continuation of the development of their own indigenous identity. Since the Constitution of Cadiz, and eventually the Mexican declaration of independence, denied the existence of segregated institutions arguing that they served against the principle of social equality, the new Constitution deeply affected these important communal organizations that regulated the economic and political lives of Indigenous Peoples. These Nahua intellectuals quickly realized the implicit social disadvantage that these major transformations signified for them and their communities since the effects of colonialism could not be overturned simply through legal means.

Thus, this chapter will explore the main works and arguments that both Pedro Patiño and Juan Rodríguez undertook in order to explain, understand and defend their rights as Indigenous Peoples who had been deeply affected by centuries of Spanish colonization. Consequently, the following analysis of the documents and works created by these intellectuals will mostly follow a chronological order. This procedure will allow us to read through the testimonies that these intellectuals created and trace the path of challenges and experiences that they lived, as well as the issues or events in which they participated. Through this analysis we can also trace the way that institutions, political trends and historical events affected or influenced both the work and participation of these Nahua intellectuals. The ideas and opinions that these intellectuals included in their documents examined a variety of topics, from the period of the French occupation of Spain, to the social and political threats that the indigenous communities experienced when the *parcialidades* legally disappeared. These indigenous intellectuals work also left testimony how these measures affected the opportunities that the Indigenous Peoples had in gaining access to education and other social advantages in the newly established political system.

5.1 The Unsteady Spanish Years: The Political Position of Nahua Intellectuals

As presented in the previous chapter, Pedro Patiño Ixtolinque, Juan de Dios Rodríguez, Faustino Chimalpopoca and Francisco Mendoza were part of a generation unit of indigenous intellectuals in Mexico City at the end of the eighteenth century and the beginning of the nineteenth century. Without a doubt these individuals held in common several characteristics, such as sharing similar social backgrounds, as well as sharing a common reality related to the fact that these individuals lived as “Indians” under the colonial establishment. These Nahua intellectuals also enjoyed a similar economic strata (most of them were able to attend school thanks to scholarships and other financial supports), and they all attended schools administrated under the Spanish colonial

system since all four of them were able to attend either the *Colegio de San Gregorio*, the *Colegio de San Ildefonso*, the University of Mexico or the *Academia de San Carlos*. Consequently, as a generation unit, these intellectuals possessed unique characteristics according to the historical space and time in which they thrived. Similarly, they held a very strong ethnic identity that deeply influenced their lives as well as their works. Also, due to the westernized education that they received, these intellectuals located themselves in a westernized world, but at the same time they did not deny their indigenous heritage and/or ethnicity.

The same way that early indigenous intellectuals such as Anton Muñón Chimalpahin or Fernando de Alva Ixtlixochitl adhered to an intellectual tradition influenced both by their indigenous heritage and their experience with westernized knowledge; these nineteenth-century Nahua intellectuals also attached themselves to a cultural and political tradition learned from the westernized schools they attended. In this sense, these nineteenth century Nahua intellectuals received their education in an educational system that provided them with knowledge and concepts from the European tradition about government, individual and collective rights, property, sovereignty, and political participation. Nevertheless, far from considering them as passive receptors of westernized knowledge, these intellectuals adopted this knowledge in order to help them determine and act in the shaping of their own history within nineteenth-century Mexico, both as individuals and as members of a community.

This westernized political education, based on concepts of popular sovereignty that both Pedro Patiño and Juan Rodríguez received from the *Academia de San Carlos* and the *Colegio de San Gregorio* respectively, led these intellectuals to have strong opinions towards several pivotal international events, such as the French intervention in Spain, the issuing of a new Spanish constitution, and the independence of Mexico. Nevertheless, these intellectuals also focused their interests on domestic issues such as the defense of their communal Indigenous property, and the fight to keep the right of Indigenous Peoples to gain access to higher education, among other concerns. Thus, the active participation that these intellectuals had in these types of affairs did not demonstrate a radical position, but rather a direct consequence of the strain of thought influenced by the academic formation that these indigenous intellectuals received from the colonial system.

Consequently, the decision of these intellectuals to fight for both the rights and benefits of indigenous communities from the institutional position, and not from an armed action, is not incongruous. Similarly, the way these intellectuals sought to occupy positions within the political system does not reflect mere opportunism, but rather a consistent consequence of the education that they received. Nevertheless, the involvement that these individuals had in these problems remained based on a strong indigenous tradition of collective participation, which had its roots in the Mesoamerican traditions.

During the seventeenth century, both in New Spain and in the Iberian Peninsula, the practice of politics remained very *sui generis*, so that the political participation that subject people had in New Spain's affairs, including those with indigenous backgrounds, remained very intense.⁴⁶⁸ As stated in previous chapters, during the period of the Spanish colony the indigenous communities collectively administrated and organized the resources they extracted from their properties, with the consent of the colonial authorities: for instance, they collectively administered the estates owned by the indigenous communities which materialized in their communal support for hospitals, schools, theaters,⁴⁶⁹ *haciendas*, *potreros*, etc.⁴⁷⁰ The indigenous participation in politics took place for the most part in the way that they elected their representative authorities as dictated by law, for example as seen in Title IV, Book V of *The Laws of the Indies* which stipulated:

De lo repartido a los hospitales de indios, no se saque tres por ciento para los Seminarios, ni por esta razón se haga descuento alguno; pero en cuanto a las donaciones hechas por los encomenderos a los hospitales, se guarde lo dispuesto por los concilios provinciales.⁴⁷¹

Even though the period of Spanish colonization in the capital of New Spain was without a doubt a devastating event for indigenous communities, it is also true that Indigenous Peoples always found a place within the political system from which they were able to participate and shape their communal lives, and to a certain extent, to ensure the future of their communities. Proof of this inclusion and participation of Indigenous Peoples in their communities political life are the titles or land grants that the colonial Spanish authorities granted to different communities as a reward for their participation during the period of conquest, or as a means of officially recognizing them as the legal owners of their communal land.⁴⁷² In this sense, the inclusion of indigenous allies into the political and territorial system established by the Spanish colonial authorities in New Spain represented a system of inclusion and participation. It is a fact that this political

⁴⁶⁸ Marie Regina Madder, *Political Theory and Law in Medieval Spain* (New York: Fordham University Press, 1930), 101-103.

⁴⁶⁹ Justino Fernández, "El hospital real de los indios de la Ciudad de México," 29.

⁴⁷⁰ Delfina E. López Sarrelangue, "Las tierras comunales indígenas de la Nueva España en el siglo XVI," *Estudios de cultura novohispana*, N°. 1 (1966): 131-148.

⁴⁷¹ *Leyes de Indias*, Libro V, Ley IV: "Don Felipe II, en Tordesillas, a 22 de junio de 1592. Y en Madrid, a 12 de febrero de 1589," 64; in *Las Leyes de Indias con las posteriores a este código vigentes hoy*; epilogue by Don Miguel de la Guardia, Volume I, (Madrid, 1889).

⁴⁷² As a matter of fact, these titles or land grants served as a type of symbolic representation for indigenous political participation within the colonial Spanish system in New Spain. It is important to mention this since Faustino Chimalpopoca translated several of these documents since he considered them as solid proof of this indigenous political participatory tradition. See Faustino Chimalpopoca, *Origen de Cuiclahuac y otros documentos*, 1857, AHBNAH.

involvement of the subjects of the Spanish Monarchy and its territories remained active from its origins to the end of the early nineteenth century.⁴⁷³

As a consequence of this participation, it is not unusual that indigenous intellectuals such as Patiño Ixtolinque, Rodríguez Puebla, Mendoza y Moctezuma and Galicia Chimalpopoca became actively involved in both the social and political spheres of life during the nineteenth century. This phenomenon of political participation rested on the basic ideas in which the Spanish monarchy operated throughout its colonies in the Americas. This political participation relied on the basic premises of popular sovereignty and the ideals of representation established by Classical thought (Greece and Rome) and the European medieval concepts of government.⁴⁷⁴ Thus, in general terms we can say that several indigenous communities in the Valley of Mexico even during the colonial period enjoyed the right of being represented by some sort of indigenous representatives. This feature of representation also embodied one aspect of the type of government that prevailed in the Spanish colonies which had been established from the beginning of the sixteenth century. Therefore, indigenous intellectuals' participation in the political realm during the seventeenth and eighteenth century was not an unusual phenomenon. We can better understand this collaboration by considering the concepts of government shaped by the Spanish monarchy, as the scholar John Leddy Phelan defined it:

The Spanish monarchy was absolute only in the original medieval sense. The king recognized no superior inside or outside his kingdoms. He was the ultimate source of all justice and all legislation. The late medieval phrase was, "The king is the emperor of the realm." The laws that bore the royal signature, however, were not the arbitrary expression of the king's personal wishes. Legislation, and the extent to which it was enforced, reflected the complex, and diverse aspirations of all, or at least several, groups in that corporate, multi-ethnic society.⁴⁷⁵

And he continued stating that:

The monarchy was representative and decentralized to a degree seldom suspected. Although there were no formal representative assemblies or *cortes* in the Indies, each of the major corporations such as the *cabildos*, the various ecclesiastical groups, the universities, and the craft guilds, all which enjoyed a large measure of self government, could and did speak for their respective constituents. Their

⁴⁷³ Jaime Rodríguez O., ed., *The Divine Charter: Constitutionalism and Liberalism in Nineteenth-Century Mexico* (New York: Rowman & Littlefield, 2007), 3.

⁴⁷⁴ For instance, the extensive number of books that the library at the *Colegio de San Gregorio* had about government theory provides us with a glimpse into the type of intellectual material that students at the *colegio* had at their disposal. See *Lista de libros pertenecientes al Colegio*, 1839, AHMNAH, Colección Colegio de San Gregorio, rollo 7, documento 13, Volumen 131, 1839, fojas 165r-190v.

⁴⁷⁵ John Leddy Phelan, *The People and the King: The Comunero Revolution in Colombia, 1781* (Milwaukee: University of Wisconsin, 2010), 82.

views reached the king and the council of the Indies, transmitted directly by their accredited representatives of indirectly through the viceroys and the *audiencias*, and their aspirations profoundly shaped the characters of the ultimate decisions.⁴⁷⁶

In order to understand some of the main factors that influenced the way these intellectuals acted during the nineteenth century, I will briefly review the idea of popular sovereignty, and the political strength that the institution of the *ayuntamiento* gained with the issuing of the Constitution of Cadiz of 1812.

During the mid-eighteenth century, the Seven Years' War (1755-1763) modified the future of English, French and Spanish colonies in the Americas and other regions of the world. As a consequence of this and other serious events that occurred between the European powers, France, led by Napoleon Bonaparte, organized a military excursion into Spain in 1807. This military and political intervention against Spain forced the Royal Spanish family to leave the peninsula in 1808, resulting in the subsequent imposition of Joseph Bonaparte as the imposed king of the Spanish monarchy.⁴⁷⁷ It is from this point onwards that the subjects of the Spanish monarchy, both in Spain and the American colonies, saw the popular sovereignty of the people in danger since the Hispanic idea of government stated that sovereignty resided in the people, and the Spanish people had not accepted or approved of Joseph Bonaparte.

In contrary to the semi-autonomous forms of government and participation that Spain had shaped both in Europe and the Americas, the imposed Emperor Joseph Napoleon carried forward a policy of a monarchy with absolute power, denying and ignoring the popular representation that had previously existed in Spain when it remained under the administration of King Ferdinand VII. Officially, Joseph Bonaparte occupied his position of king of Spain on June 6, 1808, but not before facing the open resistance of the Spanish people who defended the monarchy and fought for Ferdinand VII to remain on the throne.

As this situation developed in Spain, the people from the Americas received the news of the French occupation between the months of June and August of 1808. Worried about their role as subjects of the Spanish monarchy and in a clear act of solidarity, the representatives of the Spanish colonies in the Americas joined the effort of the Spanish opposition from the Peninsula when these rebels formed the *Junta Suprema Central y Gubernativa de España e Indias*. This Junta took place in the city of Aranjuez, Spain, on September 25 of 1808.⁴⁷⁸ The main purpose of this Junta focused on keeping the rights of government under popular sovereignty in the absence

⁴⁷⁶ Ibid.

