

José del Valle: a Benthamite in Central America

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This paper examines the relationship between Jeremy Bentham and José Cecilio del Valle, one of the most important leaders of Central America's independence process. Since this relationship has received little attention from those studying the links between Bentham and Spanish American politicians, with the exception of Miriam Williford¹, we consider that is very important to explore the influence of the utilitarian philosophy in Central America. With this purpose in mind, we will examine the ideas expressed in some of Valle's writings and government projects throughout his political career dated between 1810 and 1834 in Guatemala.

Keywords: José del Valle; Jeremy Bentham; Central America; Constitution; Education; Intellectual

1. Introduction

The relationship between Jeremy Bentham and José del Valle, one of the political leaders of the Central America's independence, could help us to understand the changes experienced by Valle in his political thought, especially after 1825 when Valle showed in his writings a tendency toward the implementation of more radical reforms in Guatemala. Valle abandoned the moderate approach he had promoted during the previous fifteen years when he thought

¹ Miriam Williford, *Jeremy Bentham on Spanish America: An Account on His Letters and proposals to the New World*, Chapel Hill, 1980.

that the introduction of deep political changes could end up in chaos and turmoil in Central America, mainly due to the lack of education of the popular sectors of society.

Although it would be an exaggeration to describe Valle as a disciple of Bentham, despite Bentham's own use of the term to describe many of those who approached him with interest in his work, it is true nonetheless that the relationship between them was not merely circumstantial. José del Valle was already influenced by the doctrine of utilitarianism before he started to correspond with the English philosopher; this influence, however, became more evident from the beginning of their relationship in 1826, when they started an epistolary exchange that lasted until Bentham's death in 1832. These letters show not only a mutual admiration for each other, but a deep knowledge of their respective works.

This paper aims to provide evidence of the influence of the doctrine of utilitarianism in general, and of Bentham's line of thought in particular, on José del Valle's political projects, which can help us to understand why a conservative liberal, as he was, turned toward a more radical position in his reformatory proposals in the last part of his life. It will especially show how the correspondence which Valle received from Bentham prompted the Guatemalan to promote deep-seated changes. With this purpose in mind, we will examine the ideas expressed in some of Valle's writings throughout his political career.

2. Valle in Central America

José del Valle was one of the most important figures in Guatemalan politics during the transition from colonial government to independence, displaying wide-ranging expertise in public administration management. Valle was born in Choluteca, now part of Honduras, in 1777. He moved to the city of Guatemala at an early age where he attended San Carlos University and earned his Bachelor's Degree in 1794, a Degree in Civil and Canonical Law in

1799, and a Licentiate Degree in Law in 1803. During those years the university went through a series of curricular changes fostered by Valle's mentor, Father José Antonio Liendo y Goicoechea.

In 1811, he served as advisor to the Captain General, José de Bustamante y Guerra, who asked him to draft instructions for the election of representatives to the Courts of Spain and the Guatemalan Town Councils, as stated in the 1812 Constitution of Cadiz. In practice, however, Bustamante did everything possible to hinder the application of the Constitution (which many attribute to Valle's influence).

In March 1820, when Fernando VII was forced to restore the 1812 Constitution, legislative and executive representative elections took place in Guatemala, and Valle was elected Mayor of the city of Guatemala in early 1821, an office he held until June of the same year. A few months later, on September 15, 1821, Guatemala declared its independence, and it was Valle who wrote the Declaration of Independence.

In January 1822, when Guatemala was annexed by Mexico under Agustín de Iturbide, Valle was elected as representative to Mexico's new Congress, but on August 27, 1822 he was imprisoned (together with other representatives) on charges of conspiring against Iturbide. Surprisingly, some months later, in February 1823, Valle was freed and Iturbide appointed him as Secretary for Foreign and Home Affairs. Valle served in this position until the end of March 1823, and returned to Guatemala in January 1824 to serve in the Second Triumvirate until 1825, when the Salvadorian José Manuel de Arce was elected President. As a result of a strange interpretation by Congress, Arce won the election over Valle, despite the fact that Valle had obtained more votes in the first round.

This electoral defeat caused him to abandon the political arena. He was now able to devote more time to studying and writing about the different subjects he was interested in. It

was also during this time that he began to correspond regularly with Jeremy Bentham, Alexander von Humboldt, Count Pecchio and Álvaro Flores Estrada, among others. By 1830, the civil war that had started at the end of 1826 was over and the new President, Francisco Morazán, offered Valle the position of Ambassador to France, but he rejected the offer, also refusing the post of Vice President. He did, however, agree to hold academic positions, such as Director of the Economic Society and Director of San Carlos University's Fine Arts Department. It seemed Valle had permanently been ejected from politics until when, in early 1834, he was elected President of Central America. Unfortunately, he did not take office because he died on 2 March that year close to the city of Guatemala.

3. Valle as an intellectual

Different papers of the period highlighted José del Valle as an intellectual rather than as a politician, despite his active participation in politics between 1811 and 1834. Valle is seen mainly as an intellectual because he himself claimed to be a scholar, believing his political activity to be more a civic duty than a vocation. However, it is interesting to note that when he started corresponding with European intellectuals, he introduced himself as a politician interested in introducing ideas from Europe to his country. In this sense, Valle attempts to draw attention among his European contemporaries by stating that political practice is more important than ideas themselves. Locally, he was more prestigious as an intellectual than as a politician, and this is why he preferred to be thought of as a thinker. His erudition and capacity for analysis made him feel secure and even lent him an air of superiority over his political rivals. But this also made him unpopular, depriving him of many political allies, who considered him to be arrogant and pedantic, and preferred to support others rather than remain

with Valle.² Evidence of his intellectual superiority can be found in contemporary accounts, which describe him as ‘the wise man of Central America’ or the ‘Andean Cicero’, as the English traveler George A. Thompson called him.³

Like other political figures of his day, Valle was both a politician and an intellectual. These two facets complemented each other, because his intellectual writings and concerns were always focused on practical application to politics. The general goal of most of his reflections and essays was to improve the living conditions of Guatemalans. His longing to be both a politician and an intellectual was a constant frustration for him: whenever he devoted himself fully to politics, he wished he had more time for his studies, but whenever he was away from politics for long, he sought the first opportunity to return to the arena with more enthusiasm than ever.

