

# A Controversial Debate: The Issue of Religious Tolerance in the Early Chilean Republic (1823-1833)\*

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## ABSTRACT

Between the years 1823-1833, after the War of Independence, Chile had an intensive debate related to the issue of religious toleration, which was conducted in various pamphlets and newspapers, with two major political groups clashing over the subject: Conservatives and Liberals. While the former thought that Chile should not even recognize these practices because it was essentially a Catholic country, the latter wanted to grant a certain recognition to the Protestant practices brought to the country by the Americans and British. Following François-Xavier Guerra, the central thesis of this article states this debate expresses a major conflict among two conceptions of modernity.

Key words: *religious tolerance, Early Chilean republic, conservatives, liberals, anglo-saxon actors.*

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## Un debate controversial: el problema de la tolerancia religiosa en la temprana república chilena (1823-1833)

### RESUMEN

Entre los años 1823-1833, después de la Guerra de la Independencia, Chile experimentó un intenso debate en relación con el problema de la tolerancia religiosa, el cual se desarrolló en diversos folletos y periódicos, en el que intervinieron dos grandes fuerzas políticas: conservadores y liberales. Mientras los primeros pensaban que no se debería reconocer ese culto porque Chile era esencialmente un país católico, los segundos querían otorgar un cierto reconocimiento al culto protestante, traído al país por estadounidenses y británicos. Siguiendo a François-Xavier Guerra, la tesis central de este artículo es que ese debate expresa la existencia de un conflicto mayor entre dos concepciones de modernidad.

Palabras claves: *tolerancia religiosa, temprana república chilena, conservadores, liberales, actores anglosajones.*

### 1. INTRODUCTION

On April 29, 1822, the British national Maria Graham reported in her journal that she had received a kind visit from Ignacio Zenteno, the governor of Valparaíso, to express his condolences for the death of her husband. She recorded that he assured her that she could have all the “ceremonies and honors as our church and service demand, and has promised the attendance of soldiers,” adding this brief sentence: “All this is kind and it is liberal”.<sup>1</sup> Graham was the daughter of Vice Admiral Jorge Dundas, whom she accompanied to India in 1808. There, she married the captain of the English Royal Navy, Thomas Graham. In 1822, they both set out for South America. During the trip, near Cape Horn, Captain Graham died. He was later buried at Valparaíso where she decided to stay on and during this time in Chile became a chronicler, describing Chilean society in great detail.

Graham kept her journal during 1822, recording not only everyday customs and events, but also discussing the need for the country (recently independent from Spain) to consolidate as an open society guaranteeing civil rights, such as freedom of religion and freedom of the press. She made several interesting points on the issue of religion. First, she noted the great power of the Catholic Church in

<sup>1</sup> Graham, *Journal of a Residence in Chile*, p. 4.

Chile. For instance, she said: “The influence of the [Catholic] Church too, which had hitherto been almost omnipotent in favor of the ancient order of things, began to be exerted, perhaps unintentionally, in the cause of independence”.<sup>2</sup> Second, Graham described the presence of a significant number of British residents in Valparaíso, who performed commercial functions in particular. Furthermore, she highlighted the fact that many of those residents provided important services in favor of Chilean independence, for example, through the importation of both naval and military weapons and supplies.<sup>3</sup> Third, Graham pointed out that in Chile, Protestant worship was only allowed in private homes, without complete public tolerance. Specifically, she asserted that despite the fact that the purchase of land for Protestant cemeteries and interreligious marriages was allowed, tolerance was not perfect because worship could only take place in homes and not in churches.<sup>4</sup>

Between 1823 and 1830, after the Chilean War of Independence and government of Bernardo O’Higgins (1810-1823), the country had extensive discussions on the kind of society that would be best for its future. A truly critical debate was related to the issue of religious tolerance. This debate was conducted in various periodical pamphlets and newspapers, with two major political groups clashing over the subject: the conservatives and liberals. While the former believed that Chile was essentially a Catholic country and should not even recognize Protestant denominations, the latter wanted to grant a certain recognition to those denominations, which were brought to the country principally by the British.

Historiography typically considers only the conservative standpoint in this debate. Two exceptions to this rule are, however, worth mentioning: Ricardo Donoso and Ana María Stuen. Donoso devotes an entire chapter to what he calls “The fight against the influence of the Church,” referring to the power that the Catholic Church continued to have in the nineteenth century. Donoso affirms that nineteenth-century liberals set out to fight for the consecration of two great civil liberties: freedom of the press and religious tolerance.<sup>5</sup> These two freedoms were closely connected because liberals used the press to criticize the power of the Catholic Church in society.

For her part, Ana María Stuen argues that the Chilean elites, at least in the period studied here, never sought to discard the Catholic faith as an axis of social and political life in Chile.<sup>6</sup> To do this, she studies one of the intellectual arguments between Juan Egaña and José María Blanco White from 1824 to

<sup>2</sup> *Ibid.*, p. 197.

<sup>3</sup> *Ibid.*, p. 224.

<sup>4</sup> *Ibid.*, pp. 224-225.

<sup>5</sup> Donoso, *Las ideas políticas en Chile*, p. 175.

<sup>6</sup> Stuen, “Tolerancia religiosa y orden social”, p. 24.