⁴⁷⁷ Jaime E. Rodríguez O., "México, Estados Unidos y los países hispanoamericanos: Una visión comparativa de la independencia," in *México, 1808-1821. Las ideas y los hombres*, eds., Pilar Gonzalbo Aizpuru and Andrés Lira, 71-106 (México: El Colegio de México, 2014), 5.

⁴⁷⁸ See José María Pujol Moreno, "La creación del Consejo y Tribunal Supremo de España e Indias (Consejo reunido) por la Junta Central en 1809," *Cuadernos de Historia del Derecho*, núm. 12 (1995): 189-236, 213.

of the legitimate Spanish king, and they did this as a means of resisting the French intervention and in defense of the rights of the inhabitants of the Spanish territories, both in Europe and overseas.

Consequently, and in order to demonstrate that political participation in the Spanish monarchy extended to all its subjects, the *Junta Suprema* in 1809 recognized the right of the American colonies to have representatives and participate in this new type of government during the French intervention to Spain. Thus, in this *Junta*, the participation of both Spaniards from the Peninsula and the Americas remained on equal terms of participation.⁴⁷⁹ Nonetheless, the *Junta* remained under constant pressure from the military advances that the Napoleonic troops carried out in Spanish territory. On January 1810, the Junta fell under siege by the French and in an effort to remain active their members retreated to the Isla de León, where they finally disintegrated as an active counter-government. The active members of the *Junta* then appointed a *Consejo de Regencia* to govern Spain and its overseas territories. Before this precarious situation, the colonies in the Americas decided to create autonomous governments over their territories.

As the result of this sequence of events, in 1810 the Cadiz Cortes arose as a national assembly that served as the legitimate executive branch of power in the absence of King Ferdinand VII. As members of the Cortes the people from the Spanish Americas indeed counted upon representatives who followed the guidelines previously established by the *Junta*.⁴⁸⁰ One of the major achievements of the Cortes was the issuing of the *Constitution Política de la Monarquía Española*, also known as the Constitution of Cadiz in 1812.

The events mentioned above, as well as the development of a politically complex document such as the Constitution of Cadiz, reflected not only the political participation of the people within the Spanish monarchy, but it also demonstrated the wide knowledge about political theory and social organization that people in the Spanish kingdom had. As an unprecedented act, modern historian Jaime E. Rodríguez O. has not doubted in calling this historical process a political revolution. For instance, we will notice that between the years of 1812 and 1814, constitutional *ayuntamientos* flourished in the Americas. It is within this context and having all these events as scenario that Nahua intellectuals created most of their production.

5.1.1 Pedro Patiño Ixtolinque: The Artist, the Regidor and the *Ayuntamiento*

Based on the biographical information of Pedro Patiño Ixtolinque, we currently know that he entered the *Academia de San Carlos* in 1788, and began to pursue a career in the field of

⁴⁷⁹ Santos M. Coronas González, “La crisis del antiguo régimen consultivo en la España constitucional,” *Revista de Estudios Políticos*, N° 57 (1987): 177-190, 184-186.

⁴⁸⁰ For more information about how this political process elapsed in Mexico City see Alfredo Ávila, “Cuestión política. Los debates en torno del gobierno de la Nueva España durante el proceso de independencia,” *Historia Mexicana* 59, Núm. 1 (Sep., 2009), 77-116.

sculpture. Also, considering the available documentation we know that Patiño Ixtolinque remained an outstanding student who also became one of the student assistants of Manuel Tolsá (See Chapter 4 of this work for more biographical data). In 1793, the members of the *Academia de las Nobles Artes in Madrid* invited him twice to come to Spain. Along with four other students from the *Academia* in Mexico City, Patiño Ixtolinque received an invitation to go to Madrid in order to perfect his artistic techniques. However, he and his companions refused to go to Spain and carry out this duty. Although two of the students explained that they rejected the grant for family reasons, the reasons why Patiño and his other classmates refused to continue their studies in Europe are still unclear. Patiño Ixtolinque had argued that he disagreed with the politics and ideas of the person who remained in charge of the student-exchanges from Mexico in Madrid, Cosme de Acuña. Nevertheless, this reply does not seem satisfactory due to the fact that the said grant would have represented a considerable advancement in Patiño's career. Patiño Ixtolinque's answer also lacked strength especially because even though Cosme de Acuña remained as an unpopular character in Mexico City, when he arrived in Spain still managed as good as possible the resources available to him which kept the exchange program between Spain and the colonies going.⁴⁸¹

Nonetheless, by considering the context of political instability that Spain experienced at that time, I propose that it is more likely that none of the said students were willing to go to Spain due to the military events that occurred in the Peninsula, such as the beginning of what is known as the French Revolutionary Wars that occurred between 1792 and 1802. Thus, it is pertinent to consider that Patiño Ixtolinque and his classmates might not have felt fully encouraged to stay in Spain for a period of five years when Spain was involved in series of conflicts with other European powers.

It is highly feasible that the news about the conflict that existed in Europe had reached New Spain through publications such as the *Mercurio Mexicano* and the *Gazeta de México*. The good coverage that these newspapers had about international affairs may be exemplified in a note published on May of 1793 in the *Gazeta de México*. This issue included a series of detailed news about the death of King Louis XVI, including the notification that the Court in Madrid had declared a period of mourning for three months, and additionally the report included the "Testament of Louis XVI."⁴⁸² This brief example demonstrates effectively that people in Mexico City in general kept well informed about world events through the circulation of such publications. Thus, the *Gazeta* on May 21 of 1793 included a letter from the Secretary of State, dated on February 26 in Madrid, in which he made an open call, on behalf of the king, to all the Spanish subjects to enlist in the army in case of war:

⁴⁸¹ José Manuel Arnáiz, "Cosme de Acuña y la influencia de la escuela madrileña de finales del S. XVIII en América," *Academia: Boletín de la Real Academia de Bellas Artes de San Fernando*, Núm. 73 (1991): 135-178, 156-157.

⁴⁸² *Gazeta de México*, 14 de mayo de 1793, 311-315.

Queriendo el Rey no gravar a sus fieles vasallos separando de la agricultura y artes los brazos útiles, i siéndoles preciso aumentar su exercito por causas justas y necesarias, ha resuelto S. M. que se dé facultad a las Justicias de cada pueblo en sus dominios para que convocado con el Cura del territorio a la vecindad de su jurisdicción, pregunte quienes (de los que sean aptos para el servicio) querrán emplearse en él voluntariamente, y por el tiempo que les sea posible, para no sustraerlos de los útiles trabajos de sus labores: prefiriendo S. M. este medio suave propio de la confianza y amor que le merecen sus vasallos, a la forma y método con que esta operación ha solido antes de ahora practicarse [...]⁴⁸³

Similarly, this entire number of the *Gazeta* included several notes which expressed the generalized fear in Spain of becoming involved in a war against France. Some examples of this included one note that read:

La Ciudad de Málaga, el alistamiento de 150 hombres, los 30 de tropa voluntaria para guarnición de aquella plaza, y que S. M. puede atender a otras urgencias con la que ocupa en aquella guarnición; y los 120 restantes para que se hallen prontos y armados para acudir adonde se les mande.⁴⁸⁴

The following note also expressed serious concerns from the population before the imminent menace of war:

El cuerpo de Montañeses, dueños de tiendas de comestibles y tabernas en Cádiz, 360 reales anuales durante la guerra, si la hubiese, para la manutención diaria de 25 soldados. Otras muchas ciudades, pueblos cuerpos y sujetos particulares han hecho semejantes demostraciones ofreciendo sus facultades y personas, que aunque no han sido ofertas tan individuales como las anteriores, son igualmente de consideración; manifestándose en todas la emulación con que los Vasallos de los Reynos de Castilla anhelan a contribuir a; servicio de S. M. con el objeto de que se conserve el decoro de la Real familia de nuestro soberano y la tranquilidad de la Monarquía.⁴⁸⁵

It would not be surprising to consider that Patiño Ixtolinque, as well as many others in New Spain, saw a threat against the Spanish monarchy from other European powers as a real menace. Thus, the refusal of Patiño Ixtolinque to take this grant to travel to Madrid at this time seems to be the result of the political climate that prevailed at that time in Europe.

During the ninth decade of the eighteenth century, Pedro Patiño consolidates his career as a sculptor, augmenting it with a period of intense drawing activity. It is during this last decade of

⁴⁸³ *Gazeta de México*, 21 de mayo de 1793, Tomo V, Número 35, 325.

⁴⁸⁴ *Gazeta de México*, 21 de mayo de 1793, Tomo V, Número 35, 332.

⁴⁸⁵ Ibid.

the 18th century that Pedro Patiño drew several nude masculine figures. Among these drawings one stands out, one which Patiño Ixtolinque entitled *El cargador*, or the *Burden Bearer*. Pedro Patiño drew this piece in 1796, and if it were not for the political context in which Patiño composed this sketch, it should be considered as only one example of Patiño's skills as an artist.

Patiño used charcoal and coal on paper to create *The Burden Bearer*, which portrays a nude male figure, dressed only in a sort of tunic thrown over his back which covered only a part of the left side of his body, carrying a rectangular block. The tunic thrown over the male figure's back appears to help him to add some sort of support or resistance in order to carry the mentioned rectangular block. One of the sides of this rectangular figure includes the legend "Rey," or "king," while the front side of the figure includes a representation of "N^o. 3." The face of the male figure demonstrates rigidity or an expression of weariness, while his stooped body position gives evidence to the apparent heaviness of the rectangular object that he is carrying. This male figure displays what we may consider as indigenous facial features, since nineteenth-century iconography identified indigenous representations by the use of scarce facial hair in the area of the mustache and the beard. In general terms we can see that the construction of this sketch is quite simple, yet the same is not true for its meaning.

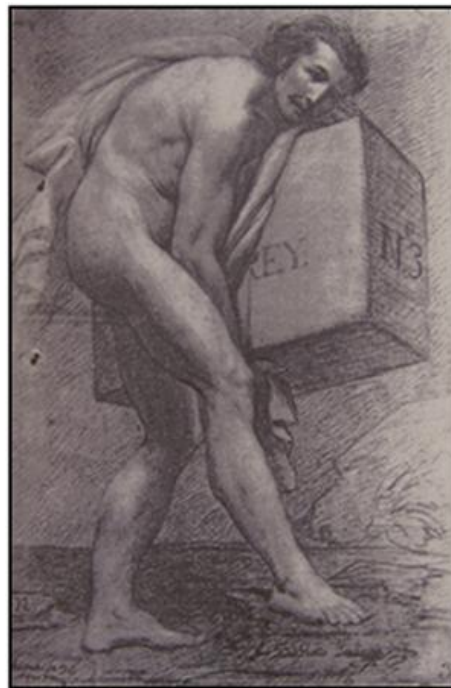


Figure 8. *The Burden Bearer*, by Pedro Patiño Ixtolinque, 1796, charcoal and chalk on paper. Image taken from Westbrook (1999).

Pedro Patiño drew the *Burden Bearer* at the end of the 18th century, when the population of New Spain had already experienced and suffered from the major Bourbon Reforms that the Spanish Crown had implemented in its colonies. The Bourbon Reforms had several objectives,

although the majority of these focused on the development of the Spanish Crown's material interests and the increase of the distribution of wealth into the hands of the monarchy through the centralization of "royal income." The official visit of Don José de Gálvez in 1770, sent by order of King Charles III of Spain, represented the beginning of the changes in the administration of the colonies since from that point on the power of the viceroy diminished. In this sense, King Charles III, the third king of the Bourbon dynasty in Spain, can be considered as the monarch who strongly pushed for the implementation of most of these reforms.

The inhabitants of New Spain interpreted these reforms as a direct process or attempt to limit their political participation, and most considered these changes as a means of extracting more wealth from New Spain in order to economically support Spain. These bitter sentiments increased with the food shortages that occurred between the years of 1785 and 1787, causing famine that most deeply affected the indigenous population, leading to a decrease of the availability of cheap labor. Thus, the last decade of the eighteenth century became characterized by having an increase in the poverty rates throughout the territories of New Spain as well as an increase in the sales taxes (*alcabalas*) and other new taxes and impositions over the society of New Spain. Also, during the period of the Seven Years War (1756-1763) increasing amounts of wealth extracted from the American colonies had kept the Spanish Crown going during all those years. During his visit, Gálvez consolidated the royal monopoly on two important industries for New Spain: the production and manufacture of tobacco, and the mining industry.⁴⁸⁶ Both New Spain's viceroy at the time, Francisco de Croix (1766-1771), and the *visitador* Gálvez agreed to expand the colonial administration into the region of New Santander in order to exploit the rich mining resources of the area.