Valle’s intellectual qualities and his reputation for wisdom came into their own after he failed to be elected president. During these years he spent more time studying and establishing relationships with European intellectuals. Scholars, politicians and travelers visited him in his library in the country’s capital. One of them described his meeting with Valle as follows:

Called again on del Valle. I found him seated on a sofa extending the whole length of the end of a saloon, and conversing with three or four visitors; two of whom were Englishmen; one, Mr. John Hines, who had come out to propose a loan on the part of Messrs. Simmonds, and two

² *Obras de José Cecilio del Valle*, ed. J. Valle and J. Valle Matheu, 2 Vols. Guatemala, 1929 (henceforth Valle and Valle Matheu), vol. i, p. LXXVI-LXXX

Frenchmen. After they had left, he showed me into a small library, so completely filled with books, in large masses, not only around the walls but on the floor, it was with difficulty that we could pick a way through the apartment. He sat himself down to a small writing table, which was also profusely stored with manuscripts and printed papers, from which he selected for me, with a zeal of earnestness and gratification heightened by the enthusiasm of his natural disposition, some documents which he had been preparing or collecting for my use [...] He had all the mania of authorship about him: proofs and revises and lumps of manuscript, folios and quartos and octavos, opened or interlarded with scraps of memoranda, were scattered, in profusion, over the table: it was as though he were inordinate in his requisitions at the feast of intellect [...] Our being mutually engaged in researches after that sort of information to which my inquiries were particularly directed, constituted, I presume, the preliminary to that friendship which so eagerly commenced, and has since existed between this Andean Cicero and so humble person as myself.⁴

In turn, the Dutch Consul to Central America described Valle in his journal as:

undoubtedly the greatest scholar in the land. His vast knowledge of literature, supported by a prodigious memory, is generally accompanied

³ George Alexander Thompson, 'Narrative of an Official Visit to Guatemala from Mexico', in Franklin Dallas Parker, *Travels in Central America 1821-1840*, Gainesville, 1970, pp. 253-254

by a keen sense of judgment. He is commonly accused of granting too much importance to trivial matters, of being long-winded and wasting valuable time arguing the fine points of things that nobody disputes.⁵

From that time on, except for the brief period he served as representative at the Second Federal Congress in 1826, Valle was to return to many of the subjects he had raised in *El Amigo de la Patria*, the newspaper he edited between 1820 and 1822. One of the topics he was to develop most during these years was the role played by wise men in civilization. In his article *El Sabio* (The Wise Man), Valle seems to show an exaggerated enthusiasm for his subject matter, in October 16, 1820 he wrote in *El Amigo de La Patria*:

On the scale of beings, man is the first. On the scale of men, the wise man is the greatest.

The wise man is he who is closest to Divinity: he who honors the species and illuminates the earth.

The birth of other men is an ordinary event that has no influence on societies. The birth of a wise man marks a new era in the history of the human species.

Civilization, the sublime, the beautiful and the useful has been created or perfected by wise men. Remove wise men from the face of the earth and the whole planet will be a world of horror, chaos and death.

⁴ Ibid., pp. 253-254

⁵ Jacobo Haefkens, 'Viaje a Guatemala y Centro América', *Sociedad de Geografía e Historia de Guatemala*, Guatemala, 1969, p. 153

If among humans there are beings who deserve to be honored with hymns, shouldn't these hymns pay tribute to wise men [...]?

Youth, behold the path of glory. Political bodies need souls, and these bodies' souls must be the wise men. Learned men advance the cause of our country; unlearned men obstruct it and hold it back.⁶

In line with his ideas, Valle sought to promote the cause of knowledge in the newly-founded republic by attracting men of wisdom and science from Europe to Central America. In 1825, when his cousin Próspero de Herrera traveled to London in search of funds to exploit the mines his family owned in Honduras, Valle gave him instructions to buy books, newspapers and all types of publications that could be useful for his studies. He also gave his cousin the addresses of some of his intellectual acquaintances with instructions to contact them and invite them to Central America.

This is how during these years Valle started corresponding regularly with Jeremy Bentham, Count Pecchio, Álvaro Flores Estrada, Mariano La Gasca, Abbé Pradt, José Joaquín de Mora and Alexander von Humboldt, to mention some of the best known of his acquaintances. In Valle's mind, wise men from abroad held out the possibility of progress for Guatemala, because the country had none of its own; consequently, the experience of those who lived in other latitudes was the only option at that time; they would be the ones in charge of leading the country until education started to bear fruit among the population.

4. Precedents of Utilitarianism in Valle's writings

⁶ *El Amigo de la Patria*, nº 1, 16 October 1820, vol. i., pp. 5-12

The link between Bentham and Valle has received little attention from those studying the associations between the English philosopher and Spanish American politicians. The exception is Miriam Williford, who devotes several pages to Valle in her book *Jeremy Bentham on Spanish America*. On the other hand, authors such as John Dinwiddy, Elie Halévy, John Lynch and John Bowring, very rarely mention José del Valle when referring to Bentham's influence on the American continent.