1826. Egaña was the main author of the 1823 Constitution, a document that categorically denied religious tolerance and reflected Egaña's view, while Blanco White was passionately opposed to that position.<sup>7</sup>

The aim of this research is to explain the debate between conservatives and liberals on religious tolerance in 1820s Chile. This paper argues that this debate expresses the typical struggle between tradition and modernity, or more precisely between a conservative modernity and liberal modernity. To approach the liberal conception of modernity in the context of Latin American independences and state formation processes (the 1810-1840 period approximately), this research adopts the concept of alternative modernity from François-Xavier Guerra. In his book *Modernity and Independences*, Guerra states alternative modernity "is above all the 'invention' of the individual. The concrete individual, 'empirical agent, present in every society', is now going to become the 'normative subject of the institutions,' and values".<sup>8</sup>

Keeping in mind the topic of religious tolerance, it is important to consider that while conservatives wanted to maintain the predominance of the Catholic church in society, liberals believed that guaranteeing religious tolerance (in conjunction with other civil rights such as freedom of the press) was necessary to abandon what they called *colonial backwardness*. The challenge for the liberals was to abandon their 'barbaric past' (represented by Spain) and arrive to their 'civilized future' (represented by England and the United States). This point is related to the distinction typically made between civilization and barbarism, and between the East and West, as Edward Said argues. Specifically, *orientalism* for Said is the stereotypical Western vision of the eastern world.<sup>9</sup>

To support the argument posed in these pages, this paper is divided into four main sections: the first presents the historical context for readers who do not necessarily know the details of Chilean history in the nineteenth century; the second explains the conservative standpoint, paying special attention to Juan Egaña, who was the most important ideologue of that political faction; the third reviews the pamphlet *El Liberal*, published between 1823 and 1825, which presents the liberal point of view; and the fourth refers to the vision of some unexpected allies of the liberals who emerged to support them: Heman Allen and Samuel Larned, diplomatic representatives from the United States, and George Canning, the Foreign Minister from the United Kingdom. In choosing between pamphlets or newspapers, it was important to focus the

<sup>7</sup> José María Blanco White (1775-1841) was a former Spanish priest who, due to abandoning the Catholic faith, fled to London because he feared being tried by the Inquisition. In London, he followed the process of Independence and early state construction in Latin America very closely.

<sup>8</sup> Guerra, *Modernidad e Independencias*, p. 113.

<sup>9</sup> Said, *Orientalism*.

study on *El Liberal* because in the period studied, it is the document that most systematically addresses the liberal perspective on the religious question.

In addition, and as a backdrop for both positions, the 1828 Constitution (liberal) and the 1833 Constitution (conservative) will be cited in this paper, as well as some documents associated with these constitutions. By so doing, we will see that the conservative and liberal positions regarding religious tolerance were not only expressed in the texts of Juan Egaña and *El Liberal* but that they were also representative of the period studied in these pages. However, the main sources referred to in this work, Juan Egaña and *El Liberal*, are emblematic for describing the struggle for modernity behind the debate on religious tolerance in a much more doctrinal way.

## 2. A BRIEF HISTORICAL CONTEXT

The years 1823-1830, prior to the 1833 Constitution,<sup>10</sup> are referred to as the period of Anarchy or Political Learning, depending on one's historiographical point of view. For example, in his book *La fronda aristocrática en Chile*, Alberto Edwards does not hesitate to typify the period 1823-1830 as one of anarchy. In this work, he entitles chapter six "Anarchic Interregnum," describing the period as follows: "In Chile we had an imitation of that distinctly South American order of things during the seven years that elapsed between the fall of O'Higgins and the revolution of 1829. They have given that epoch the conventional name of 'the era of the novices',<sup>11</sup> but in reality, it was just the time of our governments 'without form'".<sup>12</sup>

For his part, Julio Heise categorically denies the existence of anarchy in those years, applying the denomination of *Political Learning* to the period and giving much more importance to the process of constitutional organization that the political elites sought to build in those years. Heise says: "For conservative historians [like Edwards], militarism, dictatorships, disorder, and moral and material misery would have been the characteristics of this period". He points out that what happened in Chile, however, was a natural process of decolonization, which was symptomatic of a social body convulsed by frequent oscillations between the traditional order of the Motherland [Spain] and new forces in favor of a political renovation.<sup>13</sup> Heise considers that any process of independence, of abandonment of the condition of colony with respect to a metropolis, implies the existence of a certain degree of convulsion or disorder.

<sup>10</sup> This constitution is very relevant because it has been the longest-standing charter in Chile's history. Since that time, Chile has introduced two more constitutions: in 1925 and in 1980.

<sup>11</sup> The original word in Spanish is "pipiolos".

<sup>12</sup> Edwards, *La fronda aristocrática*, p. 57. This book was originally published in 1928.

<sup>13</sup> Heise, *Años de formación y aprendizaje políticos*, pp. 11-12.

Yet despite this situation, the important thing for him is to pay attention to the process of state formation in constitutional terms.

But beyond this discussion, there is no doubt that various intellectual debates were very fruitful in the period studied here, such as the political system (presidential versus parliamentary) and civil liberties. Specifically, the debate on religious tolerance referred to the need to establish, within the constitution, the right to private worship of beliefs other than Catholicism, which in practice implied a certain recognition of Protestant denominations in Chile.

The two great political forces of the period, the conservatives and liberals, clashed in this debate. While the conservatives were in favor of simply not persecuting Protestants who practiced worship in their houses, the liberals aspired to explicitly recognize that worship in the Constitution, which, in turn, implied public recognition of other, non-Catholic denominations. In fact, both positions respectively were represented in the constitutions of 1823 and 1828: in the first, drafted by Juan Egaña, and in the second, created by José Joaquín de Mora, a Spanish liberal writer.<sup>14</sup> Beyond these constitutional documents, however, which contain very brief rules on religion, the most interesting sources on this topic for this period are the fiery discussions that occurred in several pamphlets and newspapers.

