

The Achilles Heel is in the Head: Origins and Development of the Executive Power in Post Independence Spanish America

The Constitution, made inviolable in so ingenious a manner, was nevertheless, like Achilles, vulnerable in one point, not in the heel, but in the head, or rather in the two heads in which it wound up – the Legislative Assembly, on the one hand, the President, on the other.

Marx, *The Eighteenth Brumaire of Louis Bonaparte*, 1852

All have noted with dismay the paradox of an executive having a superabundance of power coupled with extreme weakness. The executive has been unable to repel foreign invasion or suppress seditious plots except by resorting to dictatorship. The Constitution itself as if to correct its fault, goes to extremes in order to provide in profusion those powers which it jealously guards. Thus, the government of Colombia is a either a trickling fountain or a devastating torrent.

Simón Bolívar, Message to the Congress of Ocaña, May 1, 1828

In this article I explore the origins and development of presidential government in Post Independence Spanish America. My main objective is to show that a descriptive analysis of the design of the executive power in the early constitutional experiments in Spanish America can illuminate our understanding of the repeated constitutional and state formation failures in the Post Independence period.¹

I analyze the development of the executive power from the King to the president, and I describe the number of choices with which political elites experimented: from triumvirates, directories and Juntas, to supreme directors and pseudo-monarchical executives, as well as republican presidencies in weak and strong versions. I identify three stages in the development of the executive power in this period of Spanish American constitutional history. First, there is a phase of early republican constitutional experiments (1810-1815) which established weak, plural

¹ Presidential government in Latin America has been broadly studied. However, most scholars have focus on the twentieth century and contemporary forms of presidential government. On the other hand, historical approaches such as national constitutional histories tend to consider single cases. The purpose of my general research project is to fill these lacunae in the historical, systematic and comparative study of the origins and development of the executive power in the Post-Independence Spanish America. See, for example: Juan J. Linz and Arturo Valenzuela, *The Failure of Presidential Democracy, The Case of Latin America*, The Johns Hopkins University Press, Baltimore and London, 1994; Scott Mainwaring, Matthew Soberg Shugart (eds.), *Presidentialism and Democracy in Latin America*, Cambridge, Cambridge University Press, 1997; Guillermo O'Donnell, *Counterpoints, Selected Essays on Authoritarianism and Democratization*, University of Notre Dame Press, Indiana, 1991; Alfred Stepan, *Arguing Comparative Politics*, Oxford, Oxford University Press, 2001.

executives. The second stage (1815- early 1820s) takes a conservative turn and strong executives and monarchical tendencies are distinctive of this brief period. Finally, there is a third republican moment (1820s 1830s) in which at least three different models of presidential government were incorporated within Latin American constitutions.

Post -Independence America is a period in which we cannot speak of the existence of nation-states, instead there was a succession of temporary governments that projected the constitutional organization of new states.² Yet, in the context of war against Spain, civil wars and increased factionalism, state-building was either postponed or it persistently failed. Therefore, I should stress that this comparative study deals with a number of failed constitutional and, in some cases, extra-constitutional *projects*.

This period in Spanish America is one of an unprecedented proliferation of constitutional experiments. Methodologically, I make a comparative analysis of the relevant historical documents, constitutions and constitutional projects that were enacted in Venezuela, Colombia, Mexico, Peru, Chile, Uruguay, Paraguay and Argentina in the period that spans from Independence and the founding to the mid 1830s. I also include Bolivar's projects for the integration of Colombia and Venezuela in 1821, for Bolivia in 1826, and for Bolivia-Peru in 1836, as separate observations.

The selection of these cases is prospective, not retrospective. I have selected these constitutional cases by taking into consideration the continental administrative and political centers of the viceroyalties and the *capitanias* as the historical starting points. Historically, the period under consideration spans from the founding moment in 1810, to the Aftermath of Independence Wars until the 1830s. This historical delimitation responds to the fact that by this time all of the cases that I consider had already developed presidential forms of government for

² José Carlos Chiaramonte has repeatedly warned against the historiographic mistake of presupposing that current Spanish American nation states existed in the post Independence period. José Carlos Chiaramonte, *Nación y Estado en Iberoamérica, El lenguaje político en tiempos de las independencias*, Buenos Aires, Sudamericana, 2004.

the first time. Moreover, the nineteenth century models of constitutional design of the executive power had already been fashioned by that time.

