

## “José del Valle: a *Benthamite* in Central America”

by

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*“In del Valle I behold a rising sun, by whom from its center all late Spanish America will if he lasts be illuminated.”*<sup>1</sup>

### Introduction

The relationship between Jeremy Bentham and José Cecilio del Valle, the political leader of Central America’s independence, has received little attention from those studying the links between the English philosopher and Spanish American politicians. The exception is Miriam Williford, who devotes several pages to del Valle in her book on Bentham’s influence in Spanish America.<sup>2</sup> 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.<sup>3</sup>

Although it would be an exaggeration to describe del 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, becoming more evident from the beginning of their relationship in 1826.

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<sup>1</sup>Bentham to Lafayette, January, 1827: in Miriam Williford Jeremy Bentham on Spanish America. An Account on His Letters and proposals to the New World. Louisiana State University Press, 1980 pp. 134

<sup>2</sup> Ibid.

<sup>3</sup> John Dinwiddy, Bentham, Oxford University Press, Oxford, 1989; Elie Halévy, The Growth of Philosophic Radicalism, Faber&Faber Limited, London, 1934; John Lynch, The Spanish American Revolution 1808-1826, W. W. Norton & Company, New York, 1986; John Bowring, The Works of Jeremy Bentham, 11 vols, Thoemmes Press, London,1995

This paper sets out 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. With this purpose in mind, we will examine the ideas expressed in some of del Valle's writings throughout his political career.

### **Del Valle in Central America**

José del Valle was one of the most outstanding figures in Guatemalan politics during the transition from Colonial government to independence, displaying wide-ranging expertise in public administration management.<sup>4</sup> Del 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 del Valle's mentor, Father José Antonio Liendo y Goicoechea.

Thanks to his thorough knowledge of the Laws of Castile and the Indies (*leyes de Castilla e Indias*), he became a colonial government official, serving as *Secular Advisor and Public Prosecutor* (between 1803 and 1810) in cases that were of special relevance to the King, *Defender of Religious Charitable Foundations (Obras Pías)* and *Censor of Guatemala's Official Gazette (Gaceta de Guatemala)*, and *Advisor to the Guatemalan Consulate*.<sup>5</sup>

In 1811, he served as advisor to the new 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

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<sup>4</sup> Towards the 1800s the General Captaincy or Kingdom of Guatemala was made up of fifteen provinces of differing status that covered the territory of today's Central America. In this paper we will use the terms Central America and Guatemala as synonyms and when we refer to the territory currently occupied by the country of Guatemala we will call it the State of Guatemala, which was one of the provinces of Central America. See José Reina Valenzuela, Hondureños en la Independencia de Centroamérica, EDISOFF, Tegucigalpa, Honduras, 1978, p. 14

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 del 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, del Valle being 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, del Valle wrote the Declaration of Independence.

In January 1822, when Guatemala was annexed by Mexico under Agustín de Iturbide, del Valle was elected as representative to Mexico's new Congress<sup>6</sup>, 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, del Valle was freed and Iturbide appointed him *Secretary for Foreign and Home Affairs*. Del 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 of Congress, Arce won the election over del Valle, despite the fact that del Valle had obtained more votes in the first round.

This electoral defeat caused del Valle 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 del Valle the position of Ambassador to France, but del Valle rejected the offer, also refusing the post of Vice President. He did, however, agree to hold academic positions

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<sup>5</sup> Louis E. Bumgartner, José del Valle de América Central, Editorial Universitaria, Tegucigalpa, Honduras, 1997, p. 54-57

such as Director of the Economic Society (*Sociedad Económica*) and Director of San Carlos University's Fine Arts Department. It seemed del Valle was definitely out of politics until in early 1834 he was elected President of Central America again. Unfortunately, he could not take office because he died on March 2 that year close to the city of Guatemala.

### **Del 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<sup>7</sup>. Del 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 bringing improvements from Europe to his country. In this sense, del 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 del Valle<sup>8</sup>. Evidence of

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<sup>6</sup> Del Valle only trip outside Central America was to Mexico, where he spent 18 months.

<sup>7</sup> Francisco Aguirre B., José Cecilio del Valle. Semblanza de un sabio centroamericano, Universidad Francisco Marroquín. Guatemala, 1993. Manuel Chavarría Flores, Jorge García Laguardia, "Ilustración y liberalismo. El pensamiento de José Cecilio del Valle", Academia de Geografía e Historia. Publicación Especial N° 27. Guatemala. 1983, Rafael Leiva Vivas, Vigencia del Sabio Del Valle, Editorial Universitaria Centroamericana, San José, 1980, Carlos Meléndez Chavarrí, José Cecilio del Valle: Sabio Centroamericano, Ed. Libro Libre. San José. 1985, Franklin Dallas Parker, "José Cecilio del Valle: Scholar and Patriot", Hispanic American Historical Review, Vol. 32, N° 4 (Nov. 1952), p. 516-539, Pedro Tobar Cruz, Del Valle: El Hombre, el Político, el Sabio, Editorial José de Pineda Ibarra, Guatemala, 1961.

<sup>8</sup> José Manuel de Arce resigned the post he shared with del Valle in the Second Triumvirate saying among other things that: "José del Valle has a gift for exasperating, does not tolerate a different opinion from his own, and loses his temper when anybody contradicts him..." in J. Valle and J. Valle Matheu (comp), Obras de José Cecilio del Valle, Tipografía de Sánchez y De Guise, Guatemala, 1929, Vol. I p. LXXVI-LXXX

his intellectual arrogance 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<sup>9</sup> called him.