Although in general the conservatives can be thought of as one great force, they were, in fact, composed of three main groups: the *pelucones*, which was the largest group, *estancieros* (tobacconists) and *o'higginistas*. The *pelucones* group was formed by the landed aristocracy and some jurists, such as Juan and Mariano Egaña (father and son, respectively). The *estancieros* group, led by Diego Portales, believed in an authoritarian and centralized government that would put an end to anarchy. Besides Portales, this group was formed by Manuel José Gandarillas and Manuel Rengifo, among others. The *O'Higginistas* group, as their name implies, were made up of O'Higgins followers, the vast majority of whom longed for their leader's return to Chile from exile in Perú. This group's leaders comprised José Antonio Rodríguez Aldea, José Joaquín Prieto, and Miguel Zañartu, among several others.

For its part, the liberals were made up of the *pipiolos* (novices) and the federalists. The former had Francisco Antonio Pinto and José Joaquín de Mora as exemplar representatives. The federalists were led by José Miguel Infante. While the *pipiolos* fundamentally aspired to establish a system of greater parliamentary pre-eminence and to consecrate civil liberties, the federalists

<sup>14</sup> The 1833 Constitution, prepared by Mariano Egaña, was a reflection of the Charter of 1823, created by his father, Juan.

added the establishment of a federal regime, similar to that of the United States, to that aspiration.<sup>15</sup>

Finally, as we have seen in Graham's testimony, the context for the debate on religious tolerance in Chile arose from the small but symbolic presence of Protestants in the country, especially in the port of Valparaíso. Andrés Baeza's recently published book provides a good way to understand the significance of the Protestant presence. Baeza studies the relations between Chileans and the British during the so-called *era of Independence* (1806-1831). For instance, he studies the influence of some British sailors, especially Lord Cochrane, in the formation of the Chilean navy. Additionally, he examines the presence of British merchants and missionaries in Chile. These relationships are summarized by Baeza in the following terms: "From 1806 to 1831, both British and Chilean 'state' and 'non-state' actors interacted across several 'contact zones', thereby configuring this relationship in multiple ways".<sup>16</sup>

For example, in chapter three, Baeza tells the story of Luke Matthews, a Protestant Bible seller, to illustrate the presence of missionaries in Chile (and other South American countries). Protestant Bibles were not the same as Catholic ones; the latter have another book (the Deuteronomy), as well as footnotes with explanations according to the papal magisterium. Yet Baeza shows that in practice, despite some protests, Matthews did not suffer any official persecution. Although this may be a relevant example of the impact of religious tolerance on people and their lives at this time, the main debate was focused on the decision to include or exclude laws covering the private worship of Protestant denominations in the constitution.

### 3. CHILE IS A CATHOLIC NATION! JUAN EGAÑA AGAINST RELIGIOUS TOLERANCE

Juan Egaña (1768-1836) was one of the most important political ideologues involved in Chilean state formation. Following the Bernardo O'Higgins government (1817-1823), Egaña was the principal creator of the 1823 Constitution. Although this document came under discussion in parliament, Egaña's respected juridical opinion prevailed. As the British historian Simon Collier asserts: "The small liberal element in Congress violently opposed many of the proposals and presented a counter-draft on 16 December. This

<sup>15</sup> This classification, which might not be absolutely necessary in this paper, may be important for the purpose of pointing out that, although there were two major political forces, they had subgroups and internal differences, which among other things explain the climate of disorder in 1820s Chile. For a brief description of political groups of the studied period, see Campos Harriet, *Historia constitucional de Chile*, pp. 135-136.

<sup>16</sup> Baeza, *Contacts, Collisions and Relationships*, p. 3.

counter-draft was ignored. Egaña's ascendancy was now sufficiently complete to ensure an easy passage for the Constitution".<sup>17</sup>

Despite the fact that the 1823 Constitution was enacted on December 29, during the first half of 1824 it was subjected to several critiques by political leaders, especially liberals, who expressed their opposition in the press. One critique was that the implementation of the Constitution was impossible due to its cumbersome nature. Specifically, these liberal opponents asserted that the constitution created a complex system of public bodies and required the elaboration of more than thirty complementary laws and the hiring of a large number of state officials.<sup>18</sup> A second critique was related to the authoritarian and traditional nature of the constitution; Article 10 stated: "The religion of the state is the Apostolic and Roman Catholic religion, to the exclusion of the worship and exercise of any other".<sup>19</sup> The relevant point in this provision was not only that the Catholic religion was the official state religion, but also that it expressly excluded the worship of any other denomination.

In a pamphlet entitled *Instructive Examination on the Political Constitution of Chile*, Egaña defended the constitution against its critics. But why did he defend this specific exclusion of religious practice? First of all, Egaña was convinced that laws change customs and then customs transform themselves into civic virtues. As there was no clear separation between law and customs, for Egaña, the law was therefore a necessary tool to change the ethic of the citizens.<sup>20</sup> For this reason, in his *Instructive Examination*, Egaña asserted that the best constitution is one that allows customs to become civic virtues.<sup>21</sup> For him, the presence of the Catholic faith was a fundamental pillar of civic morality, and it is no coincidence that in the same pamphlet Egaña bluntly said: "Without uniform religion a people of merchants will be formed, but not of citizens."<sup>22</sup> Clearly, the Catholic Church was the only uniform religion for Egaña. To assert this position, he made two main arguments: first, it was not possible to speak of religious tolerance in Chile because only Catholic worship was recognized; and second, the history of other countries had shown that the acceptance of various religious denominations led to bloody civil wars.<sup>23</sup>

<sup>17</sup> Collier, *Ideas and Politics of Chilean Independence*, p. 261.

