

A CONGRESS FOR THE ARGENTINE CONFEDERATION

1854 - 1861

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After the defeat of Juan Manuel de Rosas at the battle of Caseros (3 February 1852), the Argentine Confederation entered a complex and decisive process of political organization. The agreement of San Nicolás de los Arroyos that same year and the meeting of the Constituent Congress in Santa Fe led to the adoption of the National Constitution of 1853, a founding text that established the legal-institutional framework for the new republic. However, adherence to this constitution was not unanimous. The Province of Buenos Aires rejected the agreement and established itself as an autonomous state. Thus, between 1854 and 1861, Argentine history was marked by the coexistence of two political entities: the Confederation, with the city of Paraná as its provisional capital, and the State of Buenos Aires, which not only maintained its own government and institutions, but also carried out an independent foreign policy.

The history of the National Congress has a starting date: 22 October 1854. On that day, parliamentary sittings began in Paraná. This was made possible by the adoption of the new Constitution on 1 May 1853 and the immediate call for elections to national authorities. First the executive power was established, and Justo José de Urquiza and Salvador María del Carril were elected president and vice-president respectively. In the first presidential ticket in the history of the country, political identities that had been fiercely opposed throughout the first half of the century were paired: unitarians and federalists. The legislative power was then instituted by means of a decree calling for elections to national deputies and senators on 25 May 1854, in honor of the anniversary of the May Revolution. The Constitution had determined the number of representatives that would make up each house, but the secession of Buenos Aires changed the plan. The Congress only comprised the thirteen provinces that accepted the Constitution, which significantly reduced the expected amount of legislators.

Sittings lasted until early December of that year, with twenty-five meetings held in barely one month and a half. This showed the willingness of legislators to move forward in building the institutional foundations of the new republic. The following year, parliamentary work intensified and sixty-one sittings were held from May to September, with considerable legislative productivity for a body in the making. In those early years, almost sixty laws were passed, ranging from the administrative and fiscal organization of the new State to issues related to infrastructure, population and the regulation of public authorities. A significant

proportion of these rules were aimed at consolidating the Confederation's tax, monetary and fiscal regime, in the knowledge that an effective state structure could not be sustained without resources. Another important set of laws was related to the validation of provincial constitutions and the political integration of the federal system. In addition, the Congress held an intensive debate on the need to regulate articles of the Constitution relating to the division of powers, incompatibilities in the exercise of public offices, the creation of a national system of labor administration and the dispensation of justice by professionals. These debates, although apparently technical, were decisive in putting into practice the republican principles recently enshrined in the constitutional text and gave rise to great and profound debates in the chambers of both houses.

However, the functioning of the Congress faced many difficulties. The enormous distances and precariousness of transport means made it difficult for deputies to arrive from the provinces. The threat of not reaching a legal quorum to hold sittings was constant. In fact, as early as 1854, a law was passed which provided for alternates to ensure the functioning of the houses.

Urquiza's presidency, which began in 1854, was a transitional government, leading towards national consolidation. From Paraná it was sought to implement the Constitution, organize the central administration, establish diplomatic relations and consolidate the unity of the country. Urquiza sought to project the Confederation abroad by concluding trade treaties with powers such as France, United Kingdom and the United States, and trying to open the national economy to international integration. At the same time, he promoted the organization of the provinces under the new constitutional order and sought to integrate Buenos Aires through negotiations that were unsuccessful in general.

At the same time, the State of Buenos Aires experienced remarkable economic prosperity. Thanks to the exclusive control of the Buenos Aires customs office and the international demand for livestock products—hides, salted meat, wool—, the province consolidated an income base that allowed it to maintain its autonomy. Institutional reforms were tried out and an intense political life developed, with an active press and strong ideological debates between liberals, autonomists and federalists.

The confrontation was not limited to economic or diplomatic matters, but also had a military dimension. In 1859 the forces of Urquiza confronted those of Buenos Aires, commanded by Bartolomé Mitre, at the battle of Cepeda. The defeat of Buenos Aires forced it to sign the pact of San José de Flores, by which Buenos Aires agreed to join the Confederation, but under certain conditions. The pact led to the constitutional reform of 1860, which incorporated some of Buenos Aires' demands and opened up the possibility of reunification. However, tensions were far from easing. The presidency of Santiago Derqui, which began in 1860, was marked by the difficulty of achieving effective integration and by the permanent pressure from Buenos Aires representatives who aspired to national hegemony.