Although the reforms worked accordingly and provided Spain with necessary resources to invest in the royal defense, during the last decade of the 18th century, the fiscal burden over the population of New Spain had notably increased. The military and defensive expenses of Spain boosted again with the war against the French in 1793, and in 1796 with the English conflict. During this period of time the Spanish King, Charles IV, started to ask for loans and donations from various colonial institutions, such as the merchant guild, or *consulado* of Mexico, as well as the most important merchant guild, or *consulado* of Veracruz and the Tribunal of Mining.⁴⁸⁷ Not only that, but when Spain needed the resources the most, the King openly took resources from the funds of the *propios* and *arbitrios*,⁴⁸⁸ which the Bourbon Reforms had put

⁴⁸⁶ See Enrique Canudas Sandoval, *Las venas de plata en la historia de México: síntesis de historia económica, siglo XIX, I* (Tabasco: Universidad Juárez Autónoma de Tabasco, 2005), 235-260.

⁴⁸⁷ See Pablo Escalante, Luis Jáuregui et al., *Nueva historia mínima de México* (México: El Colegio de México, 2011).

⁴⁸⁸ The term "*propios*" referred to the income that the *ayuntamiento* received from the renting of the properties from the *cabildo*, such as houses, buildings for business, *fincas*, etc. The *arbitrios* must be understood as the municipal rights or "*derechos municipales*" which could be defined as special taxes that the *ayuntamiento* levied on certain products when they entered into the city in order to cover special expenses. However, in many cases these special charges turned into permanent taxes, which allowed the *ayuntamiento* to increase the funds in its treasury.

under the direct disposition of the Spanish King. The *propios* and *arbitrios* directly administrated the resources from towns, villas and other urban centers, as well as resources from the indigenous *cajas de comunidades* and *montepíos*. In most cases, the Spanish king never paid back these debts.

Within this context, Pedro Patiño drew the *Burden Bearer* in an exercise to express not only his personal discontent with how the reforms strongly encouraged by the Bourbons had affected New Spain's economy; but also to make public his disagreement with the dispossession that indigenous communities had suffered in order to pay for all of the military incursions and wars led by Spain during the last decades of the 18th century. As his drawing illustrates, the burden carried by the male figure includes the legend "*Rey No. 3*," which Patiño most probably used for referring to the third king of the Bourbon dynasty in Spain, Charles III, who had promulgated the most dramatic economic reforms and who, in many instances, had put the funds of the *propios* and *arbitrios* under the monarchy's disposition when needed. Although it was his successor Charles IV who most rampantly took the funds from the indigenous *cajas de comunidad* and other civil agencies in 1790, it was Charles III who had made this move legally possible. In Patiño Ixtolinque's *Burden Bearer*, the representation of the apparently heavy rectangular object that the male figure carried may have two interpretations. One of them is that this rectangular object represents the burdens created by King Charles III of the Bourbon dynasty over the *propios* and *arbitrios*. According to the image, the rectangle includes the legend "*Rey No. 3*" in order to either represent Charles III and his policies as a heavy burden, or in order to represent the rectangular object as a package, which possibly contained the wealth extracted from New Spain, and the *propios* and *arbitrios* from indigenous communities.

My second interpretation centers on the idea that this rectangular object represents the debts created by the military ventures of Charles III, the third Bourbon monarch. Similarly to my previous argument, this rectangle may contain the wealth of New Spain, a burden that the male figure, or bearer, carries to Spain.

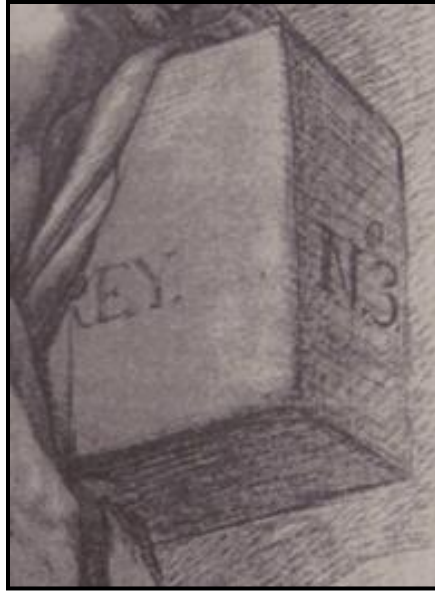


Figure 9. “King No. 3” the representation of Charles III of Spain as a burden. *The Burden Bearer*, Patiño, 1796. Detail.

Also, the image of the nude male figure includes distinctive facial hair that most probably indicates his indigenous affiliation, here serving to represent the indigenous population that had been exploited in fields and mines, or economically abused by the imposition of the new heavy taxes, as well as being forced to support Spain with their communal savings deposited in their indigenous *cajas de comunidad*.



Figure 10. Facial hair on this male representation suggests his indigenous background. *The Burden Bearer*, Patiño. Detail.

In this powerfully drawn statement Patiño Ixtolinque exposed his idea that New Spain supported the expenses of Spain upon the backs of the Indigenous People. Patiño also stated in this image that the Indigenous Peoples from the Americas were the most affected by the Bourbon

Reforms since they had been exploited in the mines and fields which proliferated due to the reforms. Ixtolinque also denounced in this drawing the fact that Indigenous Peoples were sending their communal resources to Spain in order to support a monarchy that only exploited them. Thus, according to the ideas of Patiño Ixtolinque, the indigenous communities had been carrying the burden created by the Bourbon Reforms, especially those encouraged by the third Bourbon monarch on the throne of Spain: Charles III.

The general political discontent that prevailed in New Spain's population as well as the abuses of its Indigenous People found a representation in the drawing of the *Burden Bearer*. Also, this work reflected Patiño's political interpretation about the history of Spanish colonization, a process of oppression that he considered had turned Indigenous Peoples into the forced bearers and supporters of the empire.

Between the years of 1793 and 1814, Patiño continued drawing male nudes, none of which contained the political statements included in his *Burden Bearer*. I consider that the *Burden Bearer* represented a clear criticism of the Bourbon Reforms; however, Pedro Patiño may have been reprimanded by the authorities from the *Academia* for this critical drawing since that school precisely represented the successes of the said reforms. Also, the open criticism to both the Spanish monarchy and the king that this drawing may have represented could have been considered a statement against the loyalist values promoted by colonial institutions. It is possible that after having been reprimanded by the authorities of the *Academia*, Ixtolinque decided to continue drawing sketches without such overt political content. Consequently, after the year 1799, Patiño avoided giving his drawings explicit titles; instead, he opted for generic names for his drawings, such as "two figures," "two male nudes," or "seated males nudes."



Figure 11. *Desnudos masculinos*, Pedro Patiño Ixtolinque, 1808. Taken from *El desnudo en el siglo XIX*.

During the turbulent years that came after 1810, the relatively young ages of these Nahua intellectuals most probably prevented them from generally playing predominant or active roles in the public sphere. It was not until the year of 1812, and under very difficult circumstances for Spain, that the representative body of the Cortes designed the Constitution of 1812, or the so-called Constitution of Cadiz. This constitution represented a collective work, based on constant debates and meetings, of representatives of all the inhabitants of the Spanish monarchy. Thus, the content and guidelines stipulated by this constitution not only benefited and granted the Spanish American colonies with more autonomy, but it also changed the status of their inhabitants to equal status with all other Spanish citizens. Similarly, this constitution established a moderate monarchy, abolishing several state institutions, such as the Tribunal of the Holy Office, the indigenous tribute tax, forced labor, and personal services, while at the same time creating a unified state that saw to the equality of all the regions that had once formed the Spanish empire, as well as including the basic elements of an electoral law.⁴⁸⁹ Moreover, this constitution restricted the authority of the king, and most importantly for the purpose of this study, it gave the right to vote to all the males of the Spanish territories in the Americas, regardless of their education, level of literacy, or lack of property. Still all these new rights did not at first include the African descendants in New Spain and the other colonies from the Americas.

⁴⁸⁹ Iván Escobar Fornos, “La Constitución de Cádiz, modelo del constitucionalismo,” *Anuario iberoamericano de justicia constitucional*, N°. 16(2012): 165-189, 176-177.

It is within this context of having a constitution that had returned the power of the people over their governmental institutions, as well as its reinforcing of the authority of the local *ayuntamientos*, that we find Pedro Patiño Ixtolinque mentioned in documents again. It is possible that the general enthusiasm that having a new constitution generated among people in New Spain might have encouraged Pedro Patiño to integrate himself into the *Ayuntamiento* of Mexico City.

In an *Acta del Cabildo* from Mexico City, with the date of December 26, 1813, Patiño Ixtolinque once again appeared in the historical record as an elected *regidor* of the *Ayuntamiento* in Mexico City on:

En la Ciudad de Mexico á primero de Enero de mil ochocientos catorce años: Habiendo el Sor. Gefe Politico citado por medio de oficios á los Señores Mariscal de Castilla, Marqués de Ciria, D. Francisco Arsipreste, Conde de Regla, Sargento mayor retirado D. Ygnacio García Ilueca, Capitan D. José Maria Valdivielso, Capitan D. Mariano Ycaza, D. Pedro Extolinque Patiño, Capitan D. Manuel Arechaga, Subteniente D. Pedro Prieto, Teniente, D. Manuel Terán, y Lic. Dn. Manuel de la Peña y Peña, para que previo el juramento que dispone el articulo 337 de la Constitución [...]⁴⁹⁰

During the first decade of the nineteenth century, in Mexico the *ayuntamiento* had become an important center of political and social participation for the new citizens. In Mexico City the figure of the *ayuntamiento* became of central importance since through these institutions citizens, by means of their representatives, exercised their popular sovereignty. For the case of this particular study, it is important to note that Indigenous Peoples in general used this institution in order to channel to the proper authorities their worries and concerns about specific issues.

In order to understand the importance that this institution had for indigenous communities it is necessary to review the guidelines concerning *ayuntamientos* established by the Constitution of Cadiz, which demonstrated the great power and political influence that the *ayuntamientos* came to hold: “Art. 309. Para el gobierno interior de los pueblos habrá ayuntamientos compuestos de alcalde o alcaldes, los regidores y el procurador síndico, y presidios por el jefe político donde lo hubiere, y en su defecto por el alcalde.”⁴⁹¹

Similarly, the establishing of the *ayuntamientos* provided the population with not only another form of political participation, which was plural indeed, but it also offered them a means of directly administering their community resources: “Art. 310. Se pondrá ayuntamiento en los pueblos que no le tengan, y en que convenga le haya, no pudiendo dejar de haberle en los que

⁴⁹⁰ *Actas de Cabildo- 133 A: Composición del Ayuntamiento*, 1 de enero de 1814, AHDF, Ayuntamiento, foja 1r.

⁴⁹¹ *Constitución Política de la Monarquía Española Promulgada en Cádiz a 19 de marzo de 1812* (Valladolid: MXTOR, 2002), 87.

por sí o con su comarca lleguen a mil almas, y también se les señalará término correspondiente.”⁴⁹²

Also, the political participation in the election of the members that formed these institutions demonstrated the “popular” character of the new system of elections and the wide participation that the population had in this matter. The constitution, in its article 312 stipulated that: “Los alcaldes, regidores y procuradores síndicos se nombrarán por elección en los pueblos, cesando los regidores y demas que sirvan oficios perpetuos en los ayuntamientos, cualquiera que sea su título y denominación.”⁴⁹³

Articles 312 and 313 of the Constitution of Cadiz also specified that: “Los alcaldes, regidores y procuradores síndicos se nombrarán por elección de los pueblos [...] todos los años del mes de diciembre se reunirán los ciudadanos de cada pueblo, para elegir a pluralidad de votos, con proporción a su vecindario.”⁴⁹⁴

According to these guidelines, Pedro Patiño had to be elected by the citizens of his *pueblo* in order to occupy the position of *regidor*. He also had to meet the requirement of being a citizen in the exercise of his rights, older than twenty five years old, and having spent at least five years as a resident of the *vecindad* or *pueblo*.⁴⁹⁵ As member of the council, Patiño Ixtolinque along with Don Manuel Terán was in charge of taking care of the hospitals, hospices, and houses for orphans (*casas de expósitos*) as well as other almshouses.⁴⁹⁶

Unfortunately, I have not been able to find further documents authored by Patiño while he served as *regidor*. Nevertheless, based on the available documentation, we can assume that between his residence as student at the *Academia de San Carlos*, and his marriage in 1808 with Doña María Benedicta Benita, and his appointment as *regidor* in 1814, Pedro Ixtolinque had to be involved in some other way in politics, either as an active member of his community, or as a well known character recognized by the people from his *vecindad* since the people considered that he possessed sufficient credentials to occupy such position. What is notable about this situation is that Patiño at this time apparently did not occupy a formal position related to his career as a sculptor, but rather he held a position associated with social welfare such being in

⁴⁹² Ibid.

