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12 From Empire to Republics: The Collapse of the Spanish Monarchy and the Respatialization of America

The French Revolution did not have an explicit influence on Spanish America in terms of inspiring the emergence of revolutionary movements. Rather, before the outbreak of the revolution in Saint-Domingue, Spanish American colonies were experiencing a period of relative stability. For example, the great Andean rebellion, as well as other Indian and anti-fiscal movements in the continent, had been defeated and local elites started enjoying certain advantages of the Bourbon reforms, like the decree on *comercio libre* (free trade), which ended the trade monopoly with Cádiz, offering Spanish American and Spanish merchants the possibility to engage in commerce with other Spanish and Spanish American ports.

Nonetheless, the indirect impact of the French Revolution on Spanish American societies was of great importance, which took on three forms. First, its consequences on the French colonies in the Caribbean, and especially in Saint-Domingue, produced a high amount of fear among the Creole elite and the colonial authorities. For the elite in Spanish America, the real revolution was not the revolution in France, but the Haitian Revolution of 1791–1804, a revolution of former black slaves and free people of colour in the most densely populated slave region of their world – the greater Caribbean. The colonial authorities of the Spanish Empire and all the Creole elite feared a possible rebellion or revolution of the *castas* (free people of colour), which explains why they described all conspiracies and rebellions as French or as a revolution. The territories with the most intense contacts were the Spanish colony of Santo Domingo (formerly Hispaniola, the first and oldest Spanish territory in the New World), Cuba, Puerto Rico, and Tierra Firme (the Caribbean parts of the northern coast of South America – known then as the Captaincy General of Venezuela and the Caribbean parts of New Granada, today Colombia and Panama). Waves of refugees – French émigrés and prisoners – fled to Spanish territories in search of a place to stay, but colonial authorities began to stop French citizens who wanted to cross the border to prevent the entry of revolutionary agents. This was linked to anti-revolutionary fever and paranoia, and it

extended to building a kind of cordon sanitaire around the French colonies in the Caribbean.[1]

Second, France, in the sense of an expansionistic French Empire, had a strong influence during the Napoleonic era, culminating in the occupation of Spain and the usurpation of the throne in Madrid. It was this event that triggered the revolutionary movements leading to the independence of the Spanish American colonies from the metropole. As historiography has largely demonstrated in the last decades, the transfer of the Portuguese court to Brazil in 1807 and the crisis of the Spanish monarchy in 1808 represented the main causes of the Iberian independence movements between 1810 and 1826.

Third, together with the American Revolution, the French Revolution and its reverberations in the Caribbean, contributed to the spread of new ideas. The declaration of human and citizens' rights as well as the principles of national sovereignty, constitutionalism, republicanism, and federalism played a crucial role in the political debates during the revolutionary period, suggesting to Spanish American patriots possible solutions for building new political regimes.

These three impacts – indirectly produced by the French Revolution – intertwined to engender a process of change in Spanish America. Central to the drive for the reorganization of this imperial space was not only the redefinition of the territory, but also larger debates on citizenship. As Jane Burbank and Frederick Cooper rightly show, in British North America, the French Caribbean, Spanish South America, and elsewhere the struggle for political voice, rights, and citizenship took place within empires before becoming revolutions against them.[2] The results of these contests were not consistently national. Debates about citizenship, thus, cannot be separated from the spatial reorganization of the territory. The imperial crises brought about by the Napoleonic invasion of the Iberian Peninsula created a tremendous power vacuum that no one or institution could legitimately fill. This aspect, along with the spread of new principles of popular sovereignty, citizenship, constitutionalism, and republicanism entailed a strong fragmentation of sovereignty, which permitted local communities to resume power and become the key political components in this process of respatialization.

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1 A.E. Gómez, "La caribeanidad revolucionaria de la costa de Caracas. Una visión prospectiva (1793–1815)", in: V. Hébrard and G. Verdo (eds.), *Las Independencias hispanoamericanas. Un objeto de estudio*, Madrid: Casa de Velázquez, 2013, pp. 35–48.

2 J. Burbank and F. Cooper, *Empires in World History: Power and the Politics of Difference*, Princeton: Princeton University Press, 2010, p. 7.