<sup>18</sup> This Constitution implied the recruitment of 20,000 state officials. Galdames, *Historia de Chile*, p. 641. It is worth remembering that the census of 1835 shows a population of 1,103,036 people. See *Repertorio chileno año de 1835*.

<sup>19</sup> *Constitución Política del Estado de Chile*, promulgada en 29 de diciembre de 1823.

<sup>20</sup> See article 249 of the Constitution of 1823.

<sup>21</sup> Egaña, "Examen Instructivo sobre la Constitución de Chile," p. 8. This document was first published in 1824.

<sup>22</sup> Egaña, "Examen Instructivo sobre la Constitución de Chile," p. 39.

<sup>23</sup> *Ibid.*, pp. 38-39.

Egaña's most important argument, however, was that religious unity was a necessary condition for civic virtue in society.<sup>24</sup> A pluralism of values was an unimaginable concept for him, even as a *modus vivendi* favoring peaceful coexistence between people of different beliefs or ideas.<sup>25</sup> On the contrary, he thought it would be a sad route to social conflict, violence, and bloodshed. At the same time, it is necessary to clarify that Egaña did not believe in persecuting the private worship of Protestant denominations. His central point is that these denominations should not be recognized by the state because the role of the state was to foster a civic morality that, for him, depended on religious unity. The contrary, for Egaña, would imply the destruction of the state.

In a work specifically dedicated to the religious issue, Egaña explained his position in greater detail, making some fundamental distinctions that are worth considering, including some definitions of religious tolerance. He made three key points. First, Egaña points out that while nature can be the subject of discovery and innovation, there is nothing new to discover in morality and politics.<sup>26</sup> In this way, he wanted to show that morality and politics must be fed by immutable principles that the state must preserve precisely to favor the survival of the state itself. Second, Egaña distinguished three types of religious tolerance: a) *a simple tolerance*, which consists of the non-persecution of private opinions; b) *a public tolerance*, which gives the right to publicly profess worship of any religion and also allowing the construction of temples; and c) *a free tolerance*, which confers the freedom or impunity to not profess any religion.<sup>27</sup> As mentioned, Egaña emphasized that he was in favor of the first type and against the others. For him, the diversity of religious beliefs produced irreligion. Third, Egaña believed that the state had only two options: to recognize only one official religion or give way to absolute disbelief, which he called *irreligion*.<sup>28</sup> Along these lines, in article 359 of his Moral Code—a bill that was never approved—Egaña proposed to sanction atheism or the practice of beliefs that deny the existence of eternal life with the penalty of exile.<sup>29</sup>

In general, Egaña's political project had a highly authoritarian and coercive component on which this work cannot expand for reasons of brevity. It is striking to note, however, that much of the historiography that studies Egaña tends to omit or overlook the authoritarian nature of his political project. For

<sup>24</sup> Egaña, "Examen Instructivo sobre la Constitución de Chile", p. 39.

<sup>25</sup> For the idea of tolerance as *modus vivendi*, see Gray, *Two Faces of Liberalism*, especially the chapter one on liberal tolerance.

<sup>26</sup> Egaña, Memoria política sobre si conviene en Chile la libertad de cultos, p. 4.

<sup>27</sup> *Ibid.*, pp. 5-6.

<sup>28</sup> *Ibid.*, p. 9.

<sup>29</sup> Egaña, "Proyecto del Código Moral de la República chilena".

example, Cristóbal García-Huidobro argues that Egaña did not want to control people's private lives, which is what is taught in Chilean schools;<sup>30</sup> however, upon reading just some of Egaña's works it can be seen that his forceful character is more real than what García-Huidobro affirms.

Other historians, like Simon Collier, tend to see a naive utopian rather than a markedly authoritarian thinker. Collier says that the failure of the 1823 Constitution can be explained by Egaña's own idea of perfection. He adds: "Egaña himself considered the rejection of his utopia a huge and terrible injustice," and "Egaña's own peculiar emphasis in political theory was, on the whole, alien to the common revolutionary philosophy".<sup>31</sup>

For his part, Javier Infante underlines the idea that Egaña was a "son of his time" because he "had as his starting point the existing political system [the old regime], and he firmly believed that the new model should not depart from that regime".<sup>32</sup> Infante seems to believe that Egaña's authoritarian conservatism was simply part of the context of the time. But this was not exactly so: Egaña's approach was contested by the liberal faction as well.

#### 4. THE OTHER SIDE OF THE COIN. A LOOK AT THE PAMPHLET *EL LIBERAL*

As previously mentioned, almost all historiography on this topic overlooks or minimizes the views of liberal supporters of religious tolerance in 1820s Chile. This oversight is probably due to the fact that in 1830 there was a civil war between the conservatives and liberals; the conservatives were victorious, giving rise to an authoritarian regime that lasted three decades (1830-1860).<sup>33</sup> Given this context, it could be construed that most historians tend to see the state formation process in Chile as a "manifest destiny" in favor of a closed society.

*El Liberal*, instead, was a pamphlet characterized by its strong support of an open society based on two great civil rights: freedom of the press and religious tolerance. This periodical pamphlet, which survived only three years, presented views opposed to those presented by Juan Egaña in popular conservative pamphlets.<sup>34</sup> In essence, the authors of *El Liberal* (Diego José

<sup>30</sup> García-Huidobro, "Hablen cartas y callen barbas," p. 18.