José del Valle first learned about utilitarianism in the early 19th century through the writings of Jovellanos, Voltaire, José Joaquín de Mora, Filangieri, Blanco White and Beccaria. In 1812, in his opening speech at the Economic Society of Guatemala (*Sociedad Económica de Guatemala*), reproduced in *El Amigo* of October 26, 1820, Valle referred to the principle of happiness for the greatest number by saying: 'This is how the Economist gets ready to work for the happiness of the peoples [...] The economist, considering the political world to discover the origin of wealth and happiness of the people, seems to be a Divine Being, worthy of the worship of recognition',⁷ although he did not mention the English philosopher here.

In *El Amigo de la Patria*, Bentham is only mentioned once, on 15 May 1821 when, reporting on the presentation made by José Joaquín de Mora to the Spanish parliament in October 1820, Valle calls Bentham one of the most outstanding wise men of Europe 'for his deep and ingenious application of philosophical theories to the science of legislation'.⁸

This, however, does not mean that utilitarian principles were not mentioned in his writings. On December 9, 1820, when pointing out what the Legislative Code should be like, Valle rejected the bicameral system because he believed it divided society and was unfair, one

⁷ Ibid., n° 2, 26 October 1820, vol. i., pp. 15-30

⁸ Ibid., n° 2, 15 May 1821, vol. ii pp. 11-19

house 'is closer to the social principle; and does not cause enormous class differences', and he added that 'laws that do not seek the wellbeing of all or of the greatest number cannot be fair either'.⁹ However, he would change his mind about it in 1832.

Two weeks later, on 23 December 1820 he states that:

If laws express the will of the greatest number, the strength of the greatest number will support the laws. If those who govern protect the greatest number, the strength of the greatest number will support the Government. If those who administer justice do it for the greatest number, the strength of the greatest number will be in favor of judges.

The foundation for every Legislative Code shall be to make all individuals of a society partners. The Code having this nature will be as fair and lasting as the truth that supports it.¹⁰

When Valle wrote these articles he had not yet been in direct contact with Bentham and his work, but they are clearly influenced by utilitarian principles, such as the greatest happiness for the greatest number, the importance of implementing a Legislative Code to foster social changes, and the rejection of a bicameral system that would allow the interests and will of a minority to jeopardize the happiness of the greatest number.

It was not until 1824 that Valle first read Bentham's writings in Étienne Dumont's French translation. Three years later, after exchanging several letters with Bentham, on April 18, 1827 Valle wrote to him saying:

⁹ Ibid., n° 8, 9 December 1820, vol. i. pp. 125-131

¹⁰ Ibid., n° 10, 23 December 1820, vol. i., pp. 145-148

I believe that but very few of your works are wanting to my possessing the whole [...] In this library [Valle's], your works will occupy the distinguished place which they deserve, as those of the learned instructor of the Legislators of the world. By your influence, I hope that a happy revolution may be brought about in all the nations of the earth. You have caused one in science, in fixing the fertile and luminous principle of the universal utility [...] the art of summing up the amount of each, and balancing the one against the other with precision, as well as in framing laws which shall produce a greater quantity of good than of evil.¹¹

Bentham seemed to have found a new disciple in Valle, one who would finally carry out his political project in Spanish America. In a letter to Valle of 19 March 1827, Bentham says:

As far as the means of forming a judgment are within my reach, if by any body your central America can be saved from being swallowed up in the gullet of despotism (as I much fear Columbia is already) it must be by you. If I had the gift of miracles I would divide you into three persons: for instruction one should go to the Anglo-American United States, one come here to England, the other remain in that country in which as matters stand the entire person is so indispensably necessary to the salvation of the Commonwealth.

¹¹ *The Correspondence of Jeremy Bentham*, vol. xii., ed. L. O'Sullivan and C. Fuller, Oxford, 2006, (*The Collected Works of Jeremy Bentham*, henceforth 'CW'), p. 350

[And he continues his letter comparing him to the Argentinean Bernardino Rivadavia by saying:] For intellectual aptitude, considering the opportunities he [Rivadavia] has had here and in France and his natural abilities I can not conceive how he should have his equal in late Spanish America: but for moral aptitude in addition to intellectual you are in a manner my only hope.¹²

The moment when Valle and Bentham contact each other coincides precisely with Bentham's decision to focus his efforts on Spanish America, following a conservative counter-offensive in the Iberian Peninsula, after the liberal triennium, between 1820-1823, making the implementation of his reforms unfeasible in both Spain and Portugal.¹³ In turn, Valle found in Benthamite utilitarianism an alternative to the failed attempt to implement the enlightened ideas of rational iusnaturalism rooted in the natural rights recovered after independence. The difficulty of creating by consensus a government that the different Central American states could agree upon instilled in Valle a new interest in utilitarianism. He proposed a government based on the principle of general utility and made up of wise men who would promote social reform through legislation and education.¹⁴

Thus, a combination of factors caused Bentham and Valle to need each other. The former sought new 'disciples' to foster his reforms, and the latter needed the help of the English philosopher to draft the Legislative Code. This led to a lengthy correspondence between the two that was to last from 1826 to 1832. However, if Bentham sought in Valle an

¹² Ibid., p. 327

¹³ John Dinwiddy, *Bentham*, Oxford, 1989, p. 15

¹⁴ Beatriz Dávila, 'De los derechos a la utilidad: el discurso político en el Río de la Plata durante la década revolucionaria', *Primas. Revista de Historia Intelectual*, #7, (2003), p.75

interlocutor with the same degree of political power as Rivadavia in Buenos Aires or Bolívar in Greater Colombia, he chose the wrong moment because their correspondence began just when Valle was losing his political influence in the region, especially after the outbreak of civil war in 1826. But the fact that Bentham chose the wrong political moment, however, does not prevent us from considering the influence of his ideas on the Guatemalan politician.