What characterizes Spanish America during this period is instability and recurrent cycles between constitutional governments and dictatorship. In other words, all the attempts at constituting a government in the national level failed. To cite an extreme case, the River Plate, in the period that spans from 1810 to 1826 had six unsuccessful projects of Constitution (1810, 1811, 1812, 1813, 1815, 1818) two provisional statutes (1815, 1816) one provisional charter (1817) and two constitutions (1819, 1826). Between 1810 and 1833, Chile had one provisional constitutional charter, two constitutional projects and four constitutions (1822, 1823, 1828, 1833). Mexico, had two constitutions and one provisional charter in one decade, and Peru in a period of five years (1823-1828) had nothing less than three constitutions (1823, 1826, 1828.)

There is a wide range of political explanations of this striking instability.³ Some approaches, have emphasized institutional patterns inherited from the colonial period. These interpretations stress that the inherited Spanish centralized structures were not apt for republican and representative government.⁴ Other approaches have focused on political culture and the lesser degree of enlightenment of Spanish American political elites. Richard Morse, for example, observes that tendencies towards authoritarianism have to be understood in the light of a tension between Spanish culture and traditions and liberal constitutionalism. Morse attributes the instability of Spanish American politics as a legitimacy crisis derived from the collapse of the authority of the Spanish King.⁵ Tulio Halperín Donghi, on the basis of the River Plate

³ For class-based and socioeconomic explanations see, Frank Safford, "Politics, Ideology and Society in Post-Independence Spanish America," In Leslie Bethell, ed. *The Cambridge History of Latin America*, Cambridge: Cambridge University Press, 1985, vol. III, pp. 347-421.

⁴ For example, José Carlos Chiaramonte, 1997. *Ciudades, provincias, Estados: Orígenes de la Nación Argentina, (1800-1846)*, Biblioteca del Pensamiento Argentino, I. Argentina: Espasa Calpe/Ariel.

⁵ Richard Morse, 1964 "The Heritage of Latin America" in Louis Hartz, *The Founding of New Societies*, New York.

experience, has stressed the high degree of violence and militarization of these revolutions and emphasizes the role of the army as a destabilizing faction.⁶

Another line of interpretation concentrates on Spanish American constitutionalism. Jose Carlos Chiaramonte has focused on the territorial cleavages characteristic of this period, and has identified the predominant political conception of a single, indivisible sovereignty as the source of the recurrent conflicts between centralists and confederalists in the Post-Independence period.⁷ An argument that echoes Morse's interpretation is Brian Loveman's, who maintains that the constitutional liberal movement in nineteenth century Spanish America was unable to break with its "authoritarian past."⁸ Loveman intends to show that liberal elites almost always included regimes of exception to be used by the government (often the executive) in case of internal crisis or external threat. He argues that these provisions constituted the "legal foundations" of tyranny in Spanish America.⁹

Following the assumption that constitutional design may add or reduce stability to political regimes, what I suggest, following the lucid passage by Marx in *The Eighteenth Brumaire*, is that the Achilles heel of Spanish American constitutional projects was in the head. As Marx says for the French Constitution of 1848, the constitution was vulnerable in one point: in the head, or rather, in the two heads, the president and the legislative assembly. In other words, I intend to show that the underlying conception of separation of powers and principally, the different formulations of the executive power in early Spanish American constitutionalism can illuminate our understanding of the constitutional failures in the Post Independence period.

⁶ Halperín Donghi, *Revolución y Guerra: Formación de una elite dirigente en la Argentina criolla*, Buenos Aires, Siglo XXI, 1979.

⁷ Chiaramonte, 1997, 2004, *op.cit.*

⁸ Brian Loveman, *The Constitution of Tyranny, Regimes of Exception in Latin America*. Pittsburgh, University of Pittsburgh Press, 1993.

