

From ‘Melting pot’ to nation-state: the Argentinean case.



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Abstract

‘...secure the blessings of liberty to ourselves, to our posterity, and to all men of the world who wish to dwell on Argentinean soil ...’ This is the end of the Preamble of the Constitution of The Argentinean Nation from 1853, marking the philosophy that would lead the country with regard to all the immigrants who by that time were settling timidly on the national soil, but who would become a crowd two decades later. This is the cornerstone of integration: equality of duties, rights and guarantees before the law, for citizens as well as inhabitants. Since the 1870s the Argentinean Republic received about 5,700,000 immigrants coming mainly from the south of Europe –especially Spaniards and Italians– and also from every part of the planet. This reality posed serious problems of integration into politic leadership. In this paper we will analyse how this was solved.

Key words: immigration, nation, national integration, Argentina.

Since it was officially declared independent in 1816, the Argentinean Republic was involved in a series of exterior fights –to consolidate Independence from Spain completely– as well as interior fights, trying to establish the definite organization of the country. These last conflicts became a real civil war between Unitarians and Federalists, which implied a confrontation of two models of administrative, legal and economic organization for the new State-nation. These disputes were finally solved with the Battle of Caseros, the sanction of the national Constitution from 1853, the ratification of the Constitution by Buenos Aires in 1860, and the reunification of the province and the Confederation in 1862. This led to a country organization under a federal governmental system, which in practice would become centralist due to Buenos Aires economic pre-eminence.

The so-called Generation of the '80s –a group of intellectuals and politicians who directed the country from 1866 to 1916– would be responsible for designing this new State from the premises of a conservative order in politics and a liberal one in economy. In this sense, it would be necessary to insert the country in the international work division, as a raw material provider (basically cereals and meat), thus becoming Great Britain's partner. In order to achieve this goal, it was fundamental to work the huge land extensions that were semi-deserted or inhabited by indigenous peoples. The answer to this was, on the one hand, the so-called Conquest of the Desert led by General Julio A. Roca in 1879 –which meant the fight against aborigines– and, on the other hand, an incentive for immigration.

The arrival of foreigners, as we have mentioned, was enormous indeed. Arriving in a slightly inhabited territory was the main characteristic. To set a context, a comparison needs to be done, as Devoto does, with another country which received the majority of immigrants at the time: the United States. While the percentage of immigrants in the United States was 14.7 %, according to the 1890 census; in Argentina it was 25.5 %, according to 1895 census. By the USA's 1910 census, foreigners represented 14.5 %, whereas in the Argentinean 1914 census they were 30 % (Devoto 2009).

It was before this national context that the governing class chose a civic nationalism model in order to set the bases of the new State. 'Civic nationalism' or 'Jacobin nationalism' refers to the French self-determination paradigm from the eighteenth century, in which the nation is a voluntary union of citizens, considered an exclusive foundation of the State, and has an autonomous political-legal profile, with an artificial character based on the contractual link. According to this concept, every national of a country is a citizen; citizenship equalises

and unifies. Everybody is equal before the law, with disregard of their origin, mother tongue or religion. The State promises to treat everybody equally: it provides an educational system based on the national tongue (it is generally a compulsory educational system for the first years), and separates Church from State.

Along this line, the State adopts a wide and civic conception of citizenship, awarding it to every child born on national territory. Following Marshall's classic work on this topic, it can be seen that this may be expressed in three fields:

1) Civil (personal liberty and free speech, access to property and justice).

2) Political (right to participate in the exercise of power).

3) Social (social security, economic welfare). Nevertheless, at the beginning the governing class obviously thought about the civil field and with restrictions. (Marshall and Bottomore 1998).

Clermont-Tonnerre's famous declaration, issued in 1789 before the National Assembly, which awarded French citizenship to Jewish people if they renounced their Jewish *ethnicity*, has been regarded a classic expression of *civil nationalism* and still constitutes its trademark. According to this viewpoint, every member of a nation was to become a citizen, having all the rights and obligations it entails. The Nation was a community of citizens:

“We do not award anything to Jewish people as a nation; we award everything to Jewish people as individuals” (Smith 1994).