Like other political figures of his day, del 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.

Del 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 del 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 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*

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<sup>9</sup> George Alexander Thompson, “Narrative of an Official Visit to Guatemala from Mexico”, in Franklin Dallas Parker, Travels in Central America 1821-1840. University of Florida Press. Gainesville, Florida. 1970. p. 253-254

*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... ”<sup>10</sup>*

In turn, the Dutch Consul to Central America described del 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 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... ”<sup>11</sup>*

From that time on, except for the brief period he served as representative at the Second Federal Congress in 1826, del Valle was to return to many of the subjects he had raised in his newspaper *El Amigo de la Patria*.<sup>12</sup> 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), del Valle seems to show an exaggerated enthusiasm for his subject matter:

*“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... ”*

*“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... ”<sup>13</sup>*

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<sup>10</sup> Ibid., p. 253-254

<sup>11</sup> Jacobo Haefkens, *Viaje a Guatemala y Centro América*, Sociedad de Geografía e Historia de Guatemala, Guatemala, 1969, p. 153

<sup>12</sup> José del Valle was the editor of *El Amigo de la Patria* between October 1820 and March 1822, and of *El Redactor General* between June 1825 and October 1826.

<sup>13</sup> *El Amigo de la Patria*, n° 1, October 16, 1820, Vol. I (p. 5-11)

In line with his ideas, del 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, del 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 del 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 del 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.<sup>14</sup>

### **Precedents of Utilitarianism in del Valle's writings**

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*), del 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*

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<sup>14</sup> “Memoria sobre el Plan de Acuerdos y Providencias del Supremo Poder Ejecutivo de Guatemala, en el año de 1824 y principios de 1825”, in J. Valle and J. Valle Matheu (comp), Obras de José Cecilio del Valle, Vol. I. p. 47-63

*Being, worthy of the worship of recognition*”<sup>15</sup>, although he did not mention the English philosopher here.

In *El Amigo de la Patria*, Bentham is only mentioned once when, reporting on the presentation made by José Joaquín de Mora to the Spanish parliament in October 1820, del 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...*”<sup>16</sup>

This, however, does not mean that utilitarian principles were not mentioned in his writings. In 1820, when pointing out what the Legislative Code should be like, del Valle rejected the bicameral system because he believed it divided society and was unfair, one house “*is closer to the social principle; and does not cause enormous class differences...*” (However, as we will see later, in 1832 he made a different comment about the houses of parliament). And he added: “*laws that do not seek the wellbeing of all or of the greatest number cannot be fair either...*”<sup>17</sup>

Two weeks later, in another article 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...”*<sup>18</sup>

In another article written the following year he stated that:

*“The indestructible basis of a sound Government is the greatest possible good for the greatest number. If European governments have not lasted: if governments have succeeded each other, each one built on the ruins of the previous one, it is because that principle has been forgotten: it is because the legislation bears the seal of the class that passed it: it is because we can see in all of them that they had not been created by the people or its representatives: it is because they seek the*

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<sup>15</sup> Reproduced in *El Amigo de la Patria*, n° 2, October 26, 1820, Vol. I (p. 15-30)

<sup>16</sup> *El Amigo de la Patria*, n° 2, May 15, 1821, Vol. II (p. 11-19)

<sup>17</sup> *El Amigo de la Patria*, n° 8, December 9, 1820, Vol. I (p. 125-131)

<sup>18</sup> *El Amigo de la Patria*, n° 10, December 23, 1820, Vol. I (p. 145-148)



*advancement and wealth of the smallest number and the subjection and misery of the greatest number.*"<sup>19</sup>

When del 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 del Valle first read Bentham's writings in Étienne Dumont's French translation. Three years later, after exchanging several letters with Bentham, del Valle wrote to him saying: "*I believe that but very few of your works are wanting to my possessing the whole... In this library [del 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...*"<sup>20</sup>

It could be surmised that del Valle took the place that Bernardino Rivadavia and Simón Bolívar had left vacant when they left the *Benthamite* circle. In a letter to Bolívar written in 1825, the English philosopher shows he is sad at the way in which his relationship with Rivadavia has cooled, and attributes this to the intervention of the British governmental authorities. As the two men drifted apart, Bentham attempted to get closer to Bolívar, with whom he had been in contact since 1820. But Bentham's relationship with Bolívar was not as smooth as the one he had had with Rivadavia. In any case, it was to be short-lived. As Bolívar's government

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<sup>19</sup> El Amigo de la Patria, n° 14, August 7, 1821, Vol. II (p. 129-139)

<sup>20</sup> Del Valle to Bentham, April 18, 1827. Correspondence of Jeremy Bentham, Volume 12 Letter 48

became more despotic, Bentham's principles no longer seemed to have a place in his plans, until finally in 1828 the Venezuelan leader banned the use of Bentham's Constitutional Code in Colombia.<sup>21</sup>

Bentham seemed to have found a new disciple in del Valle, one who would finally carry out his political project in Spanish America.<sup>22</sup> In a letter from 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...*" 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.***"<sup>23</sup>