⁹ However, the great amount of evidence that Loveman offers can be turned against his own argument: rather than saying that the incorporation of emergency provisions was problematic, one could say that it was precisely the fact that they were so vague and deficiently designed to confront crises what facilitated the cycle between constitutional government and dictatorship.

Origins and Development of the Executive Power in Post-Revolutionary Spanish America

In the Post-Independence period, Spanish American political elites simultaneously had to deal with the question of the form of government and the question of the State. Thus the starting point of the constitutional debates on the executive power is not arguments for or against strong or weak executives but defining and shaping the political unit, namely, the State.

Roberto Gargarella has recently proposed a typology of Latin American constitutionalism, “designed to help us classify the constitutional conceptions and debates that appeared in Latin America in the nineteenth century.”¹⁰ He identifies three types of constitutional projects: conservative, majoritarian or radical, and liberal. His classification criteria are based on the content of these constitutional projects, as well as the ideas of their principal architects, fundamentally their conception of rights and of the organization of the branches of government. His typology is useful for construing the liberal-conservative debate and the “radical” departures from it. However, it is incomplete. It does not allow introducing the Federalist vs. Unitarians debate, which was predominant in the River Plate, Colombia, Venezuela and Mexico, in the first decades of the nineteenth century. Another ideological debate to which Gargarella’s typology is blinded to, is the monarchy vs. republic one, which was a significant ideological discussion in the aftermath of Independence. Therefore, Gargarella’s typology needs to be expanded to include these fundamental debates.

Thus, I will frame my discussion on the origins and development of the executive power along the lines of three political-ideological cleavages (See Table 1). First, revolutionaries in Spanish America faced the choice of establishing monarchies or republics; second, it is critical to consider the question of the political territorial organization of the State, namely the debate between (con)federals against centralist or Unitarians. Third, the liberals vs. conservatives ideological cleavage, as well as the more radical positions, already indicated by Gargarella.

¹⁰ Roberto Gargarella, “Towards a Typology of Latin American Constitutionalism, 1810-60,” in *Latin American Research Review*, Vol. 39, No. 2, June 2004.

The Founding of the New Republics, 1810-1815

Early experiments in liberal constitutionalism established weak, legislature-dependent, plural executives in the form of juntas or triumvirates. Spanish American constitutions in this period held a “pure doctrine of separation of powers,” which inevitably led to strong legislative assemblies and weak executives.¹¹ The main faculties of the executive power were to command the army and the militias, to appoint officers, and to make treaties; yet, all of them had to be exercised with the consent of the Congress or the Senate. None of these executives had legislative veto. With the exception of the Chilean Provisional Constitutional Charter of 1812, the mode of election of the executive was indirect, usually through different forms of electoral colleges. Terms of office were short, normally of three years, and immediate reelection was not permitted. The legislature was, in almost all cases, entitled to impeach the executive for treason and crimes. As Table 1 indicates, the Chilean Provisional Constitutional Charter of 1812, the Mexican Constitution of Apatzingan of 1814, the Constitution of Venezuela of 1811 and the Act of the Federation of New Granada, followed this design of the executive power.

Not all of the new revolutionary juntas were able to give themselves a constitution. In the Viceroyalty of La Plata, the revolution broke out in 1810 and was consecrated in 1816, but, with the exception of the brief one-year presidency of Bernardino Rivadavia (1826-1827) Argentina did not have constitutional executives until 1853. The first executive authority was the first governmental Junta integrated by nine patriots of Buenos Aires. The Junta had a president, two Secretaries, one of Hacienda and one of Government and War, and six spokesmen. This first Junta, which was exclusively integrated by members from the city of Buenos Aires, was resisted in the provinces. After a political battle between the main political leaders of Buenos Aires and

¹¹ Vile, M.J.C. *Constitutionalism and Separation of Powers*, Liberty Fund, Indianapolis, 1998, p.14

the interior, the first Junta was expanded in order to include representatives from the provinces.

The result was an executive power of twenty two heads.