The modern State, which received its systematic way from the French Revolution era, was defined as a territory (preferably continuous) where population was governed directly and not through intermediaries. And it had to take into account nationals and citizens' opinion. In brief, the State governed territorially defined 'peoples.'

The government and the national or citizen related with each other in their routine, an event that had never happened. With time, the States needed a kind of civic religion, 'patriotism', which was increasingly necessary. The Nation thus became its members' political choice, even if they were not fully conscious of that. It is the French concept of Nation as a plebiscite executed day by day. French nationality was French citizenship: the ethnicity, history and language spoken at home had nothing to do with the definition of

‘nation’. It was thus defined by Ernest Renan (Renan 2006), who claimed –in a text that would later become a classic– that the nation constitutes a spiritual principle based on two great reasons: forgetting its violent origin, and the willingness to be together. The Nation was to be, in a formula still remembered today, a daily plebiscite.

Civic nationalists consider that the prior condition for any nation is the ‘country’. The national State, which safeguards the nation, consolidates the national space and rules citizens’ lives. A last characteristic of civil nations is their resolution to impose a public culture and a ‘civil religion’, not necessarily identified with the later concept of ‘politic religion’ (Gentile 2006). This explains the importance of a generalised, public and unified educational system. An education based on the common language. The price to be paid by the interior minority was extremely high: a total assimilation and loss of ethnic identity in return for citizenship benefits. It is not merely a melting pot ideology. In the civic nation the aim was assimilation by the majority culture through acculturation. This was logically required by the equality of every citizen.

The State and integration

In nationalisms such as Argentina’s, the State plays a central role. It is its duty to homogenize society and transform it into a nation. The Generation of the ‘80s understood this very well. The large land extension in the country needed great amounts of workforce to be introduced. Immigration became strategic for the country to develop. That heterogeneous mass of people, with such different languages, religions and traditions, had to be converted into Argentinians.

According to the approach posed by Juan Bautista Alberdi, one of the most distinguished intellectuals of the time, two kinds of republic had to coexist: *open republic* and *restrictive republic*. The open republic would be ruled by civil liberty, which holds all citizens –nationals and foreigners. This is what the national Constitution establishes. However, foreigners have no political power: they cannot be rulers; they are neither voters nor representatives. This is achieved through mechanisms of indirect representation and the clear distinction between inhabitant and citizen. Electoral law was the concrete way to accomplish it (Botana 1986).

The ‘integration machine’ –just to name it– was laid on three pillars: the creation of the Civil Registry, the Education Act and the Obligatory Military Service. The first two are a product of the governmental work in Julio Argentino Roca’s first presidency, and the third of his second term of office.

All these acts were useful to integrate a heterogeneous State in cultural and ethnic terms. The result, more than a hundred years later, is a country with a very original nationalist feeling and a big sense of ethnic tolerance.

Civil registry act

The furthest antecedents of Civil Registry are found in the elaboration of censuses by some Eastern cultures. In Ancient Rome, there have existed census data since the times of emperor Servius Tullius, with affiliation norms being introduced in the second century A. D. Registry became compulsory by means of a decree obliging parents to register their children’s birth.

With the arrival of the middle ages, the disappearance of state structures led the Catholic Church to be the only institution with the capacity to record the most important events in people’s lives. Nevertheless, the first parish records where inscriptions appear are quite late, since they were found in France by mid-fourteenth century. Catholic records were only generalized after the Council of Trent, in the sixteenth century. When Protestants were awarded freedom of worship in France in 1787, Louis XVI gave rise to the establishment of an incipient Civil Registry, where births, marriages and deaths were entered before the royal justice officers. The Civil Registry for every citizen began in 1793. It was a result of the French Revolution and it comes from the same ideology that set the bases for civic or Jacobean nationalism. Its creation is a consequence of the division between Church and State. In Argentina the aim was to encourage immigration (above all, from the north of Europe, which was not catholic) and achieve integration and homogenization.