The moment when del Valle and Bentham contact each other coincides precisely with Bentham's decision to focus his efforts on Spanish America, following a conservative counteroffensive in the Iberian Peninsula, after the liberal triennium (1820-1823), making the implementation of his reforms unfeasible in both Spain and Portugal.<sup>24</sup> In turn, del Valle found in the *Benthamite utilitarianism* an alternative to the failed attempt to implement the enlightened ideas of rational iusnaturalism rooted in the

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<sup>21</sup>Miriam Williford, Jeremy Bentham on Spanish America, Chapter 8; Klaus Gallo, "Jeremy Bentham y la "Feliz Experiencia": presencia del utilitarismo en Buenos Aires 1821-1824", in Prismas: Revista de Historia Intelectual, n° 6, 2006; J. Dinwiddy, "Bentham and the Early Nineteenth Century" in Radicalism and Reform in Britain 1780-1850, Hambledon Press, London, 1992.

<sup>22</sup> For Bentham's concept of the disciple, see Jonathan Harris "Bernardino Rivadavia and Benthamite "discipleship."", in Latin American Research Review, n° 33 T. 1. 1998, and Klaus Gallo, "Jeremy Bentham y la "Feliz Experiencia.""

<sup>23</sup> Bentham to del Valle, March 19, 1827. Correspondence of Jeremy Bentham, Volume 12 Letter 28.27 Underlining added.

natural rights recovered after independence. The difficulty of creating by consensus a government that the different Central American states could agree upon instilled in del 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.<sup>25</sup>

Thus, a combination of factors caused Bentham and del 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 1825 to 1832. However, if Bentham sought in del Valle an 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 del Valle was losing his political influence in the region, especially after the outbreak of civil war in 1826.

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.

### **Del Valle: *The Benthamite***

#### **a) The Legislative Code**

On October 19, 1825, the Constituent Assembly of the State of Guatemala appointed del Valle as member of the committee in charge of writing the civil code; a position del Valle accepted on October 25.<sup>26</sup> Del Valle was one of the main Central American experts in Spanish legislation and was

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<sup>24</sup> John Dinwiddy, Bentham, p. 15

<sup>25</sup> 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, Universidad de Quilmes, 2003, p.75 y Klaus Gallo, “Jeremy Bentham y la “Feliz Experiencia””, p. 90

well aware of its political flaws for the development of the region. In an article from January 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 del 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 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.”<sup>27</sup>

Taking this into account, it is not surprising that when drafting the Civil Code, del Valle turned to Bentham for advice. In May 1826, he wrote: “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...”<sup>28</sup>

Paradoxically, when Bentham was asked to help with the drafting of a Code similar to the one del Valle had been entrusted with, he rejected the offer saying that he was too old and unable to take on such a task; in one of his letters he even mentioned his incipient blindness, and confessed he was

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<sup>26</sup>J. Valladares Rodríguez (Ed), El Pensamiento económico de José Cecilio del Valle. Publicaciones del Banco Central de Honduras. Tegucigalpa, 1969, p. 149-150.

<sup>27</sup>El Amigo de la Patria, n° 20-21, January 25, 1822, Vol. II (p. 193-210). Underlining added.

<sup>28</sup>Del Valle to Bentham, May 21, 1826. Correspondence of Jeremy Bentham, Volume 12 Letter 57.25

not well enough to get involved in the political vicissitudes of Central America as he had previously done for Greater Colombia and the River Plate region.<sup>29</sup>

However, he was flattered by del Valle's proposal and took advantage of the opportunity to include in his letter some of his writings on the subject. In his reply, which was possibly motivated by the disillusionment caused by his rift with other South American leaders, he emphasized Guatemala's future place within an independent Spanish America: "*the 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!...*"<sup>30</sup>

As far as del 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 work*", clearly referring to the Cadiz Constitution of 1812.<sup>31</sup>

Finally, he promised he would send del Valle a paper written by Rivadavia, based on Bentham's own *Essay on Political Tactics*, as well as a copy of the translation the Argentinean politician had made of James Mill's

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<sup>29</sup> M. Williford, Jeremy Bentham on Spanish America, p. 27, and Bentham to del Valle, November 10, 1826, and March 19, 1827. Correspondence of Jeremy Bentham, Volume 12 Letter 43a.26

<sup>30</sup> Bentham to del Valle, November 10, 1826. Ibid, Letter 43a.26

<sup>31</sup> Bentham to del Valle, November 10, 1826. Ibid, Letter 43a.26. Edward Livingston who had also read Bentham's work in Dumont's translations and who was one of the pioneers in codifying the law in the United States went too far as to say that Bentham was "the man who has thrown more light on the science of legislation, than any other in the ancient or modern times". In J. Dinwiddy, Bentham, p. 17 and Radicalism and Reform, p. 305

*Elements of Political Economy*.<sup>32</sup> Bentham's answers to del Valle's letters, as well as to Rivadavia's, are not part of a philosophical discussion on his doctrine. These letters took for granted that del Valle supported his doctrine, and consequently Bentham simply pointed out practical issues for implementing these principles in Guatemala.<sup>33</sup> This does not suggest an exchange between peers; rather, Bentham saw himself as the "thinker" while his Spanish American interlocutors were merely "implementers" of his ideas.