<sup>31</sup> Collier, *Ideas and Politics of Chilean Independence*, p. 284.

<sup>32</sup> Infante, "La Suiza de América", p. 66.

<sup>33</sup> See Collier, *Chile: The Making of a Republic*. This book provides a very good contextual analysis of the Conservative period in Chile.

<sup>34</sup> *El Liberal* was launched on July 18, 1823 and closed on February 4, 1825. But also, it closed "voluntarily" on January 16, 1824, due the persecution against freedom of the press, fostered

Benavente and Pedro Trujillo, among others) believed that the country should surpass their colonial backwardness, which was largely represented by the enormous power of the Catholic Church in Chilean society. Moreover, since most historiography has ignored them, it is interesting to observe the specific arguments that these authors promoted in favor of religious tolerance.

The *El Liberal* posed four key arguments in favor of religious tolerance: a) *an historical argument* (Chile's transition to an adult and modern society), b) *a religious argument* (regarding the Old and New Testament), c) *a utilitarian argument* (which states that diversity allows innovation and progress), and d) *a liberal argument* (only individuals can determine their own beliefs and ideas).

To begin, *the historical argument*. The authors of the *El Liberal* believed that the country had to abandon its colonial backwardness and transit to an adult and modern society. In their first publication (July 28, 1823), *El Liberal* likened the colonial period to childhood: "Three hundred years slaves of an absolute king, children of a cruel and foolish mother who, fearing our growth, did not want to take away the walkers of childhood"<sup>35</sup> Then, when answering the question on the challenges of the present, *El Liberal* responded that a key challenge is to avoid religious fanaticism, which "wants to return us to centuries of barbarism".<sup>36</sup>

Perhaps it may be relevant to consider that this historical argument was part of a broader critique of the power of the Catholic Church. In general, the authors of *El Liberal* saw in this church a symbol of both cultural and material backwardness. For this reason, this pamphlet did not hesitate to relate the Catholic Church to the expression 'dead hands'. This term not only indicated the fact that ecclesiastical properties could not be objects of human commerce, but also expressed the idea that this religious denomination represented the lack of movement, with which the Chilean liberals of the time identified the notions of progress and modernity. For instance, on August 8, 1823, *El Liberal* exclaimed: "With these funds stuck in dead hands, with those closed fields in the middle of our city, how many useful things could be undertaken!"<sup>37</sup>

*The religious argument*. The editors of the *El Liberal* constantly insisted that their aim was not to attack religion itself, but the absence of freedom given to this matter. For this reason, they did not hesitate to use arguments of authority drawn from the Bible. For instance, on January 3, 1824, the *El Liberal* said that Abraham learned that he should receive foreigners in his

by Juan Egaña. Afterward, it will work again on August 17 of the same year. See Silva Castro, *Prensa y periodismo en Chile*, p. 76.

<sup>35</sup> "El Liberal," p. 10. The names of people are not cited since the published articles reflect the stance of *El Liberal*.

<sup>36</sup> *Ibid.*, p. 11.

<sup>37</sup> *Ibid.*, p. 15.

house even if they possessed a different God.<sup>38</sup> A second interesting example of the use of the religious argument can be seen when, on November 11, 1824, *El Liberal* argued that Jesus of Nazareth established tolerance as one of his main principles. The editors claimed that, although the Samaritans were schismatic and intolerant of the Hebrew people, Jesus taught the apostles to tolerate them.<sup>39</sup> They then added that the prayers of Protestants are not so different from those of Catholics because they both call on the same Lord.<sup>40</sup>

*The utilitarian argument.* This argument was the one perhaps most frequently raised. It stated that diversity of beliefs and opinions was fundamental for the best ideas or greatest things to flourish. On January 16, 1823, *El Liberal* posed the issue in these terms: “We can still return to ignorance, to brutalization, to servitude. [But] we are already more intelligent [because] our ideas have flown more highly, [so] we are capable of great things. Everything is an effect, a series of your virtues, which were communicated from your hearts to ours”.<sup>41</sup> In general, the authors of *El Liberal* were convinced that the diversity of ideas would necessarily produce greater intellectual and scientific knowledge. For this reason, they added: “All the enlightened men of Spain, Portugal, France, and other Catholic countries are convinced of the just need to establish religious tolerance everywhere”.<sup>42</sup>

Finally, it is *the liberal argument*. When criticizing article 10 of the 1823 Constitution, which established the Catholic religion as the official state religion and excluded the worship of any other, the editors of *El Liberal* claimed that the state cannot have dominion over religious beliefs because “my conscience and my opinion do not belong but to me alone, and I must not give account of them but to the same God that I adore”.<sup>43</sup> This argument could be understood as liberal in itself because the center of its reasoning is the idea that individuals have rights that cannot be taken away by any other power, including the state.

Precisely on the basis of this specifically liberal argument, the authors of this pamphlet also strongly defended freedom of the press. In addition, they defended this freedom in order to be able to, among other things, criticize the power the Catholic Church had over Chilean society. On January 16, 1824, *El Liberal* printed: “Freedom of the press is the surest guarantor of civil liberty, just as newspapers are the barometer of opinion. But Chile lacks both. In Chile,

<sup>38</sup> *Ibid.*, p. 120.

<sup>39</sup> *Ibid.*, p. 235.

<sup>40</sup> *Ibid.*, pp. 235-236

<sup>41</sup> *Ibid.*, p. 133.

<sup>42</sup> *Ibid.*, p. 126.