⁴⁹³ *Constitución Política de la Monarquía Española*, 88.

⁴⁹⁴ Ibid.

⁴⁹⁵ Ibid., 89.

⁴⁹⁶ *Actas de Cabildo: Cuidar a los hospitales, hospicios, casas de expósitos y demás establecimientos de beneficencia*, 1 de enero de 1814, AHDF., Actas de cabildo-133A - Documento 339.

charge of the houses for abandoned children and the hospitals,⁴⁹⁷ which were heavily supported financially by indigenous communal funds.⁴⁹⁸

Based on the guidelines stipulated in the Constitution of 1812, the institution of the *ayuntamiento* retained a strong loyalist position. This argument leads me to conclude that Pedro Patiño necessarily would have to have been a supporter of the Spanish monarchy, at least in outward appearance. For instance, when the elected people took possession as members of the *cabildo* in Mexico City, they had to take an oath that obliged them to observe and follow the principles declared in the Constitution of 1812 and respect the authority of the Spanish king, among other duties:

Sr. Gefe Político leyó el artículo 337⁴⁹⁹ de la Constitución Política de la Monarquía española, y en segundo puesto en pie lo que igualmente hicieron todos los demás, preguntó á los nuevos empleados si juraban guardar la Constitución política de la Monarquía Española, observar las leyes ser fieles al Rey, y cumplir religiosamente las obligaciones de sus cargos; y habiendo respondido todos que si juraban, subieron inmediatamente á ocupar sus sillas en los estrados.⁵⁰⁰

The fact that we find Pedro Patiño swearing alliance to both the King of Spain and the Constitution in 1814 reveals that he believed in the political foundations of the Spanish monarchy based on popular sovereignty and representation.

Unfortunately, the documentation about the work of Patiño Ixtolinque as *regidor* is limited and I have not been able to find further documentation of him while he occupied this position. It is not until the year of 1816 when we have additional information about Patiño Ixtolinque as his name appeared in the “*Libro de nombramientos de consiliatorios y académicos de honor*” of the *Academia de San Carlos*.⁵⁰¹ According to this source, Pedro Patiño obtained his rank as an Honorary Academic Member of the Academy by presenting his sculpture *The Proclamation of King Wamba* as his competitive application for an academic position.

⁴⁹⁷ *Expediente sobre la contribución que el hospital real de yndios hace al de San Hipólito de real y medio diario por cada indio demente*, 1813, AGN, Instituciones coloniales, indiferente virreinal, Caja 0974, Expediente 17, fs. 1-15.

⁴⁹⁸ David López Romero, “Enfermedad y hospitales de la ciudad de México, siglo XVIII: Notas para la construcción de una salud pública,” in *Política pública: seguridad y asistencia social. Crisis en México*, eds., Martín Castro and Mario Vela, 1-17 (México: Universidad Autónoma del Estado de Hidalgo, Miguel Ángel Porrúa, 2012).

⁴⁹⁹ “Artículo 337” Todos los individuos de los ayuntamientos y de las diputaciones de provincia, al entrar en el ejercicio de sus funciones, prestarán juramento, aquellos en manos del jefe político, donde le hubiera, o en su defecto del alcalde que fuere primer nombrado, y estos en las del jefe superior de la provincia, de guardar la Constitución política de la Monarquía española, observar las leyes, ser fieles al Rey, y cumplir religiosamente las obligaciones de su cargo,” in *Constitución Política de la Monarquía Española*, 96-97.

⁵⁰⁰ *Composición del Ayuntamiento*, Actas de Cabildo- 133 A, 1v. The underlining is mine.

⁵⁰¹ *Libro de nombramientos de consiliatorios y académicos de honor*, AHASC Planero no. XI; Gaveta 2; inventario 08-712116, Archivo Histórico de la Academia de San Carlos, Mexico City.



Figure 12. *The Proclamation of King Wamba*. Pedro Patiño Ixtolinque, 1816.

This bas-relief sculpture served for the academic review committee of the Academy as a means to evaluate the abilities that Patiño had as an artist, but at the same time Patiño decided to take this opportunity to express another political statement before the members of the *Academia de San Carlos*.

This allegorical piece represents a scene of the legend of King Wamba, one of last kings of the Visigothic Kingdom of Spain who reigned during the years 672 to 680 A.D. According to the legend, based on popular consent the Visigoth people crowned Wamba as their king due to his abilities as a soldier and a ruler. This election occurred against the will of Wamba, who opposed his own appointed as leader of the Visigoth people; however, Wamba respecting the popular decision eventually agreed to take the position as their king.⁵⁰²

The legend about Wamba recounted that one day Wamba passed out in his palace in the city of Toledo, and thinking that he had died the archbishop of the city dressed him in penitential discipline for his last rights. After Wamba apparently woke up from this episode, he realized that, according to the protocols of penitential discipline for a deceased ruler, he had lost his royal office. Before leaving the throne, Wamba apparently appointed Erwing as his successor, even though there are some sources that argue that Erwin usurped Wamba's royal position.⁵⁰³

⁵⁰² Aengus Ward, "Yo uno solo non ualo mas que otro omne:" el rey Wamba en la historiografía de la Baja Edad Media," *E-SpaniaRevue électronique d'études hispaniques médiévales*, Núm. 5 (2008). Retrieved from: <http://e-spania.revues.org/11963>.

⁵⁰³ See, Francis X. Murphy, "Julian of Toledo and the Fall of the Visigothic Kingdom of Spain," *Speculum. A Journal of Medieval Studies*, Number 1 (January, 1952): 1-27, 1-2.

Patiño Ixtolinque used this bas-relief presentation about King Wamba to covertly portray and represent the situation that the Spanish monarchy experienced at that time. Similarly to the early nineteenth century Spanish monarchy as argued by Patiño in this work, the Hispanic Visigothic monarchy led by Wamba “[...] was an elective institution. As such, it lay open to various attempts on the part of successive sovereigns to do away with the elective element, and to secure the crown for their offspring.”⁵⁰⁴ Additionally, just like Spain and its American territories, the Visigothic kingdom was a multiethnic realm in which Visigoths, Romans, Hispanos and Byzantines lived together. With the death of Wamba, the Visigoth Kingdom declined, followed by the transformation of the Arabic invasions shortly after.

The political statement made by Patiño Ixtolinque through this work takes on considerable importance if we remember that he presented this bas-relief as his “final” evaluation before the members of the *Academia*, since the *Coronation of King Wamba* also represented a clear denunciation against the king of Spain, Ferdinand VI, and the actions that he took after he recovered the throne of Spain.

In 1816, the same year when Patiño presented this work, several Spanish citizens had shown disappointment in the course of actions that Ferdinand VII had taken upon his return to Spain.⁵⁰⁵ To contextualize this statement, it is necessary to remember that in December of 1813, Ferdinand VII recovered the Spanish throne, including his control over the territories that the Spanish crown had under its control up until the year of 1808. Without a doubt, the return of Ferdinand VII as the king of the monarchy brought about a great amount of sympathy from both Spain and the Americas; however, upon his return Ferdinand VII ignored the *Regencia* and the Cortes, and on May 4 of 1814 the king declared an absolute monarchy, thus invalidating the Constitution of 1812:

[...] mi real ánimo es no solamente no jurar ni acceder a dicha Constitución, ni a decreto alguno de las Cortes [...] sino el de declarar aquella Constitución y aquellos decretos nulos y de ningún valor ni efecto, ahora ni en tiempo alguno, como si no hubiesen pasado jamás tales actos y se quitasen de en medio del tiempo, y sin obligación en mis pueblos y súbditos de cualquiera clase y condición a cumplirlos ni guardarlos.⁵⁰⁶

This revocation of the Constitution of Cadiz must have been shocking news for many Spanish citizens in Spain, and in the overseas territories, especially for people like Patiño Ixtolinque. The declarations made by Ferdinand VII represented a clear affront to all those who had defended the validity of the Spanish throne during the hard times of the French intervention.

⁵⁰⁴ Ibid., 11.

⁵⁰⁵ Emilio La Parra López, “La restauración de Fernando VII en 1814,” *Historia constitucional: Revista Electrónica de Historia Constitucional*, Núm. 15 (2014): 205-22, 211.

⁵⁰⁶ Juan Rico y Amat, *Historia política y parlamentaria de España: (desde los tiempos primitivos hasta nuestros días)* I (Madrid: Imprenta de las Escuelas Pías, 1860), 476.

Additionally, this pronouncement violated the basic principles of popular sovereignty in which the Spanish monarchy had been based since medieval times.

Based on this principle and the content of the Constitution of Cadiz, for the Spaniards, sovereignty resided in the people, not in the figure of the king. Under these terms, the King solely represented the interests of the people who supported him.⁵⁰⁷

Thus, the bas-relief *The Proclamation of King Wamba* represented Patiño Ixtolinque's political discourse that stood for popular sovereignty and the right of Spanish people to be represented by a king, but not by an absolutist monarch. In this sense, Ixtolinque's *King Wamba* personifies the dignity and integrity that a ruler must have in order to be granted with the popular support. For Ixtolinque, King Wamba represented the loyalty that a king had to his subjects in obeying and respecting their will. This pronouncement made by Patiño Ixtolinque not only proclaimed the right that Spaniards had achieved through the Constitution of 1812, but it also manifested Ixtolinque's sense of the level and importance of participation that Indigenous People had during this period of time.

Through this subtle artistic manner, Patiño Ixtolinque proclaimed himself as a devoted defender of popular sovereignty. In later documentation, Patiño appears as an advocate for education in general, and especially for the right that Indigenous People had to participate in politics and to continue to hold property, one of the rights granted by the Constitution of 1812.

At this point is necessary to point out that several authors have placed Patiño Ixtolinque at this time period as a member of the insurgent troops led by Vicente Guerrero.⁵⁰⁸ This supposition may be rooted in the apparent absence of documents that we have about Patiño Ixtolinque's actions at this time; however, as I have stated in the previous chapter of this study, I have been unable to find documental information that corroborates this statement (see Chapter 4 of this study). Nevertheless, these suppositions may be supported at least circumstantially if we consider that after 1815 many armed uprisings emerged as a result of the general discontent that people had towards the new monarchy. Several of these uprisings gained widespread popular

⁵⁰⁷ See, "Título IV: Del rey, Capítulo I: De la inviolabilidad del Rey, y de su autoridad," in *Constitución Política de la Monarquía Española*, 51.

⁵⁰⁸ See Joan Feliu Franch, *Dinero color azul cobalto: el negocio americano de la cerámica en la provincia de Castellón en el siglo XIX* (Castellón de la Plana, España, Publicaciones de la Universitat Jaume I, 2005). Hugo Cardoso Vargas, "Mexiquenses insignes. Un artista neoclásico, Pedro Patiño Ixtolinque." Lindsey Vanessa Westbrook, "Pedro Patiño Ixtolinque: Artist, Insurgent, Mexican, (Indian)" (Master Thesis, University of California, Berkeley, 1999). Miguel Ángel Fernández, *Historia de los museos de México* (México, Promotora de Comercialización Directa, 1988); Justino Fernández, *Arte del siglo XIX en México* (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Estéticas, 1983). Guillermo Tovar de Teresa, Gabriel Breña Valle, Fernando García Correa, eds., *Repertorio de artistas en México: artes plásticas y decorativas*, Volumen 3 (México: Grupo Financiero Bancomer, 1997). Jean Charlot, *Mexican Art and the Academy of San Carlos, 1785-1915*. Ida Rodríguez Prampolini, *La crítica de arte en México en el siglo XIX. Estudios y documentos III (1879-1902), Tomo III* (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Estéticas, 1997).

support since the general sentiment of the Spanish people believed that Ferdinand VII had broken the social contract. The people of both the Peninsula and the Americas widely held this belief. Finally, these major disagreements and disappointments eventually drove, in a complex and heterogeneous way, the people of the Americas to the eventual movement for independence in the Americas.