Nevertheless, del 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*<sup>34</sup> on the recommendation of Count Pecchio in 1826. Del Valle believed he needed to prove he was worthy of the English philosopher's attention. The style of his letters to Bentham was completely different from his articles and writings for the Central American public. The latter included sounder and more forceful arguments, while his letters to Bentham showed a man able to make suggestions and request advice on the topics he wrote about. When dealing with a representative of the *Enlightened Europe* del Valle seemed to hang on tenterhooks, open to the opinions of others, while in Central America he assumed the role of intellectual authority.

Bentham, who was unaware of the tense relationship between del Valle and Arce, especially after the Presidential election, wrote to President José Manuel de Arce the day before sending his reply to del Valle's first letter, mentioning that del Valle had asked him for advice in drafting the Guatemalan Civil Code.<sup>35</sup> This also shows that the English philosopher did

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<sup>32</sup>Del Valle learned about the Argentine politician Rivadavia through his correspondence with Bentham, but they never wrote to each other. The works mentioned by Bentham were never found in del Valle's library either.

<sup>33</sup>M. Williford, *Jeremy Bentham on Spanish America*, p. 115

<sup>34</sup>Del Valle to Bentham, April 18, 1827. *Correspondence of Jeremy Bentham*, Volume 12, Letter 48

<sup>35</sup>Bentham to Arce, November 9, 1826. *Ibid.*, Letter 43b.26

not realize that del Valle had been asked to draft a Code for the State of Guatemala, not for all of Central America. Knowing how interested the region was in his work, Bentham may have believed he could accelerate matters by writing directly to the President of the Republic.<sup>36</sup> Anyway, with Central America in the middle of the civil war, Arce did not show any interest in Bentham's proposals. In March 1827, Bentham apologized to del Valle for his political indiscretion and said he had heard about the "*act of force committed by the President of your State*" when he caused the imprisonment of the Political head of the State of Guatemala, Juan Barrundia.<sup>37</sup> For his part, del Valle never referred to the Arce incident in his letters to Bentham.

This incident was perhaps the only friction that arose between Bentham and del Valle, although the latter never commented on it. For the Honduran, the opportunity to correspond on a regular basis with a well-known intellectual like Bentham was more important than an isolated incident caused by lack of information or political miscalculation on the part of Bentham. Del Valle took on the same approach to the subject of the civil war, and although Bentham mentions it in several of his letters, del Valle never once referred to the conflict. He may have thought that Bentham would lose interest in their correspondence once he saw that there was little chance of applying his reforms in a country at war.

And indeed, the correspondence between Bentham and del Valle seems to have ceased when the war reached its height. Del Valle was to wait another two years before attempting to resume contact. Surprisingly, he devotes most of the letter to speculating about the portrait to be included on Guatemala's new coinage, stating at one point: "*I do not know whether you, Señor Bentham, have ever turned the reflection which you have*

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<sup>36</sup>M. Williford in Jeremy Bentham on Spanish America, p. 118, challenges Louis Bumgartner's assertion that it was Próspero Herrera who put Bentham in touch with del Valle. Williford points out that if this had been the case, Herrera would have warned Bentham about the enmity between del Valle and Arce. We believe, however, that Herrera felt no need to clarify this point because he was trying to establish a professional-intellectual relationship between del Valle and Bentham, not a political one.

*applied with great dexterity in the science of legislation to the subject of coins. It would give me great satisfaction if mine were worthy of your attention; otherwise, I shall at least enjoy the hope of correction.*”<sup>38</sup> This strategy for resuming contact was a surprising one even for Bentham himself, who 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.<sup>39</sup> 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. Bentham finishes his letter by saying: “*Regard the length of it [the letter] as a measure of the affection with which I am yours, &c.*”<sup>40</sup> This may have caused del Valle to feel closer to Bentham for, from that day on, he would begin his letters: “*My ever dear father*”.

b) **Freedom of the Press.**

Some of the suggestions Bentham made on press freedom in Spanish America appear in del 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...*”<sup>41</sup> In del 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.<sup>42</sup> Del Valle states that freedom of expression

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<sup>37</sup> Bentham to del Valle, March 19, 1827, Correspondence of Jeremy Bentham, Volume 12 Letter 28.27

<sup>38</sup> Del Valle to Bentham, May 19, 1829. Ibid, Letter 25.29

<sup>39</sup> It is likely that this is mentioned because of the footnote del Valle included in his previous letter where he said he had translated from French Chateaubriand’s work related with freedom of the press (Union press, 1829). According to Williford, this was the last reference Bentham made to the freedom of the press in Spanish America. See M. Williford, Jeremy Bentham on Spanish America, p. 85

<sup>40</sup> Bentham to del Valle, Septiembre 8-13, 1829. Correspondence of Jeremy Bentham, Volume 13 Letter 44.29. In the last paragraph of this letter, Bentham tells del Valle about the fall of Charles X of France as a result of his despotic tendencies.

<sup>41</sup> “Libertad de Imprenta”, in Rafael Heliodoro Valle (Ed), Pensamiento vivo de José Cecilio del Valle, Editorial Universitaria, San José, CR, 1971, p. 230

<sup>42</sup> John Dinwiddy, Bentham, p. 13 y 83



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 to improve their lot and to enjoy the greatest happiness?*”<sup>43</sup> 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....*”<sup>44</sup>

### **C) The role of wise men in Education**

By 1829, the civil war was over and the Federal Government reestablished the Economic Society of Guatemala (*Sociedad Económica de Guatemala*), appointing José del Valle as its director. In May 1830 del Valle sent a letter to Bentham telling him about his appointment and included a copy of the opening speech he gave on November 29, 1829 entitled *Wise Men, Capitalists and Workers*.<sup>45</sup>

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.<sup>46</sup>

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<sup>43</sup> “*Libertad de Imprenta*”, op. cit. p. 232-234

<sup>44</sup> “*Proyectos*”, in Rafael Heliodoro Del Valle (Ed), *Pensamiento vivo*, p. 105

<sup>45</sup> Del Valle to Bentham, May 31, 1830. *Correspondence of Jeremy Bentham*, Volume 13 Letter 74.30.