<sup>43</sup> *Ibid.*, p. 141.

the criminal, the fanatic, and the proud is more willing to be a vile slave than to be syndicated by the press".<sup>44</sup>

Unlike conservatives, liberals believed that individuals should be the epicenter of political and social action. Obviously, they did not think of individuals as acting in isolation, but in what Carlos Forment calls a "civic democracy," which is "understood in Tocquevillian terms as a daily practice and form of life rooted in social equality, mutual recognition, and political liberty, [and that] was, by the mid-nineteenth century, rooted in the region".<sup>45</sup>

From *El Liberal*, it can be concluded that religious tolerance was part of this standpoint. Otherwise, it is no coincidence that the 1828 Constitution, promulgated by Francisco Antonio Pinto and drawn up by José Joaquín de Mora, expressly enshrined this right.<sup>46</sup> Despite the fact that Article 3 stated that the national religion was "the Catholic Apostolic Roman, excluding the public exercise of any other," Article 4 added that one would be persecuted or harassed for their private opinions".<sup>47</sup> At first sight, this provision does not seem to deviate from Egaña's approach, who argued that he was not in favor of persecuting private opinions (or worship); nevertheless, it had one great difference: although it did not recognize the public worship of non-Catholic denominations, it did establish a certain recognition of the existence of religious diversity in the country. This, considering the period studied here, constituted a truly important advance because, in practice, it implied a public recognition of non-Catholic denominations.

The reference to the 1828 Constitution shows that the ideas expressed in *El Liberal* were not isolated, and that they represented an emblematic vision in the 1820s, which was legally enshrined in the constitution. However, the triumph that the Charter of 1828 represented for the liberals was momentary, since it would soon be defeated by the conservative revolution of 1829 and, in legal terms, by the 1833 Constitution, which implied a return to the exclusion of the religious tolerance included in the 1823 Constitution.

Specifically, Article 5 of the Charter of 1833 established that the "religion of the Republic of Chile is Catholic, Apostolic and Roman, excluding the public

<sup>44</sup> *Ibid.*, p. 131.

<sup>45</sup> Forment, *Democracy in Latin America*, p. xi.

<sup>46</sup> Most historians assert that Mora was the principal author of the 1828 Constitution. Collier, for instance, asserts: "The Constituent Congress of 1828 had set high standards of debate and was a contrast to the acrimonious and futile congresses of the recent past, and the Constitution itself was drawn up with the help of José Joaquín de Mora, who even Juan Egaña was forced to admire, though Manuel de Salas found him 'somewhat ideological'". Collier, *Ideas and Politics of Chilean Independence*, p. 321.

<sup>47</sup> *Constitución de la República de Chile*. 1828.

exercise of any other”.<sup>48</sup> Although this provision seems to tacitly recognize the private exercise of non-Catholic cults, it was a setback with respect to the Liberal Charter of 1828. The country would have to wait until 1865 before an interpretative law in the 1833 Constitution provided non-Catholics with the right to worship in private venues, just as the 1828 Constitution had provided 37 years earlier.

## 5. UNEXPECTED ALLIES: HEMAN ALLEN, SAMUEL LARNED, AND GEORGE CANNING

It is still surprising to consider that Chilean liberals were not the only ones defending religious tolerance; they had the intellectual help of the plenipotentiary ministers of the United States in Chile: Heman Allen (1824-1827) and Samuel Larned (1828-1829).<sup>49</sup> Just one day after taking office, Allen addressed an official letter to the Chilean Foreign Minister, in which he complained about the lack of religious tolerance for American citizens in Chile. Due to its relevance, this short letter is worth reading in its entirety:

The Minister Plenipotentiary of the United States of America has the honour to represent to the Minister of Foreign Relations that perceiving with sincere regret, that the laws and usages of Chile, the citizens of his country, as well as other foreigners, are denied the free exercise of their accustomed religions worship, and the solemn rites of interment: and having learned, that in some instances, shameful indecencies have been committed, upon the dead bodies of his countrymen: finds himself constrained, by every obligation of duty, so far as respects American citizens respectfully to tinge, upon the consideration of the government of Chile, the necessity of providing by law, for the protection of those privileges, which they have thus be accustomed to enjoy; embracing future as well as present residents, occasional as well as permanent ones.

And believing that a request, in itself so just, and founded upon those principles of reciprocity, which form the great basis of national intercourse, will be met the government of Chile, which such corresponding an act shall banish every motive of complaint: and thus afford a repetition of its desire, to perpetuate those friendly relations, which new so happily subsist, the undersigned salutes the Minister, with his most distinguished consideration. Heman Allen.<sup>50</sup>

<sup>48</sup> *Constitución Política de 1833*, p. 3.

<sup>49</sup> “Chiefs of Mission for Chile,” Office of The Historian, <https://history.state.gov/departmenthistory/people/chiefsomission/chile> [January 2, 2022].

<sup>50</sup> “El Liberal,” pp. 154-155.

As we can see, this letter constitutes a strong claim in favor of American citizens. However, and probably as a kind of division of functions with Allen, Larned became the more vocal participant in the public debate on the benefits of federalism and religious tolerance at a time when Chile was discussing the possibility of establishing a federal system. Ricardo Donoso notes that Larned was “the most enthusiastic defender of freedom of worship and the most passionate propagandist for federalism”.<sup>51</sup>

While serving as the United States Secretary of the diplomatic office in Chile (he became Minister Plenipotentiary later), Larned published some “observaciones” on Egaña’s writings, in which Egaña vehemently criticized United States federalism. At the same time, Larned took the opportunity to refute Egaña’s vision of religious tolerance. In many aspects, his arguments were very similar to those made by the Chilean liberals (see the previous section).