5.1.2 Juan de Dios Rodríguez Puebla: The ‘*Indio Constitucional*’

From 1816 and the following four years there is no extant written record about these Nahua intellectuals. It is not until 1820 that we find the first document produced by Juan Rodríguez Puebla, then a student at the *Colegio de San Ildefonso* in his early twenties, who published a political pamphlet under the pseudonym of the “*Indio Constitucional*.”

As a student of the *Colegio de San Ildefonso*, Rodríguez Puebla studied Philosophy, Theology and Civil Law. Therefore, the content of his political pamphlet reflects the political and philosophical knowledge that Rodríguez had acquired throughout his Jesuit education. Similarly, this documental piece also displayed the influence of the political events that occurred in Spain at this time, and the inevitable impact that these had in the Americas. As a student of the *Colegio de San Ildefonso*, Rodríguez had access to different sources that kept him informed about contemporary news and political theories. It is apparent that the substantial changes that the Spanish monarchy experienced during the first decade of the nineteenth century seriously concerned Juan Rodríguez.

In his pamphlet, Juan Rodríguez expressed his enthusiasm to see the constitutional order restored after the Spanish people had forced Ferdinand VII to accept the Constitution of Cadiz and to recognize the sovereignty that resided in all Spanish citizens. This document also demonstrated the political ideas that Rodríguez held about sovereignty, deism, popular participation, and education. Similarly to the artistic works of Pedro Patiño, this document gives us evidence of Rodríguez Puebla’s devotion for the principles included in the Constitution of Cadiz.

Without including a specific title, Rodríguez Puebla directed this pamphlet generally to all of the “Indians from the Americas” in order to instruct them about the rights that the Constitution of Cadiz had granted them, and also to analyze and criticize the position that Indigenous Peoples had held in the colonial system before the issuing of the Constitution:

Alegraos, Indios de la América Septentrional, llenaos de regocijo al ver concluidas las espantosas revoluciones de la península, restableciendo el augusto Congreso Nacional, y jurado por segunda vez el Código de nuestra legislación ¡Suceso venturoso por el que si todos los habitantes de uno y otro hemisferio

deben darse gratulatorios plácemes, ningunos los harán con tanta razón como vosotros, que fuisteis los más oprimidos por la mano cruel del despotismo.⁵⁰⁹

In this specific paragraph the “*Indio constitutional*” assumed his position within the Spanish monarchy not only as a citizen, but also as an “Indian.” In this sense and according to the way he developed his discourse, Rodríguez Puebla was able to address his counterparts from the same perspective, since he well knew about the position that “Indians” experienced in the Americas before the Cortes granted them their full citizenship. It is interesting that in this fragment of the pamphlet the author mentioned the stage of despotism that the Spanish people had experienced in the previous years, and how the Indigenous Peoples had been affected by this instability. The fact that the author indicated that the Indians had suffered at the very bottom of this despotism indicates the awareness that Rodríguez Puebla had about the lack of participation that this system represented for the indigenous communities.

Thus, in this first paragraph he presented to his counterparts an overview of the period when Ferdinand VII ruled the Spanish monarchy as an absolute ruler, between 1814 and 1820. As a student of Law, Juan Rodríguez realized that the sovereignty of the Spanish monarchy resided in the people and that absolutist character of the rule that Ferdinand VII had declared upon his return to the throne after the French invasion of Spain, served as a rampant violation of this precious principle. Similarly to the early statement made by Patiño Ixtolinque with his portrayal of *King Wamba*, Juan Rodríguez likewise by writing this pamphlet commented in response to the political situation of the moment. In 1820, King Ferdinand VII finally restored the Cortes and recognized the legality of the Constitution of Cadiz, but only after damaging the free press, facing several uprisings in the Americas and Spain, creating divisions within the interior of the Spanish army, and causing severe damage to the *diputaciones* and the *ayuntamientos*, as well as closing several universities in Spain. Thus, Juan Rodríguez made special emphasis in his pamphlet about the victory that the king’s recognition of both the Cortes and the constitution of 1812 represented for Spanish citizens in Spain and the Americas.

The second paragraph of this pamphlet includes an interesting deist interpretation about religion and history in order to explain the situation in which the Indigenous Peoples of the Americas lived:

El Arbitro del universo colocó vuestra patria bajo las influencias de un benigno cielo, para que os produjera abundantes frutos, y preciosos morales; pero de nada os sirven esas riquezas; la tiranía las arrancó de vuestras manos, os dejó sepultados en la indigencia, agobiados con el peso de las contribuciones, con las manos atadas para que no cultivaseis los campos cuanto podía la industria ,

⁵⁰⁹ *El Indio Constitucional* (México: Oficina del Ciudadano Valdés, 1820), 1. From <http://liberalism-in-americas.org/844/>

ayudada con la fertilidad del terreno, y caso solo permitió que sembrasteis lo necesario para conservar una vida miserable, que aun deseaba oprimir.⁵¹⁰

Based on the principles of Deism, supported by the debates of so-called “polemic theology” (*polemica de auxiliis*) that Rodríguez surely had read about, he stated here that god provided the Indigenous Peoples of the Americas with a series of resources that they could exploit in their own benefit.⁵¹¹ However, according to this argument, the tyranny of Spain had despoiled the Indigenous Peoples from using these resources and had left them unable to develop any sort of industry due to their heavy burden of taxation. These ideas might have been inspired by the economic theories about production, the creation of industries, and above all the criticism about the exploitation of the Indigenous Peoples in the colonies at the hands of Europeans. These ideas that Rodríguez Puebla expressed may have been based on his reading of Jean Baptiste Say in his work entitled *Treaty of Political Economy* that was heavily influenced by the economic precepts of Adam Smith, John Stuart Mill and Robert Jacques Turgot.⁵¹² Thus, perhaps influenced by his earlier readings in *Colegio de San Gregorio*, Rodríguez argued that “the tyranny,” personified by the conquistadors and the colonial system prior to 1812, restricted the free will of the people from the Americas, making of them subjugated individuals suffering from the ambition of the “oppressors.”

In this brief paragraph, Rodríguez Puebla offered his own interpretation about history: originally, indigenous people possessed a series of resources that god had put in their hands, so through their free will they could enjoy and produce from these sources wealth for their own benefit. However, Rodríguez blamed the “tyrants” as being responsible for the miserable conditions in which Indigenous Peoples ended up living. In this sense, the “tyrants” referred to by Rodríguez Puebla seemed to be the Spanish conquistadors, who destroyed an entire civilization. As a way to demonstrate the validity of his argument, in the subsequent paragraph Rodríguez Puebla mentioned the monuments that people before the conquest had built. He also referred to the knowledge that Indigenous People had developed before the invasion of the Spaniards, something about which he felt personal pride. This mention is not a coincidence, especially considering that Rodríguez probably had access to a vast series of manuscripts and chronicles written by Indigenous Peoples about their ancestors when he was a student both in the *Colegio de San Gregorio* and the *Colegio de San Ildefonso*.⁵¹³ It is based on the knowledge that

⁵¹⁰ Ibid.

⁵¹¹ The arguments about the *polemica auxiliis*, a debate dominated by the Jesuits, was probably well known by Rodríguez Puebla since one of the major authors about this topic was Francisco Suárez, of whom the Library at the *Colegio de San Gregorio* housed several volumes including books about Suárez’s life and work. See *Lista de libros pertenecientes al Colegio*, 1839, AHMNAH, Colección Colegio de San Gregorio, rollo 7, Volumen 131, documento 13, folios 165r-190v.

⁵¹² Jean Baptiste Say, *Tratado de economía política o exposición sencilla del modo con que se forman, se distribuyen y se consumen las riquezas I*, trans., Juan Sánchez Rivera (Madrid: Imprenta de Fermín Villalpando, 1821), 199. See also *Lista de libros pertenecientes al Colegio*.

⁵¹³ For instance, before the nineteenth century the *Colegio de San Gregorio* had an impressive library that housed the manuscripts written by fray Bernardino de Sahagún and the series of documents produced by the intellectuals that helped him in the creation of what is known as the *Primeros Memoriales*. It is also very probable that the

he had about his indigenous heritage that he mentioned and invited his fellow Indigenous People to evaluate for themselves the material proofs that determined their innate intelligence: “Juzgad, indios desventurados, juzgad de vuestros antepasados, por los monumentos que por quedan, y decidme si en las artes, o en las ciencias habéis adelantado más que ellos.”⁵¹⁴

The defense that Rodríguez Puebla presented in favor of the intelligence or aptitude of Indigenous People directly responded to those who argued that the poor situation in which indigenous communities lived resulted from their lack or lower intelligence. The debate about the intelligence of Indigenous Peoples did not represent a new phenomenon. During the first two decades of the nineteenth century this discussion gained strength once again in intellectual circles. For instance, while the Cortes in Cadiz attempted to reorganize a legitimate government for Spain and the Americas, the participation of Americans on equal terms became a point of discussion. One of the arguments presented by a few *peninsulares* centered on their reasoning that Americans, due to their indigenous heritage, did not have the same level of intelligence as *peninsulares*; and therefore, they did not deserve to have an equal vote in the Cortes. For example, the Peninsulares argued about the early Peruvians that:

[...] sus famosos príncipes, venían a ser unos entes sumergidos en el deleite, en los vicios, en el egoísmo, y en la indolencia, extendiendo los placeres y el lujo hasta donde alcanzaba el gusto salvaje a costa del reposo del vasallo esclavizado; su decantada población se reducía a hordas esparcidas y ambulantes con muy limitada agricultura, y sin ninguna industria, sin medios de adelantar la una, ni de adquirir la otra pasando los días en perpetua embriaguez, y en una dulce ociosidad, que es el mayor contento del hombre perezoso e inerte, su muchedumbre asombrosa de pueblos florecientes es la invención más irrisible y ridícula, pues que los españoles sólo encontraron la tosca y deforme ciudad de Cuzco después de atravesar grandes desiertos sin una triste ranchería, sin un asiento de sepulcro, y sin otros vestigios de mansión humana.⁵¹⁵

Similarly, about the early inhabitants of New Spain, the same document expressed that:

[...] El imperio mexicano andaba sin duda algo más adelantado en el camino de la civilización, aunque la ventaja no fuese muy notable [...] Si la ventura estribase en

same college also archived the works of Antonio Valeriano de la Cruz, to whom some scholars attribute the document entitled *Nican Mopohua*, and the works of Juan Badiano, one of the authors of the *Libellus de medicinalibus indorum herbis*, to mention only a few.

⁵¹⁴ *El Indio Constitucional*.

⁵¹⁵ *Informe del real tribunal del Consulado de México sobre la incapacidad de los habitantes de Nueva España para nombrar representantes a las cortes*, 27 de mayo de 1811, Número 224, as cited in Juan Hernández Dávalos, *Colección de documentos para la historia de la guerra de independencia de México de 1808 a 1821, Tomo II*; digitalized by “Proyecto Independencia de México,” Universidad Nacional Autónoma de México, <http://www.pim.unam.mx/index.html>

vivir según las exigencias de la índole y de las inclinaciones, nada habría comparable con los gustos y delicias del indio; él está dotado de una pereza y languidez que no pueden explicarse por ejemplos y su mayor regalo es la inclinación absoluta frugal sobre las necesidades físicas y substraído de las superfluidades sacrifica unos pocos días al descanso de todo el año, y jamás se mueve si el hambre o el vicio no le arrastran; estúpido por constitución, sin talento inventor, ni fuerza de pensamiento, aborrece las artes y oficios, y no hacen falta a su método de existir; borracho por instinto satisface esta pasión a poca costa con brebajes muy baratos y la privación recibe un tercio de su vida; carnal por vicio de la imaginación, y desnudo de ideas puras sobre la continencia, pudor o incesto, provee a sus deseos fugaces con la mujer que encuentra más a mano; tan descuidado en la virtud cristiana, como insensible a las verdades religiosas[...]⁵¹⁶

Under the same terms, the text continued as follows:

[...] el remordimiento no turba su alma, ni detiene sus apetitos pecaminosos, sin discernimiento sobre los deberes de la sociedad, y con desamor para con todos los prójimos, no economiza sino los crímenes que puedan traerle un castigo inmediato. Esto es, señor, el verdadero retrato del indio de hoy, tal como nosotros le vemos, aunque no tal como se ha producido en el soberano congreso, por personajes que querían engañar a vuestra majestad después de haberse engañado a sí mismos inadvertidamente.⁵¹⁷

Even though these arguments did not proceed in the end of the discussions that took place at the Cortes the American colonies acted on equal terms. The idea of “American inferiority” became quite popular among certain spheres of peninsulares both in the peninsula and in the Americas. Nevertheless, the American deputies who attended the Cortes vehemently disqualified these arguments.⁵¹⁸

As a direct response to these statements, Rodríguez Puebla argued that Indigenous Peoples possessed sufficient enough intellectual capacity to control their communal development and manage the resources that, by divine mandate, they had received. Based on these ideas, Rodríguez explained that they were not inferior in terms of intelligence, but that it was instead the suppression of their own resources, combined with the subjugation that the Spanish colonization had caused in their social structure, as well as the restrictions imposed by Spanish

⁵¹⁶ Ibid.