From the Federal Monarchy to the Federation of Communities

The invasion of the Iberian Peninsula by French armies in 1807 and the consequent abdication of the Spanish royal family in 1808 produced one of the most serious political crises in the history of European dynasties. This crisis led to the liberal Spanish revolution in Europe and the independence of most Spanish American colonies from Spain. According to classic historical interpretations, this event marked the beginning of a new era both for the Spanish nation and the Spanish American countries: the birth of the modern period as opposed both to Ancien Régime systems and to colonialism.[3]

Nevertheless, as more recent studies have demonstrated, the Spanish crisis did not start in 1808, but was instead the result of a broader and longer process that had appeared in the second half of the eighteenth century. According to these interpretations, the Spanish crisis should be situated between an interimperial conflict – that started with the Seven Years' War – and an internal transformation pursued by the Bourbon reforms.[4] Above all, these works highlight the Spanish efforts to place the monarchy in an international scenario characterized by the imperial conflict between Great Britain and France. Spain had always sided with France (both in the Seven Years' War and the American Revolution), except in the period after the outbreak of the French Revolution, when it allied with other conservative monarchies against France. The Treaty of Basel (1795) and its successor (the Treaty of San Ildefonso [1796]), agreed upon between the Thermidorian Convention and the Spanish prime minister, Manuel de Godoy, sanctioned the restoration of the traditional alliance and the definitive subordination of Spain to its powerful neighbour.[5] In the French authorities' eyes (from the Directory to Napoleon Bonaparte), the Spanish ally was only a pawn of French imperial politics: on the one side, it was considered a granary from which France could extract natural resources – including the precious metals from America – and an extensive market for French manufacturers; on the other side, it was used as a means to oppose the maritime power

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3 M. Artola, *Los origines de la España contemporánea*, 2nd ed., Madrid: Centro de Estudios Políticos y Constitucionales, 2000.

4 T.H. Donghi, *Reforma y disolución de los imperios ibéricos, 1750–1850*, Madrid: Alianza, 1985; J. Adelman, *Sovereignty and Revolution in the Iberian Atlantic*, Princeton: Princeton University Press, 2006; B.R. Hamnett, *The End of Iberian Rule on the American Continent, 1770–1830*, Cambridge: Cambridge University Press, 2017.

5 E. de la Parra, *La alianza de Godoy con los revolucionarios (España y Francia a fines del siglo XVIII)*, Madrid: Consejo de Investigaciones Científicas, 1992.

of Great Britain. The treaty of subsidies (1803) and that of the Consolidación de Vales Reales (1804) – which obliged Spanish American and especially New Spanish churches, monasteries, confraternities, religious hospitals, and colleges to dispose of their wealth in favour of the needs of French liquidity – as well as the Battle of Trafalgar (1805) are all signs of Spanish subordination to France's imperial politics.[6] It was exactly in this period that two important events occurred that shook up Spanish America before the 1808 crisis: Francisco Miranda's attempt at insurrection in Venezuela and the British invasion of Río de la Plata in 1806. Both were possible because of the weakness of the Spanish defences after Trafalgar. Even though these attempts failed, they had revealed the fragility of the Spanish Empire as well as the increasing opposition of the Spanish American population to the politics of metropolitan authorities.[7]

The invasion of Spain by French troops in 1808 was the final act of the politics of imperial subordination that had started some decades before. Bonaparte's strategy, in line with the Spanish authorities according to the secret agreement at Fontainebleau, initially established the invasion and partition of Portugal – a traditional ally of Great Britain – whose European and American ports (Lisbon, Porto, and Río de Janeiro) were important strategic bases for the British maritime forces. The invasion of Spain was a consequence of the failure of the initial project, since, thanks to British assistance, the Portuguese court fled to Río de Janeiro, transforming the colony into the political centre of the Portuguese Empire. The unexpected military crisis in Spain was exacerbated by the Bourbons' acts: instead of fighting against the aggressor, Carlos IV and his son Fernando VII renounced the throne in Bayonne in 1808. Napoleon transferred the Spanish crown to his brother, Joseph Bonaparte, and a few days later a new constitution, the Bayonne Charter, was published, establishing the full subordination of Spain to the politics of France.

This act represented a real challenge to European dynastic history: since medieval times, a royal family had never renounced its throne without a war or a family alliance. One of the main principles regulating royalty established the

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6 C. Marichal, L*a bancarrota del Virreinato. Nueva España y las finanzas del imperio español, 1780–1810*, Mexico City: Fondo de Cultura Económica, 1995; G. von Wobeser, *Dominación colonial. La consolidación de los Vales Reales, 1804–1812*, Mexico City: UNAM, 2003.