Both, the *Primera Junta* and the *Junta Grande*, exercised legislative and executive powers. In 1811, the urge to separate the executive and legislative power and to simplify the executive led to the dissolution of the Junta and the first triumvirate was created. This executive consisted of three members or triumvirs: one secretary of government, one secretary of war and one secretary of treasury. The triumvirs had to be renewed every six months. The triumvirate exercised the executive power, while the Junta Grande, which was renamed *Junta de Observación*, was supposed to exercise the legislative power. The first institutional coup d'état in the River Plate was orchestrated by this triumvirate, which took a conservative and centralist turn: they dissolved the Junta and sent the representatives back to their provinces.

In the radical side of the post-revolutionary debates, in the *Banda Oriental* of the River Plate (Uruguay) José Artigas became the spokesman of Federalism. Artigas, an admirer of the radical wing of the American Revolution, had radical ideas of democracy and defended the political and economic inclusion of Africans and Indians. Artigas is the prototype of the caudillo, a distinctive form of leadership which constitutes the more plebeian source of presidential government. Artigas' constitutional ideas can be found in the document that became known as the "Instrucciones Orientales del Año XIII," namely the instructions Artigas gave to the representatives from the Banda Oriental del Uruguay in the Sovereign Assembly of the United Provinces of the River Plate of 1813. In this document, he emphatically defended a confederate organization. Regarding the executive power, against the dominant trend in this period, Artigas advocated an executive embodied in a single individual for only one year. The mode of election that he proposed was based on universal suffrage in all the provinces.¹²

¹² Artigas, Instrucciones del Año XIII, Article, 6

In Mexico, José María Morelos and the insurgents enacted the Constitution of Apatzingán, in 1814. This constitution established a pure separation of powers: the Supreme Mexican Congress, The Supreme Court of Justice and the Supreme Government. It was a Rousseauian constitution with a sovereign unicameral legislative power and a delegated executive. The supreme government, namely the executive power, was composed by three members and elected by the Congress for a period of three years. Each of these members was meant to be president of this body for four months.

The establishment of these constitutionally restricted, weak, plural executives can be interpreted as a reaction to anything that looked monarchical, and to the dominance of colonial viceroys and governors. Another aspect is related to the reception and imitation of the models available at the time. Clearly the models proposed by the French revolution were predominant. In the River Plate, the institutional similarities of the First Junta and the Junta Grande with the executive council of twenty-four members of the French Constitutions of 1793 are noteworthy. These forms of collegiate executives can also be compared to the directory of five members appointed by the legislature of the French Constitution of 1795.

The Conservative Turn, 1815-1820

After 1815, there was a tendency towards creating governments with strong executives vested in a single person. In this period, Spanish American constitutionalism experimented with pseudo-monarchical forms, supreme directors, and even emperors. The underlying conception of separation of powers clearly shifts from a pure doctrine to mixed government, in which different groups and interests are represented in the government.¹³

In the United Provinces of the River Plate, in 1812, the second triumvirate issued a decree inviting the people to participate in the election of the first constituent assembly. The Constituent Sovereign Assembly of 1813 was not constituent, for it did not frame a constitution;

¹³ Vile, *op.cit.* p.19

nevertheless it passed numerous laws. In these documents the invocation of the sovereign, the King of Spain, was replaced by a declaration of the supreme sovereignty of the people, whose interests the deputies of the provinces represented. The constituent assembly approved a project for the modification of the executive power in order to vest it in a single person with the title of Supreme Director of the United Provinces.

The first supreme director was to exercise his functions for two years (then expanded to three years), and was to consult with a council of state composed of nine members. Later, the Constitution of the United Provinces of South America of 1819 basically institutionalized an elective monarchy, in which the supreme director had the prerogatives of a king. Furthermore, it created a corporatist senate composed by members of the military, one bishop, and authorities from the universities. The Director was not only the Supreme Chief of the army and navy, but also had legislative powers, such as legislative initiative and reform proposal. The supreme director also made all appointments by himself, including the military and ecclesiastical members of the Senate; and made treaties with consent of the Senate.