⁵¹⁷ Ibid.

⁵¹⁸ Jaime E. Rodríguez O., *Nosotros somos ahora los verdaderos españoles* I, 310-311.

laws, which reduced Indigenous Peoples' possibilities for developing and exploring further their own intellectual capacities.

Therefore, Rodríguez Puebla offered not only an interpretation about the condition in which Indigenous Peoples lived, but he also criticized the way in which the colonial system had kept them subjugated by using religious dogmas and the lack of education as fundamental tools of repression:

Buscad los establecimientos públicos que tenéis para instruirlos en alguna de las cosas que interesen para la felicidad de una nación, y numerádmelos: pero ¡ay!, que en muchas partes no tenéis ni una pequeña escuela, en la que os enseñen los rudimentos de la religión para que fuisteis conquistados!⁵¹⁹

This statement suggests that Rodríguez relied on a deist perspective about religiosity. He believed that knowledge and reason must be considered as the true path to know God, and to experience his greatness. Only through knowledge and reason could people become able to act accordingly. By understanding that a divine creator did not intervene in human affairs, Rodríguez implicitly stated that education remained the key element in developing the basic rudiments of intelligence among people. Thus, he believed that education empowered people to recognize God, or a divine creator, through the laws of nature. Thus, literacy and critical thinking prevailed for Rodríguez Puebla as the only means to comprehend these laws. The comprehension of these natural laws placed individuals in the disposition of appreciating the method in which the world functioned.⁵²⁰ Nevertheless, Rodríguez included in his pamphlet a clear grievance about the absence of schools where Indigenous Peoples could achieve and develop this knowledge.

In this first published pamphlet, Rodríguez Puebla enumerated what he considered the miserable conditions in which Indigenous People lived. Thus, Rodríguez Puebla constantly emphasized the fact that both the "oppressors" and the "tyrants" intentionally prevented Indigenous People from gaining the benefits that divinely corresponded to them. Consequently, Rodríguez does not seem to directly blame the monarchs for the poor conditions of the Indigenous Peoples; instead, he specified that the monarchs indeed issued just decrees that, in theory, recognized the natural rights, the human nature and the reasoning of Indigenous People.⁵²¹ So, in Rodríguez Puebla's opinion, it was the malpractice of these laws in the colonies, and the colonizers' constant abuses, which Rodríguez bitterly criticized in this text.

The ideas expressed in this text about free will and the importance of education as a means of developing knowledge relied on the principles of natural law, which Rodríguez Puebla

⁵¹⁹ *El Indio Constitucional*, 1v-2r.

⁵²⁰ Leo Elders, *The Philosophical Theology of St. Thomas Aquinas* (New York: E. J. Brill, 1990), 83-123.

⁵²¹ Roberto Navarrete Alonso, "Del Estado como creación de Dios o de Dios como creación política," *Bajo Palabra. Revista de filosofía*, Núm. 5 (2010): 459-466, 464.

surely had studied when he studied Law as a student at the *Colegio de San Ildefonso*.⁵²² Similarly, Rodríguez also knew that the Constitution of 1812 openly supported the ideas related with this political philosophy.

In the historical analysis that Rodríguez Puebla offered within this pamphlet, he categorized the period before the issuing of the Constitution of 1812 as a period of darkness and despotism, a period of time when the human nature of the Indigenous People remained questionable. Rodríguez supported this statement by implicitly mentioning the arguments presented by Pope Paul III during the sixteenth century in defense of the human nature of Indigenous Peoples:

La tiranía os ha educado en las tinieblas de la ignorancia para ocultaros lo deplorable de vuestra situación; os ha despojado de los derechos que os concedió la naturaleza; os unció al formidable carro del despotismo; y aun quiso degradaros del ser hombres, con tanto empeño, que un Romano Pontífice se vio necesitado a declarar que erais racionales [...] ⁵²³

This claim presented by Rodríguez Puebla also related to the position of inequality in to which the colonial system had placed Indigenous Peoples before the Cortes fully recognized their natural rights:

¡Amargas lágrimas se desprenden de mis ojos al recordad opresión tan inaudita! Qué ¿vosotros no sois formados de la misma masa que el resto de los demás hombres? ¡Infelices! El despotismo de vuestros opresores no quedó satisfecho con tratarnos peor que a los brutos; deseaba despojarlos del entendimiento, de esa potencia la más noble de todas las que os dio el Autor de la Naturaleza. ⁵²⁴

Throughout the content of this pamphlet, Rodríguez never mentioned the name of any Spanish monarch; however, it is evident that he mentioned the period before the existence of the Cortes as an epoch when the Indigenous People obviously remained in an inequitable position in comparison to the rest of the Spanish people. Thus, the lack of laws, as well as several codes or

⁵²² It is possible that Rodríguez Puebla, as a student of Law, had read an important number of works about natural law and *Ius Gentum*, even though several of these volumes, such as the one produced by Johannes Gottlieb Heineccius (1681-1741), had been censored by the Inquisition in Spain and the American colonies. Nevertheless, the Inquisition only purged, adapted and censored some sections of Heineccius' work. No doubt his theoretical work indeed reached the Americas and students at different colleges in New Spain had access to this information, such as the *Colegio de San Gregorio*, whose library counted upon several copies that referred to Heineccius' arguments. An example of this would be the work entitled *Historia del derecho natural y de gentes*, by Joachin Marin (Madrid, 1776) which circulated among intellectual circles in New Spain with the authorization of the Inquisition and the permission of the Catholic authorities. To corroborate this see, *Lista de libros pertenecientes al Colegio, 1839*, folios 165r-190v. Also see, Fernando Pérez Godoy, "La teoría del derecho natural y de gentes de Johannes Heineccius en la cultura jurídica iberoamericana," *Revista de estudios histórico-jurídicos*, Núm. 37 (Oct, 2015): 453-474, 461.

⁵²³ *El indio constitucional*.

⁵²⁴ *Ibid.*, 2-3.

decrees that had failed in recognizing the natural rights of Indigenous Peoples, demonstrated for Rodríguez Puebla the unbalanced government that had prevailed in the New Spain prior 1812. Rodríguez Puebla illustrated this idea by writing: “Confesaréis que hasta la época presente parece que solo habíais nacido para servir, callar y obedecer. Vuestros mayores, más infelices que vosotros, nacieron y acabaron su vida agobiados con el peso del ominoso yugo que llevaban [...]”⁵²⁵

It is clear that similarly to Patiño Ixtolinque, Rodríguez Puebla also celebrated the content of the Constitution of Cadiz. However, if we consider that in 1812, when the constitution was issued, Rodríguez Puebla was only 14 years old, it was not until 1820 when he had reached the age of 20 that he had acquired the knowledge and capacity to participate in this debate. About the constitution, he wrote: “La Constitución de la Monarquía Española, digno futuro de los ilustrados ingenios que la formaron, y del sabio Congreso que la sancionó, os ha restablecido en la posesión de vuestros derechos.”⁵²⁶

It is at this point in his discourse that the rhetoric of the pamphlet turned into a call to the Indigenous Peoples to finally reclaim their previously stolen free will: “[...] sois libres: desaparezca pues de vuestro semblante la melancólica imagen de la servidumbre. Ya no tenéis que avergonzarnos del color de vuestra [sic] cutis: murió el fanatismo: [...]”⁵²⁷ The fanaticism that Rodríguez mentioned in this section presumably referred to the legal support that allowed the existence of a system of *castas* in the Spanish colonial regime. This system granted open discrimination against Indigenous Peoples and members of other *castas* considering them as being lower in the social ladder in comparison to Spaniards, both *criollos* and *peninsulares*. The caste system in the Spanish American colonies, for Rodríguez Puebla had been rooted in an unquestionable social dogma that Spaniards did not legally challenge until the emergence of the Cortes. Rodríguez described this early period in the history of indigenous discrimination as pure bigotry as the fundamentals of the society of castes did not follow the precepts of natural law. On the contrary, he argued that the caste system openly violated the principles of equality promoted by this theory. The long existence and validity of this society of castes, he claimed, only reflected the backward type of government that the Spanish Crown had promoted over Indigenous People prior 1812.

Thus, the arguments that Rodríguez presented in this section argued that both the misinterpretation and incorrect practice of the principles of natural laws remained rooted in ignorance.⁵²⁸ Additionally, a good government, based on popular sovereignty, as the Scholastic’s arguments stipulated, must protect the precepts that dictate the principle that natural rights are

⁵²⁵ Ibid.

⁵²⁶ Ibid.

⁵²⁷ Ibid.

⁵²⁸ Francisco T. Baciero Ruiz, “La ley moral natural según Francisco Suárez,” *Revista española de filosofía medieval*, Núm. 14 (2007): 105-118, 110-112.

inherent and equal in each of the members of a society, regardless of their social position or ethnic background.⁵²⁹

Not only that, but Rodríguez also made reference to the constant shame that Indigenous People had about the color of their skin as a main issue of discrimination, a factor that eventually Patiño Ixtolinque mentioned in later documents. Since the theory of natural law argues that people are able to recognize their natural rights through reason, Rodríguez Puebla advised his indigenous counterparts to become instructed; thus, he advocated for education as the only way for them to become “civilized,” in order to eradicate superstitions and to understand the rights included in the Spanish Constitution. Thus, in order to practice these rights correctly, Rodríguez Puebla argued that Indigenous People had the responsibility of questioning the religious dogmas that had been forced on them during the colonial period:

[...] ya solo necesitáis de adornos con las virtudes cívicas y morales: ya tenéis desembarazados los caminos de las ciencias y de las artes: civilizad vuestras costumbres: desterrad las supersticiones, con que se ha desfigurado el culto de nuestra santa religión: vuestra cultura ponga un sello en los labios de los que sin hacer caso del gobierno que os oprimía, os imputaban a estupidez la inercia en que yacíais: vuestra ilustración llegue a ser una barrera impenetrable para el despotismo.⁵³⁰

Rodríguez associated the success of despotism with the lack of knowledge that people had about the law and their natural rights. This lack of knowledge, he argued, resulted in enabling abusive people to misinterpret the laws, misusing their power and imposing social regulations that violated the rights of people. Thus, Rodríguez Puebla, similarly to the denunciation made by Patiño Ixtolinque through his *King Wamba*, considered the Constitution of Cadiz as a sacred code that resulted from the exercise of popular sovereignty. The position and call made by Rodríguez Puebla in this pamphlet directly attacks the detractors of the constitution:

No escuchemos las atrevidas palabras que la ignorancia y la hipocresía han pronunciado contra nuestro código sagrado; pues ese libro inmortal tiene sus principios en la razón, en la unión su fundamento, y en la utilidad pública su fin. Alarmemos, si es necesario, en contra de los traidores del Rey y de la Patria.⁵³¹

As the constitution recognized the natural rights that Indigenous People possessed, he argued that as citizens they had the obligation to defend these rights, the constitution, popular sovereignty and the king. In this sense, Rodríguez Puebla called for the Indigenous Peoples to

⁵²⁹ See Jorge M. Ayala Martínez, “El derecho natural antiguo y medieval,” *Revista españolas de filosofía medieval*, Núm. 10 (2003): 377-386.

⁵³⁰ *El Indio Constitucional*, 4.