Larned responded to Egaña’s idea that religious tolerance, specifically the recognition of the worship of Protestants in private places, threatened the existence of the state since the state should have a common collective identity. For example, Larned said that in the United States it was possible to reconcile the existence of homogeneous laws with the religious and cultural freedom of citizens.<sup>52</sup> His central argument maintained that diversity was precisely what characterized his country and formed the basis of its order and progress. Larned argued: “Reason and experience have shown that the only government legislation on this point must be negative,<sup>53</sup> with a simple declaration of the equality of the rights of all, insofar as it does not harm peace and good order of society”.<sup>54</sup>

Furthermore, Larned contradicted Egaña’s argument that religious tolerance could lead to irreligion. According to him, “the experience of England, of the other Protestant countries of Europe, and especially that of the United States of about two hundred years, has shown that the multitude of religions in a state does not lead to irreligion, but they purify and promote not only religion but also national morality”.<sup>55</sup>

In addition, Larned made a pragmatic but very interesting argument because it exposed the contradiction of Egaña and the conservatives to the light of the sun. He pointed out that, thanks to the religious freedom existing in the United States, the Catholic denomination had experienced great growth. Larned implicitly argued that it was not logical to defend the religious freedom

<sup>51</sup> Donoso, *Las ideas políticas en Chile*, 73.

<sup>52</sup> Larned, *Observaciones en contestación*, p. 12. The original edition was in 1825.

<sup>53</sup> Negative in terms of unmolested exercise of religious worship.

<sup>54</sup> Larned, *Observaciones en contestación*, p. 17.

<sup>55</sup> *Ibid.*, p. 18.

of Catholics in the United States without, at the same time, doing the same with Chilean or foreign Protestants living in Chile. Specifically, he revealed that Egaña's argumentative trap consisted in presenting religious unity as essential for the state, but that such unity was necessarily and solely based on the Catholic religion.<sup>56</sup>

In other words, for Larned, equality before the law and religious tolerance were reciprocal entitlements for all people, regardless of the religious beliefs they possessed. For him, the right of minorities to express their beliefs and undertake worship was most relevant and religious tolerance did not produce anarchy or chaos but a *modus vivendi* in which everyone benefited.

Finally, it is interesting to note that, almost at the same time as Heman Allen's complaint about the lack of tolerance, George Canning, Foreign Minister of the United Kingdom,<sup>57</sup> made a very similar claim: "It is important to secure to British subjects, who may at any time establish themselves in Chile, and in the several states of the South America continent, not only the enjoyment of civil rights, but the unmolested exercise of religious worship".<sup>58</sup> And then, he added: "The toleration of religious opinions, unmolested exercise of religious worship, and the decent celebration of the rites of sepulture, according to their own persuasion, are no less indispensable for the comport and well-being of the members of a Christian community".<sup>59</sup>

Unsurprisingly, the intervention of the British minister caused a certain scandal in the conservative circles of Chile who discussed in the press, for example, whether Canning's words constituted a request or an imposition. But the truth is that, although Chile was indeed a country with a Catholic majority, the need for greater civil liberties, including the need to recognize the worship of Protestants, was a hotly debated topic in the public sphere, particularly in the media of the press.

## CONCLUSION

When Maria Graham wrote her diary in 1822, a year before the fierce debate on religious tolerance began in the country, she noticed that the society she was discovering and exploring was in a dilemma: to advance or not, and to what extent, towards becoming an open society. For example, on June 2, 1822, she wrote: "I am interested in the character of the people and wish well to the good

<sup>56</sup> *Ibid.*, p. 18.

<sup>57</sup> "George Canning. British statesman", *Britannica*: <https://www.britannica.com/biography/George-Canning> [January 2, 2022].

<sup>58</sup> "El Liberal," 155.

<sup>59</sup> *Íbidem*.

cause of independence. Let the South American colonies one secured that, and civil liberty, and all its blessings, will come in time”.<sup>60</sup>

Graham recalls an occasion when she attended a worship ceremony in a Catholic church. Graham said that while she was inside the church, praying to her only God with fervor, she was suddenly interrupted in her prayers by the Marian processions, through which the Catholics venerate the mother of Jesus as the main mediator between God and human beings. She commented: “I never felt my devotion more fervent, but I was soon roused from it to join in the procession, and then, indeed, I felt my Protestant prejudices return”.<sup>61</sup>

Her observations begged several pivotal questions: Did the country need to advance toward a society in which there were no prejudices between the different religious denominations? Was Chile prepared for a system that recognized at least the private worship of the Protestants? While for the conservatives both questions called for a negative answer, for the liberals the establishment of a regime of religious tolerance was not only possible, but also necessary. Also, as we have already seen, the concept of religious tolerance was quite limited, constituting only a first step along the path toward an open society in terms of civil liberties.

In summary, it can be said that an important difference between conservatives and liberals resided in the fact that while the former believed in the need to impose a certain moral order through the state, the latter accepted a broader pluralism of values. And it is worth recalling that the conservatives believed that customs should have a Catholic basis. Therefore, the debate on religious tolerance in post-independence Chile (and perhaps in Latin America as a whole) was a dispute between tradition and modernity, or more specifically, between conservative modernity and liberal modernity. Why? In the first place, even though the conservatives also believed in material progress (Egaña loved science and was a gifted inventor),<sup>62</sup> at the end of the day they defended the idea that social and moral order should be protected by a certain religious belief, the Catholic faith. In this sense, religious tolerance was presented as a path towards either disorder or chaos. The liberals, unlike their adversaries, wanted to establish civil liberties, such as freedom of the press and religious tolerance. They understood the establishment of these civil liberties to be the transition from childhood to adulthood, from ignorance to wisdom. Likewise,

<sup>60</sup> Graham, *Journal of a Residence in Chile*, p. 30.