During this period, political elites also flirted with the idea of setting up constitutional monarchies in the new world. In the River Plate, Manuel Belgrano put pressure on the Congress of Tucumán to establish a constitutional monarchy under an Inca dynasty established in Cuzco.¹⁴ Martin Alzaga conspired to crown princess Carlota of Brazil (King Ferdinand's VII sister) as queen of The United Provinces of the River Plate. In Peru, after a failed attempt at establishing an independent monarchical government, José de San Martín became "protector" of Peru, the same title that was given to Cromwell, namely a regent that rules in the absence of the King.¹⁵ For Peru, San Martín wanted to establish a constitutional monarchy. However, in 1822, San Martín

¹⁴ Manuel Belgrano, *Proclama Monárquica*, 1816, El Censor, N°55, 12 de Diciembre de 1816

¹⁵ Decree of General San José de San Martín by which he takes on the political and military command of the "free departments" of Peru, with the title of Protector (Lima, August 3rd, 1821, Article 1 of the Decree) in, *Biblioteca de Mayo, Colección de Obras y Documentos para la historia Argentina, Guerra de la Independencia*, Vol. XVII, Second Part, Edición especial en homenaje al 150 aniversario de la Revolución de Mayo de 1810, Senado de la Nación, Buenos Aires, 1863, pp. 15357-59

passed the leadership to a weak triumvirate chosen by a constituent convention. This predominantly liberal convention repudiated San Martín's monarchical plans and announced the formation of a Peruvian Republic. They also elected, the first president of Peru: José Mariano de la Riva Agüero, whom later, after being deposed by José Antonio de Sucre, initiated a conspiracy to seat a prince of the Bourbon dynasty on the throne of an independent Peruvian monarchy.

Mexico also had a brief period of Constitutional Monarchy with Agustín de Iturbide as emperor of Mexico in 1821-22. The Provisional Political Rule of the Mexican Empire of January 10th, 1822, created a hereditary monarchy in which the emperor was the Commander in Chief of the army and navy, could declare war and make treaties, and appointed all officials. Yet, this constitution retained the emperor's legislative power and protected the legislature assembly.

This conservative turn in Spanish American revolutionary governments has provoked a wide range of interpretations. Ricardo Levene, for example, maintains that the emergence of stronger executives vested in a single person such as supreme directors as commanders in chief of the army and militias was fostered by the mobilization required to defeat the Spanish royalist forces on the battlefield. In 1814, the Spanish King returned to his throne and threatened to send military expeditions to the Spanish American Colonies. The political elite, according to Levene, thought that they could save the revolution by establishing strong executives or monarchies.¹⁶

Richard Morse claims that absolutist monarchy was deeply rooted in the political culture of Spanish American political elites, who were constantly trying to reconstruct the patrimonial authority of the Spanish Crown.¹⁷ Halperín Donghi, simply observes that "conservatism was in the air" in Latin America as in Post-Napoleonic Europe when a number of monarchies were being restored.¹⁸ Issues related to state formation and consolidation are also particularly relevant, since political leaders believed that constitutional monarchy could put an end to internal instability. The

¹⁶ Ricardo Levene, *A History of Argentina*. Chapel Hill: The University of North Carolina Press. 1937.

¹⁷ Richard Morse, "The Heritage of Latin America" *op.cit.*

¹⁸ Tulio Halperín Donghi, *Contemporary History of Latin America*, Durham and London, Duke University Press, 1993.

Brazilian empire was often held as a model in Spanish America by those who defended pseudo-monarchical executives. The survival of the monarchy after Brazilian Independence was interpreted as the key to explain the unity of Portuguese America, while Spanish American new republics became more and more fragmented.

The Second Republican Moment, 1820s -1830s

After that brief conservative moment, in the 1820s and 1830s, most efforts at creating Constitutions were again formally republican. It is in this period when the presidency was incorporated within Spanish American Constitutions. Influenced by the American model, most of these constitutions introduced checks and balances such as coordination between the branches of government, presidential legislative veto and impeachment of the president.