⁵³¹ *Ibid.*

play part, not only in the conscious practice of their rights, but also in actively defending them by putting aside any kind of apathy:

El ilustre y celebre Monarca que ocupa el solio español, quiere y manda: que tengamos gobierno constituciones: y ya que nuestra sangre ha corrido repetidas ocasiones sobre los altares de la opresión; no dudemos, cuando se necesite, derramarla en los de la libertad. Llenémonos de valor; y uniéndonos a los demás ciudadanos, publiquemos a voz en grito, que ya no queremos más que: o muerte, o gobierno constitucional fielmente observado en todas sus partes.⁵³²

For Rodríguez Puebla, the principles of sovereignty always demanded popular participation within a functional system. Besides exposing the content and rights that the Spanish Constitution offered to Indigenous People, Rodríguez Puebla also offered them an example of participation by publishing this pamphlet with the help of Luis Abadiano y Valdés, the owner of the publishing house that printed this pamphlet. By releasing this document Rodríguez Puebla exercised his right to freedom of speech recognized by the Constitution.

There is no questioning that the main arguments that Rodríguez Puebla presented in this pamphlet referred to Western political theories, especially the concepts of natural law supported by Plato, Aristotle, Cicero and Thomas Aquinas, as well as the theory of the *jus gentium*.⁵³³ Following the same theoretical guidelines, Rodríguez published a second pamphlet in 1820 in which he presented a clear interpretation of what “being an Indian” meant during the period of the Spanish colony in New Spain.

It seems that in his second pamphlet Rodríguez appealed to his own experience in life in order to explain the condition in which a large sector of the indigenous population lived in New Spain. Rodríguez talked from his personal experience seeing that he came from a very poor family in which the father worked as an “aguador” (water carrier). By considering that Rodríguez Puebla apparently did not have any ties to the indigenous nobility of Mexico City, contrary to his intellectual counterparts, the content of this second pamphlet became a clear testimony about his life as a “common Indian.”

Appealing to empathy, in 1820 Rodríguez published his second pamphlet entitled *El Indio constitucional o el idioma de la sensibilidad*. This document began with a powerful sentence that condemns the centuries of colonization and its tragic results over the indigenous population: “Ni la obscura ignorancia en que nos sepultaron nuestros opresores, ni el grave peso

⁵³² Ibid.

⁵³³ See Jorge M. Ayala Martínez, “El derecho natural antiguo y medieval.”

de las duras cadenas que arrastrábamos, ni la eterna duración de trescientos años de padecer, fueron suficientes a hacer llevadera nuestra infame esclavitud.”⁵³⁴

In this second pamphlet, Rodríguez included the following sentence: “[...] conocíamos nuestros males, sentíamos todo el peso de la desgracia; pero nuestros labios no osaban desplegarse para articular la menor queja, por no irritar con ella la furia de los ministros del despotismo.”⁵³⁵ By using this argument, Rodríguez not only presented the problem that colonialist oppression had caused for Indigenous Peoples, but he also argued that the fear that they had towards the “ministers of despotism,” as Rodríguez called the colonial system, had caused the apparent passivity with which Indigenous People “selflessly” supported the vexations from their oppressors. This brief but substantial explanation seems to be a direct answer to various nineteenth-century people who assumed that the rampant ignorance of the Indigenous Peoples, as well as their apparent incapacity to realize the undignified conditions in which they lived, had prevented them from reacting against the mistreatments they endured. With this statement Rodríguez made a clear defense about the fact that the Indigenous Peoples did recognize this oppression, in spite of the arguments of those who rejected this idea.

In his second statement, Rodríguez also offered a very interesting interpretation about labor and the right that people had to enjoy the fruits of their work: “[...] seguíamos el paso tardo de los ajenos bueyes, y el riego de nuestro sudor y nuestras lágrimas fecundaba[n] la tierra, cuyos crecidos frutos, aun no apagaban la hidrópica sed de los avaramientos hacendados.”⁵³⁶ In this way, Rodríguez Puebla’s discourse turned into another complaint from one of the dispossessed members of the Spanish society, describing the abuses and the exploitation that Indigenous People had suffered at the hands of their colonizers. Additionally, Rodríguez also provided an explanation to a constant argument made by his detractors about the so-called “numb” character of Indigenous People and their apparent apathy and lack of interest that they apparently had to solve or improve the poor situation in which they lived:

No, pues en vano os levantáis antes de que la luz vivifique los campos; dormid, dormid, y ya que el pan del dolor es vuestro cotidiano sustento, no despertéis, sino cuando hayáis descansado. Estas consideraciones, seguía el decaimiento de ánimo tan natural, cuando se frustran las empresas, para cuyo fin se han efectuado los medios; pero la astucia de nuestros opresores supo persuadir a las naciones para desacreditarnos, que este desmayo en nuestras obras, era flojedad, omisión, descuido, y amor al ocio connaturales a los hijos de estos países.⁵³⁷

⁵³⁴ *El Indio Constitucional o el idioma de la sensibilidad* (México: Oficina de D. Alejandro Valdés, 1820), 1.

⁵³⁵ *Ibid.*, 1.

⁵³⁶ *Ibid.*

⁵³⁷ *Ibid.*

This previous statement clearly refuted the political arguments that Indigenous Peoples were naturally lazy. This fallacious argument served as one of the main reasons that many detractors used to support the idea that Indigenous People did not deserve to be considered in the same level of other inhabitants of New Spain. Rodríguez Puebla's statement here may refer to the arguments that emerged from the members of the Cortes of Cadiz against the proposition of considering the peoples of the Americas with the same rights to participate in the politics of the Spanish monarchy as those enjoyed by Spaniards from the Peninsula.⁵³⁸

The content of this pamphlet, similar to the first one, also celebrated the achievements of the Constitution of Cadiz. Nevertheless, Rodríguez Puebla bitterly narrated how King Ferdinand VII ignored the Constitution only later recognizing it under the pressure from the Cortes:

Siguieron seis años de horrorosa tormenta; mas ya vuelve a rayar la aurora que pronostica la bonanza: Fernando juró la Constitución, y huyen precipitados los malignos genios de la barbarie y despotismo a las menciones lóbregas del averno. Ya no sois, o indios compañeros míos, colonos huéspedes o advenedizos; sino ciudadanos españoles, y domésticos de la gran familia.⁵³⁹

It was through this expression that Rodríguez announced his own sense of being a colonized individual from the Americas, including all that this meant, implying here that the system had treated Indigenous Peoples as “guests” in their own land.

Rodríguez Puebla appealed to the concept of equality that legally prevailed after the issuing of the Cadiz Constitution. Additionally, he made a call to Indigenous Peoples to defend the principles stated in this document. The logical thought of this statement resided on the idea that both rights and obligations had to be defended, exercised and demanded by the people since sovereignty rested on these basic elements.⁵⁴⁰ Regarding this idea, Juan Rodríguez Puebla included the following phrase:

Indios, Americanos todos, Españoles europeos: yo veo reproducirse los días aciagos de la desventura y del dolor: si ahora que la ley del común, que a todos hace iguales, protege y manda la defensa de nuestros sagrados derechos, nos dormimos, y una ominosa y fatal condescendencia entorpece nuestras acciones, se escapará por segunda vez de nuestras manos la ventura, y el cielo justamente indignado de tan bárbara indolencia, lloverá sobre nosotros los males y desgracias de que ha querido librarnos, regalándonos el divino Código que hemos jurado obedecer. Ya en nuestras circunstancias no hay otro remedio prudente: o eternamente esclavos, o que se cumpla la Constitución en todas sus partes.

⁵³⁸ Jaime E. Rodríguez O, *Nosotros somos ahora los verdaderos españoles*, 310-311.

⁵³⁹ *El indio constitucional o el idioma de la sensibilidad*.

⁵⁴⁰ Jorge M. Ayala Martínez, “El derecho natural antiguo y medieval.”

Volvamos sobre nuestros intereses, y todos reunidos y acordes, hagamos que el universo entero perciba nuestros votos; odiamos el despotismo, detestamos la opresión; ya no queremos sino libertad o muerte: muerte o Constitución finalmente observada en todas sus partes.⁵⁴¹

Both Patiño Ixtolinque's *King Wamba* and the pamphlets authored by Rodríguez Puebla expressed an admiration for the "Divine Charter," a term which also described the Constitution of Cadiz during the nineteenth century. In different ways, both authors praised the achievements of the Constitution of Cadiz as the document that finally recognized, not granted, the natural rights that all humans must enjoy. Both authors also believed in the political theories based on deistic concepts that supported the idea that god had created all humans as equal; thus, natural rights were privileges innate to all humans. The fact that during the period of the conquest and colonization Spanish authorities suppressed these rights for Indigenous Peoples had turned them into accomplices in the systematic violation of this elemental right. Juan Rodríguez considered this period of time as the "three centuries of darkness." The arguments presented by these authors rest of the ideas of innate rights and free will, which demonstrates the wide knowledge that they both had concerning political and social theories, as well as the highly political consciousness that they both had developed as a result of their education.

Consequently, it is not surprising to find Patiño Ixtolinque and Rodríguez Puebla defending the rights that Indigenous Peoples had to participate in politics, the obligation to receive appropriate education and also their justification of exercising their rights to property, in any shape or form. The new nineteenth-century legal regulations limited the control that indigenous communities had over their own properties, which represented a frontal attack for Patiño Ixtolinque and Rodríguez Puebla of Indigenous People's innate rights.

5.2 Mexico Taking Shape: The Turbulent Decade of Mexican Independence

After 1822, the Mexican political scene became rapidly characterized by a series of violations committed against the Constitution of Cadiz of 1812. On February 24 of 1821, Agustín de Iturbide, an insurgent leader, signed the *Plan de Iguala* (also known as the *Plan of the Three Guarantees*) in which he declared the absolute independence of the kingdom and mandated Catholicism as the only recognized religion in Mexico. Shortly afterward, Viceroy Don Juan de O'Donoju, signed the *Tratados de Cordoba* which formally recognized the independence of Mexico by ratifying the contents of the *Plan de Iguala*.⁵⁴² Inasmuch as this plan stipulated that the type of government established in Mexico would be a constitutional monarchy, it is possible

⁵⁴¹ *El indio constitucional o el idioma de la sensibilidad.*

⁵⁴² Jaime E. Rodríguez O., *Nosotros somos ahora los verdaderos españoles* II, 515.

that at least Patiño Ixtolinque and Rodríguez Puebla saw no direct threat against their interests in this plan.⁵⁴³

The name of Juan Rodríguez Puebla appeared shortly after as a representative of the new state of San Luis Potosí as a member of the first *Congreso Constituyente Mexicano*,⁵⁴⁴ a position he occupied from September 27 of 1821 until November 30 of 1823.⁵⁴⁵ The elections for deputies to the Constituent Congress took place in an indirect form, which remained the basic method of elections stipulated by the earlier Constitution of Cadiz.⁵⁴⁶ According to Lucas Alamán, the deputies appointed for the Congress were “respectable and estimable” citizens, several of them supporters of liberal ideas based on what Alamán called radical “political theories.” Another characteristic of these deputies is that neither the *Junta* nor any other corporation or organization paid for the services that the deputies offered as members of the Congress. Therefore, these representatives received no formal salary or stipend. On February 24, 1822 the ceremonies and protocols for the installation of the new Congress concluded. Lucas Alamán described the ceremonial process that took place on that day in February in his historical account. Alemán described the oath that the 102 deputies of the Congress publically made in which they declared to defend and preserve the Catholic religion in the country, swore to maintain the nation’s independence, and agreed to create a constitution based on the precepts expressed in the *Plan of Iguala* and the *Tratados de Córdoba*. The members also agreed to keep the political powers or branches of government separated in order to prevent that these powers should be held by one person.⁵⁴⁷ Another main purpose of the new Constituent Congress was to offer the Imperial Throne of Mexico to either Ferdinand VII to or another prince of the Bourbon Dynasty.

The current historian Rodríguez O. placed Rodríguez Puebla as one of the active participants in the central debate about the political privileges that members of the military would enjoy in the new regime in order to be elected as deputies:

El diputado Antonio Ramos Valdés (de Guadalajara) se manifestó en desacuerdo argumentando que la elección de Elouza tuvo lugar antes de que la Soberana Junta anunciara que los militares estaban exentos, el 14 de enero de 1822. Tras un extenso debate, el diputado Juan de Dios Rodríguez aseveró que las normas de las Cortes hispánicas eran aplicables a los temas que no fueran explícitos en la

⁵⁴³ Ibid., 533.