<sup>61</sup> *Ibid.*, p. 45.

<sup>62</sup> Collier highlights this point: “The range of his imagination was wide. Among his more ‘practical’ schemes was a design for a primitive typewriter, and he also drafted the basis for an international system of writing and a type of musical language, both for the purposes of universal communication.” Collier, *Ideas and Politics of Chilean Independence*, p. 262.

they believed that the apparent disorder associated with freedom would allow for the emergence of better and more innovative ideas.

In other words, although the conservatives believed in a certain Enlightenment definition of modernity (for instance, scientific, technological, and educational advances among other aspects), they deeply distrusted individual freedom, in particular when it was related to beliefs or opinions. Represented emblematically by Juan Egaña, Chilean conservatives thought that the social and political order required Catholic religious unity. Furthermore, according to Guerra, these conservatives followed an *absolutist modernity* that consisted of emulating —*mutatis mutandis*— the reformist spirit of the Bourbon dynasty in Catholic Spain.<sup>63</sup> At least, this is Bernardino Bravo Lira's thesis, which argues for the continuity between that dynasty and the conservative regime imposed in Chile by Diego Portales and José Joaquín Prieto since 1830.<sup>64</sup>

For their part, the liberals—represented especially in these pages by the pamphlet *El Liberal* and some unexpected allies—gave several arguments in favor of religious tolerance and, in a broader sense, a more open society, which can be summarized by the notion of *alternative modernity* (Guerra) or more simply *liberal modernity*. At the end of the day, the first Chilean liberals sought to put individuals at the epicenter of social and political life, although in a realistic and gradual way, not dogmatically or deontologically. In other words, while traditional society related rights to group status, modern society thought rights pertained to individuals. Taken in this sense, it is no coincidence that in the preamble to the 1828 Constitution, which, as previously mentioned, recognized religious tolerance as indicated above, Francisco Antonio Pinto said that constitutions and laws must limit the power of authorities and guarantee the rights of individuals.<sup>65</sup>

As previously stated, the reference to Francisco Antonio Pinto and the 1828 Constitution is relevant because both represent a political and legal triumph for the liberal position described in these pages. In addition, even though it was only a momentary triumph, since the Charter of 1833 represented a return to that of 1823, the reference is further relevant because the liberal vision of religious tolerance (for example, the one expressed in the pamphlet *El Liberal*) was not something isolated but part of a trend that existed in the 1820s. In fact, another pamphlet that defended the 1828 Constitution, published in 1829, endorsed the idea that one should not be persecuted for private opinions

<sup>63</sup> Guerra, *Modernidad e Independencias*, p. 78.

<sup>64</sup> Bernardino Bravo Lira, *El Estado de Derecho en la Historia de Chile*.

<sup>65</sup> *Constitución de la República de Chile*. 1828, II.

because such opinions “are not subject to the inspection and jurisdiction of man, but only to that of God [...]”.<sup>66</sup>

Moreover, it is important to recall that a civil war occurred in Chile between 1829 and 1830 that saw conservatives and liberals face off on the battlefield, and which led to victory for the former. After this civil war, the so-called conservative period (1830-1860) began, represented by the 1833 Constitution written mainly by Juan Egaña’s son, Mariano Egaña. This document suppressed religious tolerance absolutely, thus guaranteeing the conservative position and closing the subject of religious tolerance. Specifically, this new constitution put paid to the idea that “no one will be persecuted or harassed for their private opinions”.<sup>67</sup>

As Mark Bloch asserts, to understand the present we must look to the past, but we must also look to the present from the past, regardless of its distance.<sup>68</sup> By studying the ‘struggle for tolerance’<sup>69</sup> (and civil liberties in general) from this perspective, it can be concluded that for some minorities (ethnic, national, and sexual, among others) the struggle for tolerance continues. Perhaps, this element justifies this research nowadays.

Finally, the state formation process in Chile, studied mainly from a unilateral and conservatives’ perspective, overlooks the other side of the coin, the liberals’ perspective, and creates a minimized historiography. Despite its apparent binary classification system, distinguishing between conservatives and liberals in the nineteenth century in Latin America (not only in Chile) is a first step toward appreciating the complexity of that time and avoiding the oversimplification of the interests of the political elites.<sup>70</sup> The distinction referred to here, with all the necessary nuances that must be made, can be useful for a more complete study of the state formation process in Chile and Latin America and the struggle for individual freedom.

<sup>66</sup> *Breve exposición de la Constitución chilena o diálogo entre un ciudadano y un diputado al Congreso de 1828*, p. 29.

<sup>67</sup> See article 5, Constitución de la República de Chile, jurada y promulgada el 25 de mayo de 1833.

<sup>68</sup> Bloch, *Introducción a la historia*, pp. 34-41.

<sup>69</sup> For his concept, I follow Henry Kamen, *Nacimiento y Desarrollo de la tolerancia*.

<sup>70</sup> For instance, Nara B. Milanich does not sufficiently distinguish the relevance of the political struggle between liberals and conservatives in Chile because, for her, the most important conflict among Chileans was determined by a class factor. Nara B. Milanich, *Children of Fate*. The same, *mutatis mutandis*, can be said for Gabriel Salazar, *Construcción del Estado en Chile*.

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