As Table 1 shows, during this period, there were three types of constitutional formulations. First, those centralized liberal constitutions which were very influenced by the Spanish Constitution of Cadiz of 1812: Argentina (1826), Peru (1823, 1828), Uruguay (1830) Chile, (1828). Second, liberal federal constitutions in which the important Mexican Constitution of 1824, inspired by the ideas of liberal constitutionalist José Luis Mora, stands out. This constitution was quite unique because it had a federal form of organization, as opposed to the prevailing centralist system of the models of Spain and France. The Chilean constitution of 1828 followed Mora's model. Third, there is the group of the more conservative, centralized, constitutions. This group includes two subtypes: the Bolivarian constitutions and the Chilean Constitution of 1833.

Faithful to their liberal creed, liberal constitutions, in the centralized and federal forms, created weak, republican versions of the executive. It is in this stage when the American model of the presidency clearly becomes influential in Spanish America, although in most of this constitutions the executive formula is institutionally weaker than the American version. For example, in the Mexican liberal constitution of 1824, the president was elected for four years, but

reelection was not allowed. The president had similar faculties than the president of the United States: he was commander in chief of the army, navy and militia, although war powers could not be used without previous authorization of the Congress, and was also entitled to make treaties with approval of the Congress. The president could make appointments of ambassadors, consuls, army officials with consent of the senate; yet, in contrast to the American constitution, judges were appointed by the president but proposed by the Supreme Court. The Suspensive legislative veto was more limited in the Mexican constitution than in the American, since the president could only “make observations in a term no longer than 10 days.” In some cases the president was even weaker. For example, In the Unitarian Argentine Constitution of 1826 and the Peruvian Constitution of 1823, the president did not have suspensive legislative veto.

The Bolivarian model was based on centralized governments and only apparently stronger versions of the executive power. Bolivar’s Constitution for Venezuela (1819), Gran Colombia (1821), Bolivia (1826), for Peru (1826), and for the integration of Bolivia and Peru (1836), can be included within this set of constitutions. For Bolivar, the most appealing constitutional models were those of the British constitutional monarchy and the Napoleonic Constitution of 1799.

The constitutions of Venezuela of 1819 and of Gran Colombia of 1821, were centralists constitutions with single-magistrate, slightly stronger, republican presidencies. The president was to be elected for four years, and one consecutive reelection was permitted. However, the faculties of the executive power were similar to those of the liberal model. Yet, a significant difference with the latter was that both, the Constitution of Venezuela of 1819 and the Constitution of Gran Colombia of 1821 incorporated emergency provisions. In both constitutions, in case of external attack or internal crisis, and whenever the Congress was in recess, the president could declare the suspension of the constitution for a limited time.

In the cases of the Bolivarian constitutions of Bolivia (1826) and of Peru (1826), the line between pseudo-monarchical forms and republican presidencies is not that clear. For example, the

lifetime presidency, proposed by Bolivar to the Congress of Bolivia in 1826, resembles a monarch with symbolic functions. In Bolivar's project, the president was a lifetime consul, commander of chief of the army, and had the power to designate and remove the vice-president, who was his successor, as well as the secretaries of the state. Yet, he could not appoint governors, judges or ecclesiastic authorities. In fact, Bolivar defended his institutional creation by saying that "the constitutional limitations upon the president of Bolivia are the narrowest ever known," yet, Bolivar exacerbated the paradox of the simultaneous strength and weakness of the presidency, a paradox that Bolivar himself would later lucidly point out in his message to the Congress of Ocaña in 1828.¹⁹

The Bolivian Legislature accepted for the most part Bolivar's project. Regarding the president, they decided that the election of the vice-president should be done with the approval of the Legislature. José Antonio de Sucre was chosen to be the lifetime president. Not very enthusiastic about Bolivar's project, Sucre accepted the presidency for a limited time. Sucre suffered the consequences of a presidency with tied hands: his presidency lasted only two years.