<sup>46</sup> John Dinwiddy, *Bentham*, p. 28-32

Del Valle points out that:

*“gathering 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.”<sup>47</sup>*

This piece of writing shows that del 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.”<sup>48</sup>* 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, Jeremy Bentham suggested the educational methods and the type of books he believed should be 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.<sup>49</sup> The model school at that

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<sup>47</sup> “Discurso de reapertura de la Sociedad Económica, 29 de noviembre de 1829”, in J.Valle and J. Valle Matheu (comp), Obras de José Cecilio del Valle. Vol. I. p. 168-176

<sup>48</sup> Ibid.

<sup>49</sup> Elie Halévy, The Growth of Philosophic Radicalism, p. 282-296

time was *Hazelwood School*, a pioneer in using more advanced students to teach those who had just enrolled.<sup>50</sup>

Although in his correspondence with del Valle, Bentham mentions education only a few times<sup>51</sup>, two particular utilitarian influences can be found in del Valle's vision of education. The first relates to the list of books Bentham prepared for del Valle. There was some confusion about this though, because when Próspero de Herrera traveled to Europe, he took with him a list of books del Valle had asked him to get for his private library. When Herrera showed the list to Bentham, Bentham thought the list was for a public library del Valle wanted to fund himself. It is likely that the number of items on the list confused the English philosopher. Anyway, Bentham thought del Valle's list was incomplete and suggested removing some books and adding others which, in his opinion, were essential for the education of Central America.<sup>52</sup> Bentham, encouraged by his correspondence with del Valle, wrote to Jean Baptiste Say in 1827, asking him to assist Herrera in recommending books for the library. In the last paragraph, he points out:

*"I had business enough upon my hands, as you will see, without being loaded with this additional quantity: but the more you know of del Valle, and of the newborn State, on the destiny of which he is I hope destined to exercise so commanding an influence, the less you will be surprised at the degree of sympathy with which they have inspired one."*<sup>53</sup>

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<sup>50</sup> M. Williford, Jeremy Bentham on Spanish America, Chapter 7. Regarding the experiment of Rowland Hill, see P. W. J. Bartrip, "A Thoroughly Good School: An Examination of the Hazelwood Experiment in Progressive Education", in British Journal of Educational Studies, Vol. 28, No. 1 (Feb., 1980), p. 46-59

<sup>51</sup> Bentham mentioned the subject of education in reply to del Valle's announcement that he had been appointed a member of the Société d' Instruction Élémentaire de Paris, established in Paris in June 1815 to implement the Lancastrian system in France.

<sup>52</sup> Bentham to del Valle, March 19, 1827. Correspondence of Jeremy Bentham, Volume 12 Letter 28.27 In this letter, Bentham says he will put him in touch (through Herrera who was traveling to Paris) with La Fayette, Julien (the editor of *Revue Encyclopédique*), Jean Baptiste Say and Felix Bodin; he also tells him he has suggested to Herrera a list of books del Valle should have in his library and puts him in contact with the booksellers *Bossange Frères* in Paris. For an analysis of Bentham's suggestions, see M. Williford, Jeremy Bentham on Spanish America, p. 107-109

<sup>53</sup> Bentham to Say, 1827 quoted by M. Williford in *Ibid*, p. 110. Bentham wrote to Lafayette in similar terms.

The second way in which del Valle is influenced by Bentham's approach to education is through Bentham's *Chrestomathia* published in 1815, where he developed his educational plan based on the Lancaster and Bell principles. The book deals with every detail of young people's education and includes the subjects to be learned at school, reading matter, the way in which students were to be assessed, and aspects related to student's physical care.<sup>54</sup>

In his writings, both in his newspapers and in the different drafts he submitted as legislator or member of the Second Triumvirate, del 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.<sup>55</sup>

His *Report* is in fact an analysis of the general situation Central America was immersed in, 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

*“the 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 number, thus establishes the harmony that should exist between the Government and the people...”*<sup>56</sup>

Del Valle also sustained that it was not enough for the legislative power to pass laws, these laws had to be obeyed by the executive. To benefit the

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<sup>54</sup> A copy of the work with Bentham's own dedication can be found in del Valle's library at Francisco Marroquín University (reference 11C3-4)

<sup>55</sup> “Memorias sobre la Educación”, June 21, 1829, in J. Valle and y J. Valle Matheu (comp), *Obras de José Cecilio del Valle*, Vol. I. p. 177-210. Regarding del Valle and education, see Manuel Chavarría Flores, “José Cecilio del Valle, Político de la Educación”, *Anales de la Academia de Geografía e Historia*. T. XXVII, Guatemala, 1953-1954, and Carlos González Orellana, *Historia de la Educación en Guatemala*, Editorial José de Pineda Ibarra, Guatemala, 1970.