When the Civil Code was sanctioned in 1869, its writer Dalmacio Vélez Sársfield did not include regulations regarding the record of people’s marital status, because he considered that the provinces had to provide that regulation. The provinces, except for Córdoba, did not have a law about that; parish records were consulted in order to prove people’s marital status. The Marital Status Record bill, presented to the National Congress by Roca’s government,

signed by Minister Eduardo Wilde, on October 10th 1883, was sanctioned on October 25th 1884.

An even more delicate topic to solve was civil marriage. The need to rule over marriage between people from different religions became imperative. This situation divided intellectuals, politicians and jurists from the Generation of the '80s, between lay and catholic ones. Parliamentary debates and the press involved the best intellectuals of that time. The former were held by the government and their main representatives were presidents Roca and Juárez Celman; the latter, by Felix Frías, José Manuel de Estrada (regarded as the best orator of his time), Pedro Goyena and Santiago O'Farrell, among others. The Act 2.393 of civil marriage was finally sanctioned on November 2nd 1888. Since then, in order to celebrate a religious marriage from any worship, the civil marriage certificate had to be presented first (Diez 2001).

Act 1420 of Common education

The new education act from 1884 determined that education had to be free, compulsory and lay for everyone. The act arose in a time when the Argentinean illiteracy rate was high.

The Act 1420 of Common Education was sanctioned on July 8th 1884. It was extremely important to assimilate and train immigrants and their families. Every child between six and fourteen years of age must attend school by law. Their family antecedents were not of interest; everybody received the same minimum educational standards in the national language. Some articles are particularly significant.

Article 2º: Primary instruction must be *compulsory, free, gradual*, and taught following hygienic precepts.

Article 6º: The minimum of compulsory instruction covers the following subjects: reading and writing [...]; particular geography of the Republic and notions of universal geography; particular history of the Republic and notions of general history; national language; morals and courtesy; notions of hygiene [...] and knowledge of the National Constitution.

For girls it was also compulsory to learn handwork and home economy. Boys were taught exercises and simpler military evolutions; and in rural areas, some agriculture and stockbreeding. The objective of education was that children finished school knowing

geography and national history. They had to be fluent in Spanish, which was not usually spoken in their homes; they had to understand political structures by the knowing the Constitution; and they had to become useful citizens for national development: girls being good housewives, and boys being good farmworkers and stockbreeders.

Article 8°: Religious education shall only be given in public schools by authorised ministers from the different worships, to children from their respective communion, before or after classes.

This item made immigration easier. Given that religious education was given out of school hours, children were able to preserve their own beliefs in terms of faith, and nobody feared that their religious faith may be diminished if they migrated to a country with a different majority creed.

Article 11°: Besides regular schools mentioned before, the following special primary schools would be established:

Schools for adults, in barracks, garrisons, warships, prisons, factories, and other establishments where a number of about forty illiterate adults may be gathered.

Ambulatory schools, in campaigns, where it was not possible to establish fixed schools appropriately, due to a very scattered population.

By means of this article, the educational system became as flexible as possible in order to integrate a higher number of people.

Article 15°: In each school council, an enrolment record will be opened every year, aimed to enrol the name, sex, parents' communion, address, and other necessary indications about every child of school age in the district.

Article 23°: The school population census will be done simultaneously, every two years at least, in all the diverse school districts, in the way and by the means considered more adequate to be as exact as possible.

The Obligatory military service act from 1901

The Obligatory Military Service bill fulfilled a double objective: on the one hand, modernize the army, and on the other, help as a factor of national cohesion. In order to achieve the first aim, the Prussian and French models were used. With the new recruitment

system a wide soldier database was formed. Officers' professionalization and classification were achieved creating the Army General Staff.

Legislators had the clear idea of using obligatory military service as a national cohesion instrument. The War Minister and project author himself, General Pablo Ricchieri, talked about obligatory military service as a system which would 'accelerate the merger of diverse and multiple ethnic elements that constitute our country in the form of immigrations.'

As public school, the conscription was aimed to discipline, moralise and nationalise the population living in these lands. It had to normalise that heterogeneous mass of young people from different social, cultural and ethnic origins, in order to integrate them into the 'modern Argentina.'

