CHAPTER 5

The American Independences and the Crisis of the Ancien Régime Republic: A Comparative View of the United States and Brazil

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In this chapter we present a working hypothesis and develop some general arguments on a type of constitutionalism that has influenced the independence movements in the Americas. Trying to identify a common thread binding these movements together does not mean that we disregard the profound differences in social background, historical, political, and religious culture that differentiate them. While the long-term prospect of this type of research should eventually cover the Hispanic-American countries as well, the analysis will be restricted here to the independence of the first British colonies in North America – that is, the ‘thirteen colonies’ – and the Portuguese colonies in South America.

To put it in a nutshell, the chapter reviews some issues of the debate on republicanism in the ancien régime, particularly the tension between empire and freedom, which guides the comparative analysis of the British and the Portuguese colonial crises. As the British political system evolved towards a quasi parliamentary regime after the Glorious Revolution, the United Kingdom became the most republican of the European polities at that time. However, this also brought about deep changes in the relations of the metropolis with its overseas possessions. Those changes are at the core of the conflicts between the British Parliament and the North American colonies. In Brazil, the return of the Court to Lisbon, some years after its move to America and the elevation of the colony to the rank of a kingdom united to Portugal, ended up as a similar problem, in that the Porto liberal revolution (1820) promoted a downgrading of the king’s role as the guarantor of imperial unity (on this topic see Chapter 7 of this book by Angel Rivero). Taking this type of colonial relations as common ground, the chapter then discusses the contrasting developments of the two crises and their different results.

Like so many other elements in the ancien régime, the city-republic was the idealized legacy of a political experience that had reached its zenith in the late Middle Ages. In the eighteenth century, the city-republic was in fact an endangered political species. Its main reference continued to be the few surviving city-republics in northern Italy, like Genoa and Venice. The latter – the
Serenissima Repubblica – was considered a model for the republican experience, due to its almost millenary existence and stability. These cities were the last survivors of the medieval Italian communes. Their rich political life started to decline in the late Renaissance, when they became surrounded by territories dominated by the signori. Apart from this region, the republican ideal was also exemplified by the municipal experiences in the Swiss Alps, of which Geneva was a good example. Larger political units were viewed with less enthusiasm. We also find federal arrangements such as the Republic of the United Provinces in the Netherlands – a federation of cities and their adjoining territories – and in Poland, which was in fact a federation of feudal lords.1 There was also England, which thanks to the typology and influential analysis offered by Montesquieu, could be considered, in view of the Glorious Revolution of 1688, a mixed Constitution, that is, an amalgamation of monarchical and republican institutions. As an analytical tool, the old theory of the mixed constitution was applied to all these cases to measure the chances for developing a ‘regime of liberty’.2

One predominant interpretation of Montesquieu’s work is that republics were doomed to marginality in the modern world.3 In spite of this interpretation, some decades after the publication of The Spirit of the Laws, Montesquieu was chosen as an intellectual guide by those responsible for the resurgence of the republican ideal on both sides of the Atlantic. How could this be? We know that in some of his remarks Montesquieu seemed to have likened the republican form with the city-republic, for example when he said that ‘it is natural for a republic to have only a small territory, otherwise it cannot subsist for long’.4 But on the whole he saw an overwhelming supremacy in the territorial state, the basis of the modern nation-state. In any case, how can we account for the many thoughts devoted to the republican form in his work?

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1 Sometimes, the German Empire was also referred to as a federal republic, but of a very peculiar kind, since it resulted from the loose union of ‘small monarchies and small republics’. See Charles Louis de Secondat, Baron de Montesquieu (1989), The Spirit of Laws (Cambridge and New York: Cambridge University Press), Book ix, Chapter 2.

2 A mixed Constitution here refers to a republic as a composite political arrangement between its monarchical, aristocratic, and democratic components, to state it in classical terms. As a whole it should work like a balanced system. It was this balanced interaction that the preservation of a regime of freedom was considered to depend on.