<sup>56</sup> “Memorias sobre la Educación”, op. cit. p. 187

greatest number, the law must not have to “*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...*”<sup>57</sup>

Del Valle thought that a new legal code would free people from backwardness and poverty, releasing all of their potential. In *Memoria sobre la Educación*, del 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. Del Valle was clearly aware of poverty and 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.<sup>58</sup>

This is why he considered the Hazelwood model for implementing elementary schools in Guatemala. At this stage of education, there was a need to “*develop the physical, intellectual and moral faculties of childhood*”. To that end, schools should be set up in all the regions where people needed education, whether they were children or adults, because “*men without education are a burden to others: weighing on them forever*”

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<sup>57</sup> Ibid., p. 191

<sup>58</sup> In *Memoria sobre la Educación*, del Valle mentions that “Filangieri in book 4 of *Scienza della legislazione* published a beautiful plan for physical, moral and literary education. On September 10, 1791, Talleyrand submitted his public education project, considering education as a conservative and revitalizing part of the Constitution. Condorcet wrote a fine speech on the general organization of education, which he read at the French Assembly on April 20, 1792.” In J. Valle and J. Valle Matheu (comp), *Obras de José Cecilio del Valle*, Vol. I. p. 200

*like a living tax or a levy...*” He expected the Hazelwood model to educate young people in the representative system of government and in the studying of laws, as they themselves would be involved in teaching and in running the school. This is why practical and useful knowledge had to be taught by people who shared the interests of the people. *“The most effective method of education is not punishment or rigor. It is affection and love.”*<sup>59</sup>

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 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 or fostering research.

In another paper on education, he analyzed the subject of the funds needed to implement what he considered an *educational revolution*, making it clear that these funds should come from the treasury and the wealthy sectors of the nation, because demanding them from the lower classes would cause the whole project to fall behind. *“All the individuals of a nation must have the necessary training and virtue to fulfill their destiny and achieve progress in it. This is order, harmony, beauty, perfection and happiness.”*<sup>60</sup> For this reason, it was essential for those who could make this commitment to do so because sovereign government was unlikely to prosper without educated people.

#### **d) 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 19<sup>th</sup> century had a passion for measuring. In the Social Sciences Bentham surfed the crest of a new wave. If pleasure and pain could be*

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<sup>59</sup> “Memorias sobre la Educación”, op. cit p. 201-205

*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.*”<sup>61</sup>

In different articles published in *El Amigo de la Patria*, del Valle highlighted the importance of statistics and mathematics as tools for the growth of the country.<sup>62</sup>

*“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 Government without a flair for calculation and there can be no calculations without Statistics.”*<sup>63</sup>

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 del 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”*.<sup>64</sup>

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*

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<sup>60</sup> “Introducción a las Memorias de la Sociedad Económica de Amantes de Guatemala”, June 10, 1831, in J. Valle and J. Valle Matheu (comp), *Obras de José Cecilio del Valle*, Vol. I. p. 211-214

<sup>61</sup> Robert Ekelund y Robert Hébert, *Historia de la Teoría Económica y de su Método*, McGraw Hill, México, 1992, p. 136-137

<sup>62</sup> See *El Amigo de la Patria*, Tomo I nº 12 a 14, January and February, 1821

<sup>63</sup> *El Amigo de la Patria*, nº 12, January 20, 1821, Vol. I (p. 166)

<sup>64</sup> “Las Matemáticas en sus relaciones con la prosperidad de los Estados”, May 16, 1831, in J. Valle and J. Valle Matheu (comp), *Obras de José Cecilio del Valle*, Vol. I. p. 215

*nation or the individuals making it up...*<sup>65</sup> Calculations were expected to inform every activity a person could undertake: farming, mining, trade, etc. Del 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.*”<sup>66</sup>

Del Valle, like Bentham<sup>67</sup>, borrowed from Maupertuis the idea of relating morality to mathematics, arguing that those who knew how to make proper calculations would not trade future wellbeing for current pleasures. 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, del 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.*”<sup>68</sup>

Towards the end of his presentation, del Valle referred to Bentham, asserting that:

*“when legislators do not know how to calculate, it is logical that the people they govern will have false ideas, and will take the crooked path that leads to the abyss. We have already seen the damage caused by legislators who do not know how to add and subtract good and evil. “The legal adviser of the century [Bentham] has given this great gift to mankind. His happy genius has elevated legislative analysis to a degree unattained by any of the wise men who preceded him. His works of jurisprudence bear the seal of mathematics; and the tables of the law he has created, guided by mathematics, should be plain for legislators to see.”*<sup>69</sup>

In a footnote to his writing, del Valle commented briefly on the last works of the English philosopher and on the lengthy correspondence they sustained. Del Valle said:

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<sup>65</sup> Ibid, p. 218

<sup>66</sup> Ibid, p. 220

<sup>67</sup> Elie Halévy, The Growth of Philosophic Radicalism, p. 33

<sup>68</sup> “Las Matemáticas en sus relaciones con la prosperidad de los Estados”, in J. Valle and J. Valle Matheu (comp), Obras de José Cecilio del Valle, Vol. I. p. 221