7 The *Consolidación de Vales Reales*, in particular, was perceived as one of the most unfair measures of European despotism and was abolished after the 1808 crisis. The opposition to Spanish authorities' attitudes also increased in Rio de la Plata, where, as a consequence of the viceroy's flight with the royal treasure during the British invasion, the territory was defended by the local militia of Buenos Aires.

distinction between the sovereign as a physical and a legal person, between his personal estate and that of the crown. Whereas the first was alienable, the latter was not because it was associated with the office and not with the person. Being an administrator of the crown, the king could not dispose of the crown's assets and possessions without the agreement of the kingdom.[8] The Bourbons committed an illegal act because they did not respect one of the main duties of a monarch, which is the inalienability of the kingdom. As a jurist of the junta (autonomous assembly) of Quito affirmed in 1809 to defend himself from the charge of disloyalty towards the Spanish authorities: "the disposal is illegal: not because of the liberty of the transferrer, but because of the impossibility of the divested thing [the kingdom], since its character is absolutely inalienable; consequently the transferrer has not the ability to freely dispose of it".[9]

The reaction to these events was particularly strong in the Iberian Peninsula, not only because of the French invasion but also because the illegal act committed by the Bourbons. In fact, the Spanish "war of independence" against the French was not led by the representative institutions of the monarchy (such as the Council of Castile) but was a popular rebellion against the agreement signed by Napoleon and the Bourbons in Bayonne. The Spanish population and the local institutions never considered Napoleon's brother, Joseph Bonaparte, their legitimate king. This royal vacancy led to the constitution of local juntas and thus to a fragmentation of sovereignty, on account of these institutions proclaiming themselves as the representatives of the absent king.[10] The need to form a united front against the French led to the formation of a Central Junta in 1809 and then to the summons of the ancient representative institutions of the monarchy, the Cortes of Cádiz, in 1810. The crisis of the monarchy therefore entailed a revolutionary process, which led to the end of absolutism and the triumph of liberalism with the publication of the Constitution of Cádiz in 1812.

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8 E. Kantorowicz, *The King's Two Bodies: A Study on Medieval Political Theology*, Princeton: Princeton University Press, 1957, pp. 347–365.

9 M.R. de Quiroga, "Alegato de Quiroga presentado en el primer juicio iniciado contra los próceres en febrero de 1809", *Memoria de la Academia Ecuatoriana correspondiente a la Real Española*, special issue (1922), pp. 62–100. Manuel Quiroga had participated in the first junta of Quito in 1809 and was arrested after its demise in 1809. He died in prison during the famous events of 2 August 1809, when the majority of leaders of the first junta were killed by the royalist troops coming from Lima and Guayaquil in response to an urban popular protest that wanted to liberate the prisoners.

10 R. Hocquellet, *Resistencia y revolución durante la Guerra de Independencia. Del levantamiento patriótico a la soberanía nacional*, Zaragoza: Prensa Universitaria de Zaragoza, 2008.

In Spanish America, the reactions to the abdications of the Bourbons were similar to those of European Spain.[11] Even though Napoleon sent emissaries to America to ensure that the new government was accepted, Spanish Americans never recognized his brother as the new king, since they considered the abdications an illegal act. However, the absence of a military occupation of America delayed the creation of local juntas, which were only formed in 1809 (La Paz and Quito) and in 1810 (Buenos Aires, Caracas, Santa Fe de Bogotá, and Quito). As in Spain, the abdications of 1808 entailed a process of political fragmentation because the territorial hierarchies that had structured the colonial space were overthrown. After the abdications, colonial authorities found themselves in a very critical situation: having been appointed by the Spanish king, they did not have any legitimacy to govern. This situation created a sense of disorientation among Spanish authorities as well as Spanish Americans. Who governed the monarchy? Who deserved obedience?

Even though the great majority of Spanish Americans expressed their opposition to Napoleon and their loyalty to Fernando VII – asserting their engagement to defend the Catholic faith and the motherland against the French, as the peninsular Spaniards – they thought that they could not defend their values without resuming power. In view of that fact that Fernando VII – the "desired king" as they called him – had left a power vacuum (he was in prison in France), Spanish American people had to assume power and govern in his name. It was not a revolutionary act; the crisis of 1808 had reactivated the traditional right of the communities to protect themselves from exterior threats. For example, in 1809 the junta of La Paz defined itself *tuitiva* (protective and defensive) of the people's rights. The first Spanish and Spanish American juntas did not introduce a revolutionary idea of sovereignty, that is to say the people being represented by the nation; rather, they declared themselves the depositaries of the sovereignty of the absent king. They had to protect him until his return.[12]

The context changed during 1810, when the Spanish American people realized that the peninsula had been completely occupied by the French as a result of the Spanish defeat in Ocaña in November 1809. Furthermore, the Central Junta, to which the Spanish American territories had sent their own delegates,

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11 On the similarities of the Spanish and Spanish American reactions to the crisis of 1808, see F.-X. Guerra, *Modernidad e independencias. Ensayos sobre las revoluciones hispánicas*, Madrid: MAPFRE, 1992.