5. Valle: The Benthamite

5.1. *The Legislative Code*

On October 19, 1825, the Constituent Assembly of the State of Guatemala appointed Valle as member of the committee in charge of writing the civil code; a position Valle accepted on October 25.¹⁵ Valle was one of the main Central American experts in Spanish legislation, and was well aware of its political flaws for the development of the region. In *El Amigo de la Patria* of January 25, 1822, he declared himself to be against the *Código de las Partidas* (legal code) and the *Recopilación de Castilla* (laws of Castile), because they were not wisely coordinated codes and had not been created for Americans. According to Valle:

[it was] a compilation of royal patents and laws, in full or in abstracts, issued by different Kings, in different circumstances, without any link or concatenation, all of them different in style and none of them in the precise and clear tone suitable for the law [...] A legislative code must be developed from this simple principle: Men got together in society for

¹⁵ J. Valladares Rodríguez, ed., *El Pensamiento económico de José Cecilio del Valle*, Tegucigalpa, 1969, pp. 149-150.

their common happiness: the citizens of a nation are companions or partners: they are individual parts of a company. That which lacks a social nature is not a law: that which does not deserve the name law must not be part of a legislative Code.¹⁶

Taking this into account, it is not surprising that when drafting the Civil Code, Valle turned to Bentham for advice. On 21 May 1826, he wrote to him:

Your works give you the glorious title of legislator of the world. Those whose lot it has been to be called on to prepare, or to discuss, projects for civil or criminal codes, have requested your guidance; I, more than any feel the want of it [...] Allow me, then, to entreat you will turn your attention to this newly born Republic, whose happiness is the highest interest to me. Kindly communicate your ideas, which will be duly appreciated by him who offers you all the respect and attention.¹⁷

Bentham was flattered by Valle's proposal and took advantage of the opportunity to include in his letter some of his writings on the subject. In his reply of November 10, 1826, he emphasized Guatemala's future place within an independent Spanish America:

¹⁶ *El Amigo de la Patria*, nº 20-21, 25 January 1822, vol. ii., pp. 193-210

¹⁷ *Correspondence (CW)*, xii. P. 217

[T]he place occupied by Guatemala in the American hemisphere, is the place occupied by the Sun in the system which bears his name: may it be the radiant point from which light to all others is diffused!

[As far as Valle's request for advice in drafting the Code, he said:] in the mean time I make no doubt but considerable assistance may be derived from that work of Mr Livingstone. Almost any law is better than none: and I should imagine the best thing you could do would be to give adoption, all at once, to that Code: without waiting to see what, if anything, I may be able to furnish during the course of the few days which a man who was 78 years old on the 15 February 1826 can have remaining. But, whatever you do, you will rather expressly declare it temporary (as do here) than attempt to render it perpetual as the poor Spaniards did, their sadly inadequate work... [clearly referring to the Cadiz Constitution of 1812].¹⁸

Valle took advantage of every opportunity he had to include, in his correspondence with Bentham, copies of the writings he had published in *El Amigo de la Patria* and in *El Redactor General*; as well as reminding him of his academic achievements, such as his appointment as member of the *Sociedad de Instrucción Elemental de París* on the recommendation of Count Pecchio in 1826.¹⁹ The correspondence between Bentham and Valle seems to have ceased when the civil war reached its height. Valle was to wait another two years before attempting to resume contact. Surprisingly, he devotes most of the letter that he sent on 19 May 1829 to

¹⁸ Ibid., p. 260

¹⁹ Ibid., p. 350

speculating about the portrait to be included on Guatemala's new coinage.²⁰ This strategy for resuming contact was a surprising one even for Bentham himself, who, in his reply of 8 to 13 September 1829 suggested it would have been much better to spend his time on more important issues, and to demonstrate he was serious, Bentham devoted the rest of his letter to the freedom of the press and the dissemination of newspapers. He mentioned how dangerous official newspapers could be, often as dangerous as lack of press freedom, and mentioned the plan he suggested to Francisco de Miranda's son to establish a newspaper in Colombia.²¹

5.2. *Freedom of the Press*

Some of the suggestions Bentham made on press freedom in Spanish America appear in Valle's writing called *Libertad de Imprenta*, where he states that 'the press is the universal sense of the political body, as tact is the general sense of the human body'.²² In Valle's opinion, a government representing the rights of all inhabitants would not be feasible if there were no freedom of expression because, as Bentham said, those in government would see to the interests of their own group, even when elected by popular vote.²³ Valle states that freedom of expression represented the guarantee of the republican system because 'when the legislative body or the Government ban or restrict the freedom of the press, this banning or restriction applies only to citizens'; and he asks himself, 'If men of probity and enlightenment cannot publish the results of their life studies and the experience of many years, to what abyss would people be driven - people that have not declared their independence to be unhappy, but

²⁰ Ibid., xiii Letter 25.29. Volume xiii of Bentham's correspondence has not yet been published, and this reference is to copies of the letters provided by the Bentham Project.

²¹ Ibid., Letter 44.29.