⁵⁴⁴ José Luis Soberanes Fernández, “El primer congreso constituyente mexicano,” *Cuestiones Constitucionales. Revista Mexicana de Derecho Constitucional*, Núm. 27 (2012): 311-381, 327.

⁵⁴⁵ Ibid.

⁵⁴⁶ Ibid., 320.

⁵⁴⁷ Ibid., 330.

convocatoria, “y por esas no queda duda de que [los militares] no necesitan naturaleza ni vecindad para ser electos diputados.”⁵⁴⁸

Meanwhile, the Iberian Spanish Courts disapproved of the *Tratados de Córdoba*. Before this scenario, the deputies divided their opinions between those who supported the coronation of Agustín de Iturbide as Emperor, and those who rejected his coronation. Eventually, and not without experiencing a series of events that encouraged public mobs to put pressure on the members of the congress, on May 19 of 1821, in the former temple of San Pedro and San Pablo in Mexico City which then served as the official headquarters of the Constituent Congress, a heated debate took place. Several deputies presented diverse arguments in favor and against the idea of crowning Agustín de Iturbide as the Mexican Emperor. Valentín Gómez Farías and Pedro Lanuza presented a discourse defending the idea of crowning Agustín de Iturbide since Spain had rejected both the *Plan of Iguala* and the *Tratados de Córdoba*. Therefore, in the middle of the public turbulence both inside and outside of the temple which occurred among those who attended the meeting, the members of the Congress, conducted a vote. Regardless of the irregularities and public tumult that took place, the representatives proclaimed Agustín de Iturbide as the first emperor of an Independent Mexico.

Later on October 31, 1822, facing fierce opposition between the emperor and some members of the Congress, along with the threat of conspiracies against him, Emperor Iturbide finally decided to dissolve the Congress. In its place, Iturbide created the *Junta Nacional Constituyente*, which met for the first time on November 2, 1822.⁵⁴⁹ The dissolution of the Congress by Emperor Agustín de Iturbide also resulted in the subsequent lack of documentary information about Juan Rodríguez Puebla, since he did not appear as member of this *Junta*. Apparently he must have been an opponent of Iturbide’s actions.

Meanwhile in January of 1823, Antonio López de Santa Anna, Guadalupe Victoria and José Antonio Echávarri in opposition to Iturbide proclaimed the *Plan de Casa Mata*.⁵⁵⁰ This plan argued that the coronation of Agustín de Iturbide must be declared as null and void since the election held by the congress lacked transparency. Similarly, this plan called for the appointment of a new legislature. Facing the pressures that the regional authorities exerted against Iturbide, the Emperor called for a Constituent Court and on March 1823 Iturbide formally abdicated. Thus, on March 30, the Congress in response appointed a triumvirate in order to administer the Executive branch.

During this period of time the freedom of the press flourished and people with different perspectives and political opinions sought to have their ideas published in a burgeoning number

⁵⁴⁸ *Congreso Constituyente, Actas del Congreso Constituyente Mexicano* I, 4 vols. (México: Alejandro Valdés, 1822-1824), 45, 204-208; as cited in Rodríguez O., *Nosotros somos ahora los verdaderos españoles* II, 549.

⁵⁴⁹ Rodríguez O., *Nosotros somos ahora los verdaderos españoles* II, 574.

⁵⁵⁰ *Ibid.*, 577.

of new periodicals.⁵⁵¹ Not until June 23, 1823 did the public call for the creation of a Second Constitutional Congress. The reigning executive branch established at that time that the elections for this congress would take place on both August 3rd and August 17, and then again on September 6 of 1823. The superior government also mandated that the requirements to be a deputy of this second constitutional congress including being a citizen older than 25 years old, as well as originally coming from the province that the candidate planned to represent, and that any prospective representative had to have lived there for at least 7 years. This second constitutional Congress also established the guidelines for the integration and creation of a *Supremo Tribunal de Justicia*, based on the original elements stipulated in the Constitution of Cadiz of 1812. Shortly afterward, on October 18, 1823 the representatives from the regions of Honduras, Nicaragua and Costa Rica ratified their own Declaration of Independence, with the region of Chiapas deciding to remain attached to Mexico. According to Lucas Alamán, the inauguration of the Second Constitutional Congress happened in the following way:

Entonces el señor presidente Tagle se puso en pie y con voz enérgica y majestuosa dijo “El primer soberano congreso mexicano ha cerrado sus sesiones hoy 30 de octubre de 1823”. Inmediatamente quedó disuelta tan ilustre asamblea, pero dejando en todos los circunstantes una impresión profunda, mezcla de pesar y satisfacción, que no es dado a mi pluma expresar. Hace un año que se trazó el decreto de su disolución por Iturbide dentro de diez minutos, decreto bárbaro y digno de tal califa; cumpliósse sí, se cumplió, pero de los fragmentos y ruinas de tan augusto cuerpo se formó otro edificio; de sus miembros errantes se suscitaron vengadores de sus agravios, que dentro de cinco meses lo reorganizaron y lanzaron de nuestro seno a monstruo tan despiadado [...] ⁵⁵²

Plagued by several ups and downs and some long term discussions and debates between the various provinces and the capital, the representatives tried to find the best form of government for the country. As a result, the Congress issued a new Constitution on October 4, 1824. This charter restricted the power of the executive branch and consolidated a semi-parliamentary style system. Among several of the consequences of the issuing of this new constitution, Mexico City remained as the capital of the new country by a vote on October 30, 1824. This constitution also finally ratified formal independence from Spain, and defined the territorial limits of the country. It also mandated the Catholic religion as the only official faith, and declared that the country would be a republic with a popular federal representative form of government. The Constitution of 1824 also set up the creation of the position of the President of the United Mexican States. With the issuing of this constitution the monarchical system was

⁵⁵¹ Many new newspapers, such as the periodical *El Sol*, emerged at this time. See Celia del Palacio Montiel, “Una mirada a la historia de la prensa en México desde las regiones. Un estudio comparativo (1792-1950),” *Hib: Revista de Historia Iberoamericana* 2, Núm. 1 (2009): 80-97.

⁵⁵² Soberanes, “El primer congreso constituyente mexicano,” 373-374.

expelled from the country.⁵⁵³ This new constitution owed much to the earlier ideals of the Constitution of Cadiz in 1812. For instance, the “*diputaciones provinciales*” considered by the Constitution of Cadiz now turned into states in the new Mexican Constitution of 1824. As Rodríguez O. also has argued, one of the major differences between the Constitution of Cadiz and the Mexican Constitution of 1824 resided in the imposition of federal power over the states; however, the Constitution of 1824 did not specify in depth the requirements for citizens to gain the right to vote, or provide any basis for defining the term “citizen.”

5.3 Conclusion for Chapter 5

Throughout this chapter we have seen how the historical and political development of the Iberian Peninsula indeed had an impact on the intellectual shaping of life in the capital of New Spain. This Iberian influence is seen in the intellectual material that colonial schools of higher education allowed their students to review. As we have seen, many indigenous students in Mexico interpreted and commented upon these influences and the impact of these ideas, as well as political events that occurred in the peninsula, in open public spheres. This is the particular case of Pedro Patiño, whose professional formation and eventual artistic and political career demonstrate the influence that these events in Spain had both on his work and his position towards these specific issues.

Additionally, we can observe how the theories of natural law, positive law, as well as concepts such as natural rights and self determination influenced the way that Nahua students’ interpreted their reality and their position in the new society. These theories encouraged both Pedro Patiño and Juan Rodríguez to speak out on behalf of their rights as Indigenous Peoples and to claim their position as the original owners and natural inhabitants of the Americas. These claims and arguments exposed by Patiño Ixtolinque and Rodríguez Puebla contributed to their development of their own ideas about politics and popular participation that can be understood as an early expression of a new indigenous political identity.⁵⁵⁴ This initial conception of indigenous political identity also emboldened Patiño and Rodríguez to praise the inclusive nature of the Constitution of 1812, and later on, based on these arguments, to criticize the authoritarianism of Ferdinand VII and his disdain toward the Spanish American territories. By reviewing both the artistic creations of Patiño Ixtolinque and Rodríguez Puebla’s pamphlets it is evident that both of these Nahua intellectuals resented the sense of exclusion towards the indigenous population which developed during the colonial era. In this way, both Patiño Ixtolinque’s and Rodríguez Puebla’s’ works centered on demonstrating the social and cultural differences that existed among the diverse sectors of Mexican society, and reinforcing for the public the obligation that the new Mexican political system should have towards all of the members of Mexican society.

⁵⁵³ Rodríguez O., *Nosotros somos ahora los verdaderos españoles II*, 629.

⁵⁵⁴ Chantal Mouffe, “Citizen and Political identity,” *October* (Summer, 1992): 28-32.

As we have seen, Pedro Patiño's work entitled "*La coronación del Rey Wamba*" sought to make a clear statement about the political situation that Spain experienced at that time. As an artist, in this bas-relief, Patiño Ixtolinque not only displayed his knowledge and skills as an artist, but he also demonstrated his familiarity with the political theories that prevailed at that time in Europe. Additionally, he pointed out in this critical work, his disagreement with the colonial system that had exploited and abused the resources that had legally belonged to indigenous communities. It is clear that Pedro Patiño's academic and artistic formation did not prevent him from participating in politics. Although several scholars have mentioned that Pedro Patiño actively took up arms and joined the guerilla forces led by Vicente Guerrero, this idea is questionable due to the lack of documentation that gives evidence to his participation. Regardless of this fact, Patiño Ixtolinque sought new ways to gain access to the institutions that allowed him to participate in advancing the interests of Indigenous Peoples.

Pedro Patiño evidently displayed broad knowledge about political theories and ideas about popular sovereignty and representative government. His familiarity with these ideas inspired him to get involved in politics and eventually led to his desire to become a member of the *cabildo* of the city and serve as an official in the *ayuntamiento*. As a member of these governmental institutions, Pedro Patiño played an active role as a defender of communal properties and the rights of Indigenous People under the last years of the colonial regime. These actions did not contradict with the initial enthusiasm that Patiño showed for the political and civil transformations that the Constitution of Cadiz represented for Indigenous Peoples in the Americas. On the contrary, as a member of the *ayuntamiento* of the city, Patiño truly believed that social equality for Indigenous Peoples remained a right that they deserved to enjoy with full consciousness. However, Patiño Ixtolinque also realized that the abrupt legal changes advocated by the Constitution of Cadiz did not contribute to the ability of the Indigenous Peoples to integrate themselves into the new social establishment. Patiño, similarly with other indigenous intellectuals, quickly realized that the deep discrimination and the social disadvantages that the idea of "social equality" promoted by political liberalism represented a new challenge for both indigenous individuals and communities.

On the other hand, Juan Rodríguez Puebla also took part in these contemporary events and decided to publish a few political pamphlets under the pseudonym of the "Indio constitucional." In these documents, he also displayed a similar wide range of knowledge about current political theories, but he also offered a deeper understanding and analysis about the judicial position that Indigenous Peoples had under the new independent Mexican regime. Similarly to Pedro Patiño, Juan Rodríguez also displayed his enthusiasm for the political and social changes that the Constitution of Cadiz represented for Indigenous Peoples in the Americas. Additionally, Rodríguez went a little bit further in his criticism of the period of the Spanish colonization and the negative impacts it had on indigenous communities. Probably influenced by the conditions of poverty that he no doubt experienced during the early years of his childhood, the content of Rodríguez's political pamphlets expressed the hard life that most

common Indigenous Peoples had under the Spanish colonial system. Rodríguez used these pamphlets to denounce the subjugating conditions in which common Indigenous People lived, as well as to decry the abuses that these individuals suffered during the period of the Spanish colonization.

Both Pedro Patiño Ixtolinque and Juan Rodríguez Puebla entered into the educational system during the Spanish colonial administration. However, later on in their lives, they experienced the process of independence of Mexico from Spain, and observed the social and political changes that this event represented for them and their indigenous communities. These Nahua intellectuals also witnessed the beginning of the policies that attempted to change the access that Indigenous Peoples had to higher education and the way that these communities administered their communal properties for the exclusive benefit of the members of their communities.