12 On the juntas as depositaries of the sovereignty of the king, see J.M. Portillo, *Crisis Atlántica. Autonomía e independencia en la crisis de la Monarquía hispana*, Madrid: Marcial Pons, 2006, pp. 55–57.

had been dissolved at the end of this same year and replaced by a regency council. The Cortes of Cádiz had been summoned according to the principles of modern representation. After having declared that the sovereignty now lay in the Cortes of Cádiz – which represented the nation – Spanish and Spanish American delegates started debates for writing a new constitution. Many Spanish American territories, however, did not recognize either the regency council, the heir of the Bourbons, or the Cortes of Cádiz, where the Spanish American delegates were outnumbered. Thus, the majority of the 1810 juntas were no more than depositaries of the sovereignty of the king, but they now governed in the name of the people that they represented. This change led some territories like Venezuela to declare its independence from Spain in 1811 and others to summon constitutional congresses for writing new constitutions. Nevertheless, the independence from the Iberian Peninsula was not considered absolute, since many Spanish American provinces intended to maintain their links to the monarchy, conceived as a form of government rather than a particular dynasty. The monarchy was by then perceived as a federal political entity, in which sovereignty was shared by the numerous parts of which it was composed.

During the crisis of the Spanish monarchy, sovereignty was resumed by the *pueblos* (cities) more than the *pueblo* (in the singular meaning people). The lack of an armed conflict did not lead Spanish Americans to unite their efforts against a common enemy. On the contrary, they gained what they had always sought: a complete autonomy from the metropole both politically and economically, or, as Txema Portillo defines it, the fulfilment of the *sueño criollo* (Creole dream).[13] The juntas were generally composed of members of the most prominent families of the Spanish American cities, who had already held public office in the *cabildos* (colonial municipalities). Indeed, it was the *cabildos* that most vocally promoted the idea of the juntas. Spanish *cabildos* were the only legitimate institutions that could represent the territory in the absence of the king seeing as they were the unique colonial institutions that had enjoyed representative power before the monarchy, speaking for the urban and the rural areas under their jurisdiction.[14]

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13 J.M. Portillo, *El sueño criollo: la formación del doble constitucionalismo en el País Vasco y Navarra*, San Sebastián: Nerea, 2006.
14 Spanish American municipalities exercised their jurisdiction not only in the urban area, but also in the rural areas that surrounded the city. On the importance of *cabildos* during the crisis of the monarchy, see F. Morelli, "Orígines y valores del municipalismo americano", *Araucaria: Revista Iberoamericana de Filosofía, Política y Humanidades* 9 (2007) 18, pp. 116–285.

The crisis of the monarchy exposed another level of tension: the rivalry between capital city elite and their counterparts in the provincial towns. The assumed hegemony of the former usually provoked serious opposition or outright resistance from the latter. There were several outstanding examples of this all over Spanish America. This tension caused a serious territorial fragmentation, since the provincial cities did not recognize the sovereignty claimed by the juntas of the capital cities like Quito, Buenos Aires, Santa Fe de Bogotá, and Caracas, which sought to maintain unity in their respective colonial districts (*audiencia* [appeals court and its jurisdiction], captaincy, or viceroyalty). The other municipalities claimed the right to assume sovereignty and create their own local governments. This situation led to internal conflicts, which were not exclusively characterized by the opposition between patriots and royalists, but essentially between capital and provincial towns (Buenos Aires against Montevideo, Bogotá against Cartagena and Tunja, Quito against Cuenca and Guayaquil, and Caracas against Valencia).[15]

This kind of split was exacerbated by the application of the Spanish Constitution of Cádiz in those areas that had not declared their independence from the Regency,[16] such as Mexico, Central America, and the Andean region. In the last decades, historians have largely recognized the importance of the constitution for Spanish America. We should remember, however, that constitutional alternatives were put forward in several territories, such as Venezuela, New Granada, Mexico, Chile, and the River Plate between 1811 and 1816. These alternatives clearly emphasized that many Spanish Americans believed that if the Spanish monarchy were to become constitutionalized, there was no reason why there should be one constitution for the entire monarchy. That means that they rejected the idea, persisting among peninsular constituents, that the monarchy consisted of "one sole nation". Despite the Spanish Americans' pluralist vision of the monarchy, the Constitution of Cádiz was conceived as an "imperial constitution" that should be applied to all the territories belonging to the Spanish monarchy.[17]

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15 On the conflicts between capital and provincial towns, see, e.g., D.G. Ardila, *Un Nuevo Reino. Geografía política, pactismo y diplomacia durante el interregno de Nueva Granada (1808–1816)*, Bogotá: Universidad Externado, 2010; G. Verdo, *L'indépendance argentine entre cités et nations*, Paris: Publications de la Sorbonne, 2006.