What the all of the constitutions that I have analyzed have in common is that they failed to constitute a stable, durable national government in the context of increasing territorial fragmentation and factional conflict. The great exception was the Chilean Constitution of 1833. This was a constitution based on an unprecedented strong executive; an authentic hyper-presidential constitution. The president had the power to appoint and remove by himself state ministers, secretaries, ambassadors, judges, consuls, and provincial governors; and appointed bishops and army officials with the consent of the Senate. The president was also commander in chief of the army and navy and conducted foreign affairs and made treaties. The president also had legislative initiative and had one year to exercise legislative suspensive veto. One of its most

¹⁹ Simón Bolivar, *Selected Writings of Bolivar*, New York, The Colonial Press, 1951. "Message to the Congress of Bolivia," Vol. II, pp. 596-606, "Message to the Congress of Ocaña," Vol. II, pp. 675-684.

important elements was also the regulation of emergency powers in case of external attack or internal crisis.

I have identified three stages in the development of the executive power in Spanish America. The transitions from one stage to the other were triggered by the failures of these constitutional arrangements, which frequently fell into dictatorship, and were fueled by the political and ideological conflicts between monarchists and republicans, federalists and Unitarians, and liberals and conservatives. Based on my previous descriptive analysis, it is plausible to suggest the hypothesis that constitutional instability can be interpreted in terms of a fundamental inadequacy between the institutional needs of state formation in this early period and the designs of the executive power proposed by early Spanish American Constitutionalism.

Spanish American early constitutional designs were trapped in a paradox of strength and weakness of the executive power. The plural, legislature-dependent, weak executive power characteristic of the early moment was evidently not the most suitable arrangement in times of ongoing struggles for Independence, civil wars and sharp internal factionalism. In the second moment, the centralists and monarchical tendencies fell into the other extreme: centralism was opposed by the provinces and led to civil wars, and monarchical tendencies were resisted by liberals, who rejected monarchy as an option for the new world. The third moment is more complex because of the multiplication of types of presidential designs. Yet, for the most part, these constitutions established rather weak executives. The introduction of some checks and balances did not correct “the pathologies” of the first and second stages and governments still remained unstable and vulnerable to dictatorship. The Chilean constitution was the exception. This constitution based on an unprecedented strong executive with broad legislative and emergency powers, became a constitutional model –later followed by Argentina in 1853 and by Mexico in 1857– which was regarded by political elites as the solution to the problem of national integration and political stability.

Table 1: Stages in the development of the Executive Power in Spanish America 1810-1830

		1810-1815	1815-1820	1820s, early 1830s
Political Cleavages		The Founding of the New Republics	The Conservative Turn	Second Republican Moment
		Early republican experiments established weak, plural executives. These constitutions were based on a pure doctrine of separation of powers.	Monarchical tendencies and Strong executives. Ideas of mixed government are also characteristic of this moment.	Executive power vested in Presidents. Incorporation of checks and balances.
Centralist	Liberal	Rio de la Plata: (No Constitution) "Primera Junta," (nine members) 1810 Chile: "Junta Superior de Gobierno" (three members) that governs in the name of Ferdinand VII. Provisional Constitutional Charter of 1812.		Argentina (1826), Uruguay (1830) Peru (1823, 1828)
	Conservative	Rio de la Plata: "Triumvirates" 1812	Mexico: Iturbide "Emperor of Mexico," Provisional Political Charter of the Mexican Empire, 1822 Argentina: "Supreme Director" Constitution of the United Provinces of South America of 1819 Chile: O' Higgins, "Supreme Director." Provisional Constitution of 1818 Peru: San Martín "Protector of Perú" 1822 (No Constitution)	Venezuela, 1819 Gran Colombia, 1821 Bolivian Constitution of 1826, Peru, 1826 Bolivia-Peru, 1836 Chile, 1833
	Radical	Mexico: Constitution of Apatzingan, 1814. "Supreme government" (three members) Plural executive elected by the Congress.		
Federal	Liberal	Venezuela, 1811 (executive power of three magistrates)		Mexican Constitution of 1824. The Chilean Constitution of 1828.
	Conservative	Rio de la Plata: (no Constitution) "Junta Grande" (twenty-three members) 1811		
	Radical	Artigas, Instrucciones del Año XIII (single executive)		