<sup>69</sup> Ibid, p. 222



*“America has begun to legislate for its children and is specially interested in the works of this jurist who has learned to analyze and think accurately, of this talented man who teaches us to behave with circumspection and determination in the most delicate of sciences on account of its consequences and results: of the genius who has published a volume entitled “the Proposed Constitutional Code, Entitled Official Aptitude Maximized, Expense Minimized”.*<sup>70</sup>

e) **Women**

Another area in which del 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 sustained 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 initiative would jeopardize the progress made so far.<sup>71</sup>

Similarly, del 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 governed by the same laws*”; consequently, the actions of despotic governments affected both genders;

*“the 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”.*<sup>72</sup>

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<sup>70</sup> Ibid, p. 222

<sup>71</sup> M. Williford, “Bentham on the Rights of Women”, in Journal of the History of Ideas, Vol. 36, No. 1 (Jan.Mar., 1975), p. 167-176; John Dinwiddy, Bentham, p. 82 y 110

<sup>72</sup> “Mujeres”, 1829, in Rafael H. Valle (Ed), Pensamiento vivo, p. 222-224

Del 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. Del 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...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.*"<sup>73</sup>

### **Del Valle and his criticism of the Federal Constitution**

Despite the enthusiasm awakened in him by Bentham, del 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 José Manuel de Arce and the restoration in 1829 of the Federal Congress Arce had dissolved in 1826. Although del Valle held his seat as representative again, his short term in office (from 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.<sup>74</sup> Consequently, when del Valle finished his work in Congress, he sought

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<sup>73</sup> "Proyectos", in Rafael H. Valle (Ed), Pensamiento vivo, p. 105

refuge in his studies again. In October 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 Aptitude Maximized; Expense Minimized*”, which he believed was the one most worthy of becoming known in Central America.<sup>75</sup>

In 1832 del Valle wrote a work entitled *La Constitución Federal* criticizing the Federal Constitution of 1824<sup>76</sup> which, according to del 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 are not ready to vote or to hold government offices. Bentham had expressed his reservations about the Constitution in January and 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 del 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*”.<sup>77</sup> It is for this reason that in another letter Bentham pointed out that, “*my Constitutional Code has not comprised any arrangements for*

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<sup>74</sup> L. Bumgartner, José del Valle, p. 349-350 In this election del Valle was the second candidate in quantity of votes behind Morazán.

<sup>75</sup> Del Valle to Bentham, October 28, 1831, in J. Valladares Rodríguez (Ed), El Pensamiento económico, p. 212

<sup>76</sup> “La Constitución Federal”, in J. Valle and J. Valle Matheu (comp), Obras de don José Cecilio del Valle, Vol. I p. 257-265

<sup>77</sup> Bentham to del Valle, January 10-11, 1827, Correspondence of Jeremy Bentham, Letter 3.27

*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.<sup>78</sup>

Del Valle seems to reintroduce Bentham’s recommendations in his work on the Constitution, although his comments are closer to Dumont’s philosophy of gradual reform than to *Benthamite radicalism*.<sup>79</sup> In his writing, he starts by comparing post-revolutionary France to the situation in Central America:

*“Thirty years have gone by since 1789,..., we have had 30 consecutive years of misfortune, crime and mistakes. Twenty two years have gone by since 1810, I speak of America, my homeland, we have had 22 years of mistakes, blood and tears.”* In his opinion, Guatemala was not ready to move from Spanish absolutism to a republican system, *“patriotic enthusiasm took no account of our humble abilities... From the very room that issued the Decree consenting to patriotic gatherings in the dullest indigenous villages to discuss the political principles of the most enlightened nations of Europe, the Constitution also emerged...”*

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 five provincial states of the Central American Federation, ruled out any possibility of success for the federal government. Del 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, del Valle was more skeptical than Bentham about granting this (Bentham’s only condition was that voters should be able to read<sup>80</sup>), 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*

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<sup>78</sup> Bentham to del Valle, March 19, 1827, *Ibid*, Letter 28.27

<sup>79</sup> We have to bear in mind that Dumont translated and disseminated some of Bentham’s writings.

<sup>80</sup> John Dinwiddy, *Bentham*, p. 82

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?, del Valle asks.<sup>81</sup>

As for legislators, he argued that as age and citizenship were the only requirements, Congress *“can be made up of such individuals [without any ability]... and the power to legislate given to people who have not learned this occupation. The legislative power, which should be first in wisdom and virtue, will be last in both respects...”*<sup>82</sup>

Criticizing the 1824 Constitution for widening public participation in terms of both the electorate and those elected, del 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. Del 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 more moderate, his position being closer to that of the *Whigs* in the England of the time.<sup>83</sup>

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<sup>81</sup> “La Constitución Federal”, in J. Valle and J. Valle Matheu (comp), Obras de don José Cecilio del Valle, Vol. I p. 257-265

<sup>82</sup> Ibid.

<sup>83</sup> Klaus Gallo, “¿Reformismo Radical o Liberal?: La política Rivadaviana en un era de conservadorismo europeo. 1815-1830”, in Investigaciones y Ensayos, #49, Buenos Aires, 1999.