16 The Regency was governement that ruled during the absence of Fernando VII.

17 J. Fradera, "Empires in Retreat: Spain and Portugal after the Napoleonic Wars", in: A.W. McCoy, J.M. Fradera, and S. Jacobson (eds.), *Endless Empire. Spain's Retreat, Europe's Eclipse, America's Decline,* Madison: The University of Wisconsin Press, 2012, pp. 55–73. Fradera makes the distinction between the imperial constitutions, which were theoretically inclusive of the colonial territories, like the Spanish Constitution of Cádiz of 1812, the Portuguese

Spanish historians have extensively debated the nature of this Spanish constitution. Whereas some defend its revolutionary character – underlining the introduction of national sovereignty, the division of powers, and the abolition of Ancien Régime privileges – others maintain its traditional nature, stating that the text "constitutionalized the ancient laws of the Spanish monarchy".[18] The reference to the ancient laws of the monarchy, included in the constitution's preamble, not only is instrumental but also describes a specific way to consider the relationship between the new and the ancient laws: the new legislation was subordinated to the compatibility between the constitution and the ancient laws. The link with the past is evident, for instance, when looking at the definition of the Spanish nation given by the text. That definition does not imply a new concept of the territory, which continues to constitute the territorial subjects inherited from the Ancien Régime: *audiencias*, provinces, municipalities, and parishes. Thus, the territory of the Spanish nation not only corresponded to the area where its members lived; rather, it included all the territorial subjects inherited from the Ancien Régime without creating new territorial districts able to break the ancient social bonds.

Furthermore, the constitution accorded considerable powers to local institutions, such as the municipalities and provinces. They were elected by the local population and had important political and jurisdictional functions. Whereas the Spaniards considered municipalities and provincial deputations to be formally subordinated to executive power, Spanish Americans considered them representative institutions of *pueblos*, as the Cortes of Cádiz were of the entire nation. These two interpretations reveal two different ways of envisaging the Spanish nation: while that of the Spaniards tended towards a centralized nation, the one proposed by Spanish Americans shaped a sort of federal nation, where municipalities and provincial deputations shared sovereignty with the Cortes of Cádiz. Even though the Spanish deputies blocked an amendment proposed by the Guatemalan deputy, Antonio de Larrazábal y Arrivillaga – which declared that the provincial deputation had the possibility to suspend laws that were considered detrimental to the province – the instability caused by the wars and the lack of a legitimate king contributed to the transformation of the

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Constitution of 1822, and the French Constitutions of 1793 and 1795 and the dual-regime constitutions, which established special legislation for the colonies and became the nineteenth-century norm.

18 C. Garriga and M. Lorente, *Cádiz, 1812. La constitución jurisdiccional*, Madrid: Centro de Estudios Políticos y Constitucionales, 2007.

municipalities and the provincial deputations into real sovereign powers, deepening the territorial fragmentation initiated by the crisis of the Spanish monarchy.

This extreme political fragmentation explains why there are no state declarations of independence from Spain before 1814 (except in Paraguay). Cities, such as Caracas and Cartagena, had also declared their independence, but this was not recognized by the other provinces. The crisis of the monarchy and the application of the Constitution of Cádiz, in fact, had left the Spanish American territories in a situation of complete autonomy. At that time, independence from Spain was not an essential goal, and the same term "independence" was not associated with nationhood. Instead, independence meant either equality between Creoles and peninsular Spaniards or the right of a political community to self-government. The analysis of the first "declarations of independence" in Latin America reveals that the term did not always refer to only Spain but also to other political entities, like independence from the viceroyalties or other political authorities.[19] As David Armitage illustrates by analysing the declaration of 1776, independence at that time did not mean independence from a colonial power, but the liberty of a state or a political community to act freely with respect to other states or external authorities, including the ability to make agreements to voluntarily limit its own liberty. Many Spanish American cities defined themselves as "independent" even if they were still formally parts of the Spanish monarchy or other political entities.

The situation changed with the restoration of absolutism that followed the defeat of Napoleon as well as Fernando VII's decision to send military expeditions to reconquer America in 1814. The civil and internal conflicts were transformed into an international war against Spain: Spanish Americans became Americans and the Spaniards became the enemy to be defeated. The term "independence" changed into "absolute independence" in order to differentiate it from the "soft independence" of the previous period. The armies that liberated South America from the Spanish dominion helped create new territorial identities, such as Gran Colombia, which corresponded to the territory liberated by the Bolivarian armies (Colombia, Ecuador, Venezuela, and Panama).[20]

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19 A. Ávila, J. Dym, and E. Pani (eds.), *Las declaraciones de Independencia. Los textos fundamentales de las independencias americanas*, Mexico City: El Colegio de México – UNAM, 2013.
20 C. Thibaud, *Repúblicas en armas: los ejércitos bolivarianos en la guerra de independencia en Colombia y Venezuela*, Bogotá: Planeta, 2003.