In economic and social terms, the Argentina of 1854-1861 showed significant contrasts. While Buenos Aires benefited from booming foreign trade and the modernization of its port, the rest of the provinces had to face structural constraints. Nevertheless, in the Confederation, progress was made in the construction of roads, telegraph lines were laid and the first railway experiences began. Immigration policies were also promoted, with the aim of populating territories and attracting skilled labor. This period saw the first systematic attempts to integrate the vast national territories, although regional imbalances and political rivalries limited the results.

From the point of view of political culture, the stage was characterized by a strong public debate. The written press, both in Buenos Aires and the provinces, played a central role in the dissemination of ideas and in shaping public opinion. The advantages of federalism over centralism, the validity of the freedoms enshrined in the Constitution, the economic orientation of the country and the role of the provinces in the new republic were discussed. Paraná's parliamentary experience, although limited by the absence of Buenos Aires, helped to forge a legislative tradition and put constitutional principles into practice. At the same time, political leaders, which would have a decisive role in the future, such as Bartolomé Mitre and Adolfo Alsina, consolidated in Buenos Aires.

In 1861, once again, Urquiza—head of the Confederate troops—faced Mitre—head of the forces of Buenos Aires—at the battle of Pavón. Although the military outcome was uncertain, the retreat of Urquiza paved the way for Mitre to assume the political leadership of the country. From then on, Buenos Aires imposed its hegemony and a new stage began in Argentine history: the definitive unification under the control of Buenos Aires.

Historical assessment makes it possible to state that the foundations of the national organization were laid between 1854 and 1861. In those years, institutions were tested, country projects were discussed, leadership was forged and the great problems that would mark national life for decades arose: the relationship between the port and the interior, the role of the provinces in the federal system, the orientation of the economy, international integration and the place of the Congress as a forum for political debate. Later history cannot be understood without taking into account these roots, this time when the nation sought to organize itself after the fall of Rosas and before the liberal hegemony of Mitre and his supporters. In this tension between the Confederation and Buenos Aires, between federalism and centralism, lies the key to a short but decisive period that marked the conflictive birth of contemporary Argentina.

Evolution of the electoral system in Argentina (1854-1861)

The 1853 Constitution laid the foundations for the republican system of government. Article 37 reads as follows: “This time provincial legislatures shall regulate the means for making the direct election of national deputies effective; henceforth, the Congress shall issue a general law.”

From then on, the provinces began to form districts in which both deputies and electors of president and vice president were directly chosen. The electoral system was the so-called winner-take-all: the winning list retained all offices. Electors were supposed to create the list by selecting the candidates of their preference; however, lists were usually prepared in advance and electors were induced to vote for them in their entirety. Even though the party system was not organic, everything revolved around the leadership of caudillos, and it was them who negotiated agreements. Over time, debate took place suggesting the need for minority representation.

Until 1857 with the adoption of the first electoral law, number 140, the provinces used to define the electoral process. Later on, laws were passed that governed with more precision all its aspects.

The first registration was established in October 1857. Thirty days before, all citizens were asked to register at the electoral roll by attending the Qualification Boards. In 1859, law No. 207 repealed law No. 140 and this point was omitted; it was restored in 1863 with the creation of the Civil Registry.

Polling places included atriums of churches and/or outer portals of town councils, or other meeting spaces such as municipal houses, town halls or city halls. As to polling stations, authorities were designated prior to the election. Pursuant to Law No. 140 of 1857, only males who were twenty-one years of age or older had the right to vote.

In addition to ruling who could vote and who could be elected, the organization of elections was also provided, that is, vote casting and counting, and the distribution of the seats at stake.

The electoral assembly was composed of qualified citizens (to start the meeting, forty were needed in the cities and twenty, in the parishes). Election authorities were selected at the electoral assemblies just before elections began. The voting opened at 12 o'clock in the afternoon and, after the authorities had checked whether they were on the electoral roll, citizens voted in person. If it was written, the voting authority read out their votes in their presence. At 4 o'clock in the afternoon, the voting closed; it lasted for three days in total, with partial counts being carried out every day and documentation being kept safe. At the end of the third day, the final count took place.

During the 19th century, there were different restrictions on voting and being elected, this had to do with age, income, estate, capacity and gender. It was justified on the grounds that "the best" should be chosen. Since the adoption of the 1853 Constitution, requirements were established for presidents, vice presidents, senators and deputies. In the case of the House of Deputies, those related to the estate were left out and the minimum age to be elected as a national deputy was set at 25.