With regard to the way political power was organized in the Constitution, del 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*”.<sup>84</sup>

In this criticism we can see again differences in del Valle’s and Bentham’s approach to how society should be represented in parliament. In this regard, del Valle’s concern was similar to that of John Stuart Mill whose essay *On Liberty* warned of “*the possibility that an ignorant majority would dominate an enlightened minority*”<sup>85</sup>. On the other hand, when Bentham touched on this controversial issue in 1810, he argued that the harm caused to society by the government of an enlightened minority ruling for its own benefit was irreparable, while the harm caused by a government of ignorant masses could be overcome with greater knowledge and experience. He also argued that before individuals could act as public officials and legislators they “*would need to pass through a process of education and examination*”.<sup>86</sup>

Analyzing the National Executive power, del 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 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*

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<sup>84</sup> “La Constitución Federal”, in J. Valle and J. Valle Matheu (comp), Obras de don José Cecilio del Valle, Vol. I p. 257-265

<sup>85</sup> John Dinwiddy, Bentham, p. 84

<sup>86</sup> Ibid., p.84-85

*shows little foresight at a moment when we would wish to have that of a God*".<sup>87</sup> Del 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*".<sup>88</sup>

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...*"<sup>89</sup>

These different approaches of del Valle and Bentham explain the more moderate nature of the reforms suggested by del Valle, whose gradualist approach was increasingly at odds with the radical positions adopted by Bentham after the second decade of the 19<sup>th</sup> 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 illustrated liberalism, but did not agree on the way in which changes should be implemented.

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

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<sup>87</sup> "La Constitución Federal", in J. Valle and J. Valle Matheu (comp), Obras de don José Cecilio del Valle, Vol. I p. 257-265

<sup>88</sup> Ibid.

<sup>89</sup> John Dinwiddy, Bentham, p. 81

*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*”<sup>90</sup>. 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, del 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 because, unlike Bolívar and Rivadavia, del Valle continued to praise and almost venerate Bentham even after his death.

### **Del Valle and Bentham’s death**

By 1832, Bentham’s health was worsening and his correspondence with his disciples was continued by his secretary, John Bowring, who wrote to del Valle from Paris in that year offering his help so that the enlightenment and knowledge of Europe would continue to reach Guatemala. In his letter, he suggested that Guatemala would benefit greatly from Spanish translations of new works that were being written as well as from the new tools that were being used in agriculture. Bowring closed his letter saying: “*A man like You carries his century forward more than one generation.*”<sup>91</sup>

On June 6, 1832 Jeremy Bentham died and on August 31 that year del Valle suggested that the Federal Government honor his memory by wearing mourning, a suggestion was also adopted by members of the Supreme Court.<sup>92</sup> Loyal to his promise to Bentham in 1831 that he would

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<sup>90</sup> “La Constitución Federal”, in J. Valle and J. Valle Matheu (comp), Obras de don José Cecilio del Valle, Vol. I p. 257-265

<sup>91</sup> Bowring to del Valle, March 25, 1832, in J. Valladares Rodríguez (Ed), El Pensamiento económico, p. 213-214

<sup>92</sup> Alejandro Marure, Efemérides de los Hechos Notables acaecidos en la República de Centro América. Desde el año de 1821 hasta el de 1842, Tipografía Nacional, Guatemala, 1895, p. 72 In Marure’s opinion, del Valle’s proposal copied one made by Franklin when Mirabeau died.



take every opportunity to disclose the name and ideas of “*the first Judicial Consul of the world*”,<sup>93</sup> del 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...”<sup>94</sup>*

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”<sup>95</sup>.* Nevertheless, despite del 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.

In his response to Bowring, del Valle referred to the tribute paid to Bentham in the Central American Congress, and used the opportunity to ask Bowring for the specially designed signet ring with Bentham’s profile and a lock of his hair that Bentham had included in his will as a legacy for his disciples: “*But if I have lost the original of such a respectable Being, I would like to have at least his Portrait. If his works give me the most*

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<sup>93</sup> Del Valle to Bentham, August 3, 1831, Correspondence of Jeremy Bentham Volume 13 Letter 63.31

<sup>94</sup> “Elogio de Bentham”, in J. Valladares Rodríguez (Ed), El Pensamiento económico, p. 141-145

<sup>95</sup> J. Dinwiddy, Radicalism and Reform, p. 294

*precious part of his genius, I would also like to have a part of his physical being.*"<sup>96</sup> 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.<sup>97</sup> He died just a few miles from the capital. Bentham's ring he had wished for so much finally arrived almost ten years later and was received in 1843 by his widow, Josefa Valero.<sup>98</sup>

### **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 with Bentham.

We have seen that there were more agreements than disagreements between the two; however, we have argued that the evidence does not suggest that del Valle was a disciple of Bentham, especially since one of del 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 19<sup>th</sup> century. In this sense, del Valle's criticism of the 1824 Constitution is revealing because although he takes part of the advice Bentham gave him in his letters del Valle is much more moderate and gradualist when it comes to implementing reforms.

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<sup>96</sup> Del Valle to Bowring, January 2, 1833, in J. Valladares Rodríguez (Ed), El Pensamiento económico, p. 215-216

<sup>97</sup> For more about his final years, see: Ramón Rosa, Biografía de don José Cecilio del Valle, p. XCV-XCVI.

<sup>98</sup> Letter from Auguste Mahesin to Josefa Valero de del Valle, May 25, 1843, in J. Valladares Rodríguez (Ed), El Pensamiento económico, p. 217

In a way, del Valle's approach is similar to that of other liberal politicians and intellectuals who had read Dumont's editions of Bentham. These presented a much more moderate vision of utilitarianism than Bentham's later works.<sup>99</sup>

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<sup>99</sup> J. Dinwiddy, J. Radicalism and Reform, p. 304

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