Nevertheless, because of the strong political fragmentation during the crisis of the monarchy and the wars, the efforts to reconstitute Spanish American territory after independence proved to be extremely difficult. Moreover, these attempts did not coincide immediately with the model of nation-state. During the first decades of independence, there were various attempts to reconfigure the spaces of the monarchy, such as Gran Colombia or the empire of Iturbide (which included Mexico and Central America), that were larger than the future states of the continent. These political entities were based on the agreement between provinces and *pueblos*, the subjects that had recovered sovereign powers during the crisis of the monarchy. Similar to the notion of federations of communities elaborated by Rousseau, these projects represented a potent alternative to the centralized nation-state, even though their origins lay in colonial charters and rights as well as especially in the political and territorial power of both the Spanish and Indian *cabildos* (municipalities) – significantly called "republics". During the independence period, these colonial traditions were articulated with a new republican language. The federation or confederation models (during this period "federation" and "confederation" were equivalent terms) appeared the most appropriate to transform the territorial fragmentation produced by the imperial crisis into new political spaces because it permitted the transfer of sovereignty from *pueblos* or communities to larger territorial entities, such as provinces, regions, or states. In the decades following independence from Spain, every effort to build a state had to come to terms with the power of the *pueblos*.

Local vs. National Citizenship

The dynamics engendered by the dissolution of the Spanish Empire had a strong influence on the meaning of citizenship, since the spatial fragmentation allowed local communities to be essential participants in the definition of citizens. As Tamar Herzog's work clearly demonstrates, the role of local communities in attributing rights and duties and in defining the people's status was not new in the Hispanic world, resulting from practices that developed during the early modern period.[21] These legal traditions did not disappear with the advent of liberalism and revolutionary principles; rather, they intermingled

21 T. Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America*, New Haven: Yale University Press, 2003.

with the definitions of citizenship that emerged from the ideal of individual and universal rights. The figure of the individual citizen, enjoying the same rights and duties as all other citizens of a state as well as fundamental human rights, has always been an assertion and not the real essence of citizenship. This is even more evident in the nineteenth century, when, beyond the idealistic relationships between an individual and the state, other forms of social affinities continued defining the meaning of citizenship.

In addition to the influence of long-standing legal practices, in the Atlantic context the definition of citizenship proved to be more problematic because of the difficulty of creating new political subjects – now based on nationhood – in the place of the fragmented, multicommunity, and multiethnic empires. The latter had been constructed on the politics of difference, which meant the existence of different and hierarchic spaces of citizenship: the subjects of an empire enjoyed different rights depending on their position within the social scale and on their skin colour. Differentiation helped these extended political communities maintain order, collect taxes or tributes, and recruit military resources.[22] The transformation of this composite pluralism into a homogenous nation of citizens was a huge challenge. Defining those who composed the nation and could participate in the definition of its political representation proved to be a very formidable task, hence the ambiguous definitions of those who were meant to be the citizens of the new nations.

When the constituents in the Cortes of Cádiz addressed the issue of membership and citizenship in the Spanish nation, various constitutional texts could have served as models; however, they largely drew inspiration from the past. The constituents adopted a definition of Spanishness and Spanish citizenship that was based on the seventeenth- and eighteenth-century discussions regarding *vecindad* and *naturaleza*. Instead of defining the nation in cultural, linguistic, or ethnic terms, the constitution described Spaniards as people permanently residing on Spanish territories in both the Old and the New World. More importantly, rather than establishing clear requirements (such as rent or property) to exercise active citizens' rights, the definition of a citizen was based on the traditional concept of *vecino*.

Vecindad was a term that originated in Castile in the eleventh and twelfth centuries during the period of reconquest and resettlement. The term initially designated the privileges and duties of individuals who were willing to abandon their communities of origin and settle in lands recovered from the Muslims and now under Christian control. By the seventeenth and eighteenth centuries,

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22 On the politics of difference, see Burbank and Cooper, *Empires in World History*, pp. 11–12.

the *vecindad* status lost its immediate relation to immigration and it came to imply a wide range of fiscal, economic, political, social, and symbolic benefits in return for the fulfilment of certain duties. Normally, *vecinos* could use communal property, especially communal pastureland; participate in managing local affairs through the local council; and enjoy special commercial privileges, such as lower tariffs. Among the duties of *vecinos* was the obligation to submit to the local authorities, pay their fair share of the taxes levied on the community as a whole, join the local militia, and reside in the community. In Spanish America, *vecindad* became a status based on reputation, which mostly had a social significance. This integration of the *vecino* into the community depended on the wishes of each candidate as well as on the willingness of the other members to respect them. Municipal or colonial intervention was not necessary to constitute citizenship, since citizenship status was automatically attained once the newcomer began acting as a citizen.[23]