²² José del Valle, 'Libertad de Imprenta', in *Pensamiento vivo de José Cecilio del Valle*, Rafael H. Valle, ed. San José, CR, 1971, p. 230

²³ John Dinwiddy, *Bentham*, pp. 13, 83

to improve their lot and to enjoy the greatest happiness?’²⁴ In a series of bills he drafted in 1829 to be submitted to Congress once the civil war was over, he highlighted the need to guarantee the freedom of the press, as ‘it is the great basis of all freedoms. There is no despotism where there is freedom of the press’.²⁵

5.3. *The role of wise men in Education*

By 1829, the civil war was over and the Federal Government reestablished the Economic Society of Guatemala, appointing José del Valle as its director. On 31 May 31 1830 Valle sent a letter to Bentham telling him about his appointment and included a copy of the opening speech he gave on 29 November 1829 entitled *Wise Men, Capitalists and Workers*.²⁶

Here he analyzed the importance of each of these players in the creation of wealth, which was ‘*the common goal of all wills*’. Wealth could not be created without the involvement of one of the three players who, despite having different interests, needed one another to achieve their final goal. We can see the utilitarian influence here because this conjunction of interests has no spontaneous or natural order, but is the result of a set of harmonious laws aimed at achieving that goal. Consequently, the actions of legislators were essential because, as Bentham had pointed out, it was their task to influence the behavior of individuals through legislation.²⁷

Valle points out that:

²⁴ José del Valle, ‘Libertad de Imprenta’, pp. 232-234

²⁵ José del Valle, ‘Proyectos’. in *Pensamiento vivo*, p. 105

²⁶ *Correspondence* (CW), xiii. Letter 74.30.

²⁷ John Dinwiddy, *Bentham*, pp. 28-32

[G]athering individual facts, the physicist ascertained the laws of gravity; and gathering particular observations, the statesman aspires to discover the laws of societies. Once having these laws, a government educated in the art of applying them, following the natural development of man, giving child peoples the laws that are convenient to their tender age, issuing for adult nations the laws required by maturity, in this way, states would grow naturally, like plants watered in a garden. They would blossom and bear fruit in due course. There would be no violence or coercion. Growth would be spontaneous; and prosperity, the happy result of a system inspired by wise men.²⁸

This piece of writing shows that Valle reserves the place of wise man for himself, now a legislator, because it was he who was responsible for drafting the code of laws that would reconcile the particular interests of the different sectors of society, and contribute to promoting the principle of the greatest happiness for the greatest number.

His ideas, however, are not limited to the role of the ‘wise.’ True, ‘there can be no wealth, power or prosperity without enlightenment’, but he insisted on the key role of education, and on the need to educate most of the population, arguing that even with wise men and capitalists ‘the creation of wealth without workers, as well as the existence of workers without education, is impossible’²⁹ This clearly refers to the influence of Bentham’s line of thought. It is also worth stressing that in his letters to Spanish American leaders, Bentham suggested the educational methods and the type of books he believed should be

²⁸José del Valle, ‘Discurso de reapertura de la Sociedad Económica, 29 de noviembre de 1829’, in Valle, and Valle Matheu, vol. i., pp. 168-176

available in the new libraries. Education and reading would give the young nations of America the tools to govern themselves properly. He also recommended the use of the Lancastrian system, which allowed for the education of the poorest sectors of society through the monitorial system.³⁰

In his writings, both in his newspapers and in the different drafts he submitted as legislator or member of the Second Triumvirate, Valle always considered education to be a priority. Later on, he systematized his ideas on the subject in his *Memoria sobre la Educación* (Report on Education), written in 1829.³¹

His Report is in fact an analysis of the general situation in which Central America was immersed, and suggests a political organization model aimed at promoting the principle of the greatest happiness for the greatest number. This would be achieved by putting an end to tyranny and dividing power wisely, which meant giving:

[T]he people the voting power. This power turns the people into the center or source from which legislative authority springs, involves them in the exercise of sovereignty [...] gives them the right to choose the wise who are looked down on by the great, because they defend the liberties and the jurisdictions of nations.

Granting legislative power to houses of representatives also places the power to pass laws in the hands of those who have been chosen as most interested in achieving the greatest possible good for the greatest possible

²⁹ Ibid.

³⁰ Elie Halévy, *The Growth of Philosophic Radicalism*, London, 1934, pp. 282-296

³¹ José del Valle, 'Memorias sobre la Educación', in Valle and Valle Matheu, vol. i., pp. 177-210

number, thus establishes the harmony that should exist between the Government and the people.³²

Valle also maintained that it was not enough for the legislative power to pass laws, these laws had to be obeyed by the executive. To benefit the greatest number, the law must not ‘destroy the rights of men, but protect them’. Thus, men had to be free to exercise their rights and be treated equally, without the authorities making any type of distinction among them. Once men were free to use all of their capabilities, they would become ‘a source of individual and national prosperity’.³³

Valle thought that a new legal code would free people from backwardness and poverty, releasing all of their potential. In the Report, Valle returns to the subjects of universal suffrage and the codification of new laws, highlighting especially the need for education. For the republican system to bear fruit in practice, people needed education, ‘men and land are the great elements of social happiness, the wealth of peoples and the origin of wealth, the cause of Good and Good itself, the powers and agents of the prosperity of individuals and nations.’ It was necessary then to cultivate the land and the people because both were the creators of wealth and happiness. Valle was clearly aware of poverty, and of the lack of talent existing in Guatemala, and considered that although the plans devised by Filangieri, Talleyrand and Condorcet, among others, were very good, they were not applicable to Central America which lacked resources and properly trained people.³⁴

He suggested creating classrooms specially equipped for teaching all the fields of science, because if men mastered science, they would be able to control nature. The

³² *Ibid.*, p. 187

³³ *Ibid.*, p. 191

institutional form of this educational process would be laid down by the Academy of Education, whose goal would be to gather the best educated minds of the nation to lead change in this field, creating museums, libraries, botanical gardens, and fostering research.