Along these three acts with a positive nature, which sought population's integration and homogenization, other absolutely repressive acts were sanctioned. For those people who could not, or did not want to, become part of the national model imposed by the government, the State sanctioned the Residency Act on November 22nd 1902:

Article 1°: The Executive Power shall order any foreigner who has been sentenced, or is followed by foreign courts due to crimes or felonies, to leave the National territory.

Article 2°: The Executive Power shall order any foreigner whose conduct compromises national safety or disturbs public order, to leave the Nation.

Article 3°: The Executive Power shall prevent any foreigner whose records include him among those mentioned in the previous articles, to enter the Republic's territory.

Article 4°: Any foreigner against whom expulsion has been decreed, shall have three days to leave the country. The Executive Power will be able to order their arrest until their departure, as a public safety measure.

The sanction of the Residency Act (also called Cane Act, because of the legislator who proposed it), was an ancient complaint from business sectors in order to control their workers, mainly members of socialism, anarchism or syndicalism. The bill had already been presented in 1899, but it was the tense political situation of 1902 and the continuous strikes that were useful to accelerate its sanction process. The first consequence of its application was the expulsion of an indeterminate, though high, number of immigrants. The most visible reaction was that these expelled workers or their families filed appeals in Habeas Corpus Courts.

It is interesting to see how what was under discussion in this situation was legitimacy over those who can live in the country and those who cannot: immigrants who are functional to the model are welcome, but those who are not are expelled, taking citizenship as a variable in this differentiation. The newspaper *La Nacion* published a circular which was sent by the Ministry of Justice to the federal judges, with the full list of these ‘dangerous foreigners’, so that they could not ‘evade the Law’ by requesting their naturalisation (*La Nacion*, 1903).

By 1910 the constant strikes and anarchist attempts started to show the immigrant as dangerous, and repressive acts became tougher. On June 28th in that year, the Social Defence Act was sanctioned. It increased certain discretionary attributions of the Executive Power, which had been awarded to natives by the Residency Act:

Article 1°. Notwithstanding the provisions of the immigration act, the following kinds of foreigners are not allowed to enter and be admitted into the Argentinean territory:

- a) Those that have suffered sentences or are sentenced for felonies which, according to the Argentinean Law, deserve imprisonment;
- b) Anarchists and other people who practice or praise attacks, by any means of force or violence, against public officers or governments in general, or against society’s institutions;
- c) Those that have been expelled from the Republic, as long as the expulsion order is not repealed.

Article 4°: The Executive Power shall order the immediate expulsion from the country of any foreigner who may enter the Republic breaking this Act, or who has the characteristics described in act 4144.

Article 5°: Foreigners expelled from the National territory by virtue of Act 4144 or this Act, who return to the Argentinean territory without prior authorisation of the Executive Power, shall be sentenced with three to six years of confinement in the place determined by the Executive Power, without prejudice to be expelled again after finishing the sentence.

Article 6°: Foreigners who are not allowed to enter the Argentinean territory by this Act, as well as those referred to by Act 4144, shall not be able to obtain an Argentinian certificate of citizenship. Certificates of citizenship awarded by breaking this Act shall be declared void by the closest federal judge, upon request from the public prosecution service, or any national.

Article 7°: It is prohibited every association or meeting of people who have the aim of spreading anarchist doctrines or preparing and fomenting events repressed by the National Law. The local authority shall dissolve those which may have formed and shall prevent their meetings.

States without nations- as the Argentinean case- are daily builds based on the Law and mutual tolerance. Melting Pot not always constructs a Nation but it is a good way in this case.

Conclusions

State and Nation are two concepts that run in parallel but -as geometry says- end up crossing at some point of the infinite or, in our case, of the History.

For Nations it seems as if it's maximum objective is the consolidation of the State-Nations, but the same happens with the States. For this to happen, the formation comes from the top, looking for the homogenization of their inhabitants, based on the contract between citizens and governors, unified in the equal bond of citizenship with strong presence of the State indoctrinating through -mostly- school, Civil Register and Obligatory Military Service. As we have seen, this happens in Argentina in its founding stage, where its leaders have chosen the civilist French model of construction in a massive and heterogeneous immigration context. The result, more than a century after the events, is a society that is tolerant towards cultural, ethnic and religious diversity, but almost in the same way, intolerant in political terms.

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