This local and social aspect of citizenship also determined its vertical and political dimensions because those who were recognized as *vecinos* (citizens) in local communities were, by extension, *naturales* (natives), that is to say subjects of the kingdom. Because integration was always carried out within the confines of the specific local community where one settled, owned a house, and demonstrated in other ways that one sought and deserved membership, it was through their adhesion to local communities that people, both native-born and immigrants, became eligible for rights in the local community and the community of the kingdom. Thus, the integration into local communities was fundamental to the recognition of these individuals as both citizens and natives. Rather than imposed from above, the distinction between citizens and non-citizens, natives and foreigners, came from below. It was negotiated socially, in day-to-day interactions, and depended on social negotiation and on an ongoing conversation among different actors, local groups, and colonial authorities. It was a by-product of the activities of people and groups fighting to defend their interests and protect what they argued was the common good. State and king were to a large degree external to these processes. In the normal course of things, people became citizens and natives, or lost their status as such, without any official intervention. Royal and municipal authorities intervened only when the members of the community failed to negotiate these arrangements on their own. Charged with identifying both *vecinos* and *naturales*, local communities therefore became gatekeepers of the kingdom community.[24]

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23 Herzog, *Defining Nations*, pp. 62–63.

24 Ibid, p. 204.

Depending on one's intentions and reputation as well as on the approval of the other community members, citizenship, unlike today, was not a status but a process. The citizen status could be lost following the death of a parent or out of the necessity to leave the community of residence. On the contrary, it could be acquired when one person was integrated into a line of succession or established new social relationships through credit loans. Given the ways in which citizenship could be acquired or lost in the early modern period, the concept of alien or foreigner was not referred to as one's geographical provenance; instead, it indicated his/her exclusion from a local and political community.[25] Even though this condition could be transitional, it was a prospect present for all inhabitants.

The early modern concepts of *vecindad* and *naturaleza* had a considerable influence on the definition of citizenship in 1812. Despite the separation between *vecinos* and *naturales* – which reflected the distinction between passive and active citizens of the French constitution – local citizenship still received serious consideration. Given this continuity with the past, and the implicit and explicit references to both *vecindad* and *naturaleza*, some of the delegates found it hard to understand why certain people were "Spaniards" but not "Spanish citizens". Many of them asked how someone could be a *natural*, yet not be a *vecino*. The granting of citizenship, they attested, embodied "los derechos de la ciudad" (the rights to the city), and it had to be extended to all natives who permanently resided in the territory. The nation itself was nothing more than a "collection of *vecinos*" some Spanish American delegates, such as José Miguel Guridi y Alcocer and Larrazábal, stated during the debates in the constituency.[26] Given the strong reference to the past, the transition to new models was only partially successful.

These arguments were further used by Spanish American delegates to oppose the decision of Spanish liberals to exclude *castas* (people of African descent) from the category of citizens. They did not understand why *castas* could have been declared *naturales* but not *vecinos*. Mentioning the traditional association between citizenship, domicile, and naturalization, they declared that membership in the Spanish community was obtained, first and foremost, by virtue of integration into a local community. Spaniards of African descent, who were already *vecinos* of Spanish communities or who acted as citizens by paying taxes and complying with other obligations, were, in their opinion,

25 S. Cerutti, *Etrangers: Etude d'une condition d'incertitude dans une société d'Ancien Régime*, Paris: Bayard, 2012; K. Parker, *Making Foreigners: Immigration and Citizenship Law in America*, New York: Cambridge University Press, 2015.
26 Herzog, *Defining Nations*, p. 154.

necessarily both *vecinos* and *naturales*, both Spanish citizens and Spaniards. "The justice claims the granting of the inferior title of citizens to the *castas*, since they have already been awarded the superior title of Spanishness", stated Uría.[27] In this case, the terms "inferior" and "superior" did not refer only to the horizontal and vertical dimensions of citizenship, but also to the fact that the first one legitimized the second one. "Consisting of the right of nativeness in that of citizenship", the latter could not be removed from *castas*, declared Larrázabal.[28] Another Spanish American delegate from Mexico, José Miguel Ramos Arizpe, went further, stating that "since the Spanish nation includes all the Spaniards from both hemispheres and it is the holder of sovereignty, the *castas*, having been declared Spanish, have to participate in this sovereignty and legislative power. In order to do this, they should be declared citizens, otherwise they have to give up their Spanishness and their participation in the sovereignty."[29]