5.4. Statistics and Mathematics

José del Valle's writings also included a utilitarian emphasis on statistics and mathematics. As pointed out by Robert Ekelund and Robert Hebert, 'The 19th century had a passion for measuring. In the Social Sciences Bentham surfed the crest of a new wave. If pleasure and pain could be objectively measured, each legislative act could be evaluated according to the wellbeing it produced. Achieving this required a conception of the general goal that Bentham set out to provide'.³⁵

In different articles published in *El Amigo de la Patria* between January and February 1821, Valle highlighted the importance of statistics and mathematics as tools for the growth of the country by saying:

Statistics show the condition of the population, wealth and strengths of a country. They are the big map of governments: they are the chart which public officers scrutinize to make those happy combinations that will serve as the foundation for beneficial systems of administration.

The numbers and letters in the big book of nature are also those with which the science of Politics is written. The compass used in geometry is also the instrument of Politics and Civil Economy. There is no wise

³⁴ *Ibid.*, p. 200

Government without a flair for calculation and there can be no calculations without Statistics.³⁶

In the introductory speech presenting the new Mathematics course at San Carlos University in 1831 we can see the influence of Bentham's ideas on this topic. In this speech Valle emphasized the role of mathematics as the fundamental tool to promote national progress and wealth. He sustained that without calculation and measurement it was impossible to make the right decisions, and referring to the way in which Central American leaders had behaved in the past, he said: 'they speak like Danton, but they don't think like Newton'.³⁷

Those in charge of government needed to understand the importance of mathematics for the wellbeing of those they governed. If the ruler 'wishes to be able to see at a glance the chart he needs in order to rule the State, mathematics are required to plot its coordinates [...] If he wishes to create a fair system of treasury, it is essential for him to calculate the wealth of the nation or the individuals making it up'. Calculations were expected to inform every activity a person could undertake: farming, mining, trade, and so on. Valle highlighted their importance by saying that: 'A lot of blood has been shed in Americas because party fights have been waged by masses who, generally speaking, were not led by a mathematical genius'.³⁸

Valle, like Bentham, borrowed from Maupertuis the idea of relating morality to mathematics, arguing that those who knew how to make proper calculations would not trade

³⁵ Robert Ekelund y Robert Hébert, *Historia de la Teoría Económica y de su Método*, México, 1992, pp. 136-137

³⁶ *El Amigo de la Patria*, n° 12, 20 January 1821, vol.i., p. 166

³⁷ José del Valle, 'Las Matemáticas en sus relaciones con la prosperidad de los Estados', in Valle and J. Valle Matheu, vol. i. p. 215

³⁸ *Ibid*, p. 218

future wellbeing for current pleasures.³⁹ For example, criminals would not commit crimes if they thought of the risks they ran or the punishments they might incur if caught because the costs would be too high. Referring to Maupertuis, Valle says that the French philosopher and mathematician ‘calculated pleasures and penalties: taught us to calculate their value, and showed that moments are happy or unhappy according to the intensity of the pleasure or punishment, and its duration’.⁴⁰

5.5. *Women*

Another area in which Valle’s ideas were heavily influenced by Bentham’s is his treatment of women. His approach was similar to that of the English philosopher because, although he pays attention to the rights of women and the subjugation they have suffered throughout history, he was reluctant openly to grant them political rights because he considered their role was to accompany men.

Speaking of women, Bentham maintained that he did not see why their cause should be less important than that of men in terms of aspiring to the greatest degree of happiness, and he did not see any impediment for women to exercise their political rights as fully as men did, citing as an example the Queens of England. However, when it came to suggesting a reform in this sense, he argued that the time was not ripe at the end of the 1820s for women to enter politics, either as voters or as rulers, because such an initiative would jeopardize the progress made so far.⁴¹

Similarly, Valle states in an 1829 paper entitled *Mujeres* (‘Women’) that he is in favor of equality between men and women, ‘a nation is a partnership or meeting of women and men

³⁹ Elie Halévy, *The Growth*, p. 33

⁴⁰ José del Valle, ‘Las Matemáticas’ p. 221

governed by the same laws'; consequently, the actions of despotic governments affected both genders:

[T]he fates of women are linked to those of men [...] Women, previously submerged in the same abyss as men, started to rise from their object condition: and were partners of less uneducated, more enlightened, or less ignorant husbands: they enjoyed advantages they had not enjoyed before: had a new being or a new existence.⁴²

Valle's treatment of women shows the same guardedness we saw in Bentham: although women had the same rights as men, their possibility of exercising them was subject to their filiation with men. Women were mothers, daughters, sisters or wives, and their rights were validated by their relationship with men. Valle did not consider women to be individuals with rights unconnected with their filiation with men. A bill he wrote in 1829 proposes measures to achieve the social and political integrity of women:

Women have great influence. We need to nationalize them [make them citizens], and to this end it would be proper for each newspaper to publish an article that might draw their attention. This would make them want to read the paper, and reading the paper would gradually give them knowledge.

⁴¹ John Dinwiddy, *Bentham*, pp. 82,110

⁴² José del Valle, 'Mujeres', in *Pensamiento vivo*, R. H. Valle (ed.), pp. 222-224

The news of enlightened women such as Mme. de Stael, Mrs. Williams, etc., must also be disseminated so that women are encouraged to imitate them.⁴³

6. Valle and his criticism of the Federal Constitution

Despite the enthusiasm awakened in him by Bentham, Valle could do little to promote his reform bills and plans because the general situation of Central America had worsened due to the civil war. The problems affecting the first federal government deepened especially because of the lack of resources to implement reforms. The war resulted in the fall of President José Manuel de Arce and the restoration, in 1829, of the Federal Congress that had been dissolved in 1826. Although Valle held his seat as representative again, his short term in office (at the end of that year there had been elections to renew the representatives) and the lack of funds did not allow him to implement any of his bills.

General Francisco Morazán, the military leader of the side that won the war, also won the presidential elections for the period 1830-1834. Consequently, when Valle finished his work in Congress, he sought refuge in his studies again. In October 28, 1831 he wrote to Bentham: ‘I spend most of the time shut up in my office surrounded by my small Library, where the books you wrote have an eminent place. It is impossible to forget the immortal Author of such important works [...] My wish is that your enlightened principles may circulate throughout the new world as they are circulating throughout the old one.’ In this letter, he mentioned that a possible constitutional reform was being discussed in Guatemala, and told Bentham that his ideas and his constitutional code would be taken into account when the debate took place. With this in mind, he set about translating Bentham’s essay ‘Official

⁴³ José del Valle, ‘Proyectos’, in *Pensamiento vivo*, R. H. Valle (ed.), p. 105

Aptitude Maximized; Expense Minimized’, which he believed was the one most worthy of becoming known in Central America.⁴⁴

In 1832 Valle wrote a work entitled *La Constitución Federal* (The Federal Constitution) criticizing the Federal Constitution of 1824 which, according to Valle, gave all citizens the chance to participate, but nonetheless ended up causing the great instability the country had gone through over the last years because they were not ready to vote or to hold government offices. Bentham had expressed his reservations about the Constitution in two letters of 10 January and 19 March, 1827. In his opinion, the difficulties of a federal government as fragile as the one contemplated in the 1824 Constitution placed it on a par with the *Articles of Confederation* of the United States, which left the federal government so weak that it could do almost nothing. In that sense, when analyzing the federal form of government, Bentham told Valle of the obstacles its application would face: ‘1. Contributions for the common exigencies in money: 2. contributions for the common exigencies in men: 3. Detriment liable to be produced with or without injustice to the trade of every other’. It is for this reason that in another letter Bentham pointed out that, ‘my Constitutional Code has not comprised any arrangements for the use of a federative government. This circumstance is a matter of regret to me, as it renders my system of arrangements applicable with so much the less advantage to your State’, making it clear that if the federal form of government were to be adopted, this could only be for a short period.⁴⁵

The many official positions created by the federal system, the lack of trained people to hold them and the lack of resources, together with a weak federal state compared to the other

⁴⁴ Valle to Bentham, 28 October 1831, in *El Pensamiento económico*, J. Valladares Rodríguez (ed.), p. 212

⁴⁵ *Correspondence* (CW), xii. p. 327 (in this volume I have found only the letter from 19 March 1827, I did not see the letter from 10-11 January 1827, that I have electronically classified as Letter 3.27).

five provincial states of the Central American Federation, ruled out any possibility of success for the federal government. Valle attributed this failure to two factors: first, there were very few requirements either to vote or to stand for government office; and second: political power was badly organized.

With regard to universal suffrage, Valle was more skeptical than Bentham about granting this (Bentham's only condition was that voters should be able to read), arguing that:

Electoral Power, from which all other Powers emanate, [...] is the one that has been least considered by the Law.

Those who do not know what knowledge and virtues are necessary to be a legislator, head or judge, the roughest Indian, the most corrupted youth [...] The highest positions will be reached by those who, through no fault of their own, have less ability to legislate, govern and judge: one or two hundred individuals unsuited for their function will enjoy salaries; and one and a half or two million people will suffer their incompetence.

[...] the qualities the electorate and those elected should have must be stated so that the people do not suffer from the incompetence or immorality of their governors [...]

By granting the right to vote so indiscriminately, we cause the suffering of the people: we forget their true interests and sacrifice the fate of a whole nation to the wellbeing of a few.

The people do not care whether a man makes boots, fabric, houses, etc. He may make whatever things he pleases as long as he has learned

how to make them, manufacture, shape and finish them If this principle is valid for manual labor, why isn't it valid for this case, too? [Valle asks].⁴⁶

Criticizing the 1824 Constitution for widening public participation in terms of both the electorate and those elected, Valle focused on the lack of citizens with the ability to exercise both levels of civic responsibility. This is why he proposed more gradual reforms aimed at the progressive integration of the different sectors of the Central American society as its members became educated for republican life. Valle seemed disillusioned with the direction politics had taken in Central America since the declaration of independence; and although, as we have seen, he agreed with many of Bentham's ideas, in other aspects such as voting and the opportunity to enter politics he was much less radical.

With regard to the way political power was organized in the Constitution, Valle pointed to two essential errors. First, Congress only represented the lower class, so 'all peoples of the earth have been and will be divided into two classes in all centuries and climates: the owners or capitalists and those who are not'; but as the bicameral system of Guatemala did not respect this division, the lack of counterbalances between the two sectors of society gave rise to a clash of interests that led to political revolutions, such as those that occurred during the civil war and 'the ones existing to date'.⁴⁷

Analyzing the National Executive power, Valle argued that its functions were so limited precisely because of the great power granted to the Legislative and because of its lack of economic and military resources, which did not allow it to exercise its functions properly. 'The Executive of a Republic divided into five States must be a strong, independent power

⁴⁶ José del Valle, 'La Constitución Federal', in Valle and J. Valle Matheu, vol. i. pp. 257-265

⁴⁷ Ibid.

respected for its authority and treasury [...] Desiring to create a Nation, but not establishing a National Government or creating one too weak and precarious, without income or strength of its own, is a contradiction and shows little foresight at a moment when we would wish to have that of a God'. Valle made a similar reflection on the need for a strong Judiciary, as 'the Constitution facilitates impunity; places the posts of judges in incompetent hands, and does not stipulate the powers of the Supreme Court of Justice precisely enough'.⁴⁸