The exclusion of *castas* from citizenship was the result not only of long-lasting prejudices against people of African descent but also of the strategies to reach the majority in the Cortes of Cádiz. All those participating in the debate were aware of the fact that the Spanish American population was much larger than the European one. Therefore, if Creoles, Indians, mestizos, mulattoes, and Africans were all admitted as full members to the community, not only would the majority of Spanish citizens be from America but Spanish Americans would also gain the majority in the Cortes of Cádiz. Since the number of deputies was proportional to the number of citizens, the issue of citizenship for people of Indian or African descent would determine the proportion of Spanish American deputies. From this moment forward, Spanish American representation became tied to discussions of racial equality, sparking one of the most intense and heated debates between Spanish and Spanish American deputies. Seeing that Spanish Americans had been formally granted equality, Spanish deputies could not openly express their fears at being outnumbered by Spanish Americans. Thus, they had to focus their attack on *castas*' qualifications for citizenship. As Marixa Lasso fully explains, this was of enormous significance, since it tied

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27 Uría on 4 September 1811. Congreso de los Diputados, *Diario de Sesiones, Legislatura 1810–1813*, n. 337, 1762, http://www.congreso.es/est_sesiones (accessed 11 April 2019).

28 Larrázabal on September 6, 1811. Congreso de los Diputados, *Diario de Sesiones, Legislatura 1810–1813*, n. 339, p. 1788, http://www.congreso.es/est_sesiones (accessed 11 April 2019).

29 Arizpe on 5 September 1811. Congreso de los Diputados, *Diario de Sesiones, Legislatura 1810–1813*, n. 338, p. 1788, http://www.congreso.es/est_sesiones (accessed 11 April 2019).

Spanish American representation to racial legal equality and Spanish delegates to racial discrimination.[30]

The exclusion of *castas* from citizenship was not, however, absolute. Article 22 of the Constitution of Cádiz recognized that there was the possibility for them to acquire citizenship under special circumstances, which included special services to the nation or special talents, legitimate birth, marriage to a legitimate wife, the establishment of a domicile, as well as the holding of a useful office, profession, or industry. In this case, they could request a letter of citizenship from the Cortes of Cádiz. Moreover, the definition of people of African descent was very ambiguous and left room for manoeuvre within local societies. The exclusion of citizenship concerned, in fact, those people who were "los que son habidos y reputados originarios de África" (reputed and considered to be of African origin). But, who decided if a person was of African origin? One Spanish American delegate stated that "the terms of the article are vague and are exposed to arbitrariness, since they do not state precisely who has to decide who are taking their origin from African parents, neither how and when this origin has to be considered outside the cases established by the law". This "would open the doors of the arbitrariness for those who have to decide", who can resolve "to admit or exclude someone from citizenship rights according to his own inclination".[31]

The ambiguous relationship between nationality and citizenship did not concern exclusively the status of people of African descent. It was a more general question about the meaning of citizenship and about who could legitimately determine it. Both for Spanish liberals and the Spanish American delegates, the horizontal definition of citizenship still had priority over its vertical definition: for both, citizenship should be defined by local society rather than the state. This is confirmed by the same constitution, which authorized local parish assemblies to determine, without possibility of appeal, who were citizens and who were not. These assemblies (called juntas) were composed of all citizens who were residents in the parish, would be presided over by the local judge and would meet in the presence of the local parish priest (Articles 35, 46, and 50). Thus, the determination of who was a Spaniard and who was a citizen was still locally based, and local communities continued to act as mediators between the individual and the nation as well as between the individual and his rights.

After separation from Spain, the definition of membership criteria of the new states did not change. Patterned after the Spanish Constitution of Cádiz, the

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30 M. Lasso, *Myths of Harmony: Race and Republicanism during the Age of Revolution, Colombia 1795–1831*, Pittsburgh: University of Pittsburgh Press, 2007, pp. 37–43.

31 Salazar on 5 September 1811. Congreso de los Diputados, *Diario de Sesiones, Legislatura 1810–1813*, n. 338, p. 1776, http://www.congreso.es/est_sesiones (accessed 11 April 2019).

majority of Latin American legal systems reproduced the identification between the citizen and the ancient Hispanic notion of *vecino*.[32] As a consequence, the mechanisms of incorporation into the national community were not imposed by the state, but resulted from complex dynamics between the state and society. Until the 1830s and, in some cases, until the 1860s, the practical assumption was that *vecinos* were also *ciudadanos* (citizens of the state). Because the issue was about acceptance into a local community, most Spanish American states, during the first half of the nineteenth century, allowed local authorities to decide who was a *vecino* and thus a *ciudadano*. Instead of a system of electoral lists, people were permitted to vote if the officials at the voting table, with the assistance of various representatives of authority (normally the local judge and priest, along with ethnic authorities in the case of Indians), recognized them as citizens. Laws did not define the conditions for *vecindad*. Despite being a commonly deployed term, decisions about *vecino* status could become extremely conflicted. While most scholars agreed that *vecindad* denoted local integration, the meaning and extent of the integration and the ways to prove it, were often contested. Current research suggests that disqualification for citizenship followed social prejudice, which sought to eliminate the vote of those considered inferior or marginal.

In the light