This criticism of the Constitution shows a fundamental disagreement with Bentham as to the power the Executive should have, because, for the English philosopher 'sovereignty, in this code, was firmly located in the hands of people, and was to be exercised by what Bentham called the 'constitutive' authority, that is, the electorate.' Bentham considered 'that any portion of power given to a monarchy or aristocracy would inevitably be used to promote the interest of 'the one or the few' at the expense of that of the many'.⁴⁹

These different approaches of Valle and Bentham explain the more moderate nature of the reforms suggested by Valle, whose gradualist approach was increasingly at odds with the radical positions adopted by Bentham after the second decade of the 19th century. In fact, when the first political parties appeared in Guatemala in the early 1820s, they were more strongly marked by this division between moderates and radicals than by ideological differences. Both the *Conservatives*, lead by José del Valle, and the *Liberals*, lead by Pedro Molina, believed in the enlightened liberalism, but did not agree on the way in which the changes should be implemented.

Writing in 1832, Valle shows his disillusionment with the direction Central America had taken over the last ten years, blaming the Constitution for its broadly inclusive nature,

⁴⁸ Ibid.

⁴⁹ John Dinwiddy, *Bentham*, p. 81

without taking into account how backward the region was. Regarding the lack of men suitable to implement its provisions, he pointed out that should the situation continue, ‘the federal [government] would disappear and only the state governments would remain. There will no longer be a Nation and only the States will exist. There will be five weak Republics because there is no joining bond’. In fact, this is precisely what happened in the early 1840s. Even his earlier political rivals, such as Pedro Molina, who in the early twenties had suggested more radical reforms, ended up recognizing in the thirties that the region was not ready for such abrupt changes.

Knowing the political context of the region, Valle moved away from the more radical proposals of Jeremy Bentham as far as the political reforms in Central America were concerned. This difference in ideas did not mean a personal distance since Valle continued to praise and almost venerate Bentham even after his death.

7. Valle and Bentham’s death

On June 6, 1832 Jeremy Bentham died and on August 31 that year Valle suggested that the Federal Government honor his memory by wearing mourning, a suggestion that also was adopted by members of the Supreme Court. Loyal to his promise to Bentham in 1831 that he would take every opportunity to disclose the name and ideas of ‘the first Judicial Consul of the world’, Valle wrote his *Elogio a Bentham (In Praise of Bentham)*, in which he highlighted the figure of the English philosopher and his contribution to the progress of humanity:

Jeremy Bentham died. The Wise man who worked incessantly to regenerate the legislation of all peoples is no longer with us [...]

He has ceased to be, the American says, the jealous defender of our independence, he who showed the interest of the metropolis in the emancipation of the colonies, he who wrote enlightened works so that we might learn how to calculate good and evil before becoming legislators; he who told us that The greatest possible aptitude of officials and the lowest possible expenses in administration are the distinguishing features of good Government, he who never ceased to repeat that there can be no wealth or prosperity without individual safety, freedom of movement and respect for property [...]

My Friend is dead, I say: my dear and respected Maestro is dead: the Wise Man who sent me the most precious part of his soul is dead: the Man who told me of his great and luminous thoughts in the letters he wrote me and in the works he sent me is dead: he who before leaving handed down a part of his Being to me is dead.⁵⁰

Certainly, as Dinwiddy points out, ‘there was some truth in what William Hazlitt wrote in the essay on Bentham which he published in 1824: ‘The lights of his understanding are reflected, with increasing lustre, on the other side of the globe. His name is little known in England, better in Europe, best of all in the plains of Chile and the mines of México’.⁵¹ Nevertheless, despite Valle’s attempts in his later life to promote Bentham’s ideas, these were less influential in Guatemala than in other regions of South America.

⁵⁰ José del Valle, ‘“Elogio de Bentham”, in *El Pensamiento económico*, J. Valladares Rodríguez (ed.), pp. 141-145

⁵¹ John Dinwiddy, *Radicalism and Reform in Britain 1780-1850*, London, 1992, p. 294

José del Valle died just two years later on March 2, 1834. He was returning to the city of Guatemala from his country estate La Concepción, after learning of his victory in the presidential elections of Central America. He died just a few miles from the capital city of Guatemala.

8. Conclusions

This paper has presented clear evidence that José del Valle's thinking was influenced by utilitarian ideas. In his writings published after 1810, he repeatedly refers to the principle of *'the greatest happiness for the greatest number of people'*. From 1820, when he devoted himself more intensely to disseminating these principles through his newspaper, *El Amigo de la Patria*, his articles, speeches and bills show that he identified with Bentham's proposals. This is even clearer in his correspondence they kept.

We have seen that there were more agreements than disagreements between the two; however, we have argued that the evidence does not suggest that Valle was a disciple of Bentham, especially since one of Valle's most distinctive characteristics as a politician and an intellectual was his moderate and gradualist approach, quite unlike the *Benthamite radicalism* of the early 19th century. In this sense, Valle's criticism of the 1824 Constitution is revealing because although he takes part of the advice Bentham gave him in his letters, Valle was much more moderate and gradualist when it comes to implementing reforms.

Finally, it is important to highlight that even when Valle wrote and propose different projects that were in line with Bentham's thoughts and ideas, he never could to put any of them into practice since in the two instances in which Valle was elected as President of the Central America Confederation, first in 1824 and secondly in 1833, he was not able to

assumed the position (in the first case because an interpretation of the votes required to win the lection, and in the second case because of his death).⁵²

⁵² Alejandro Gómez, *José del Valle. El Político de la Independencia Centroamericana*, Guatemala, 2011, pp. 125-130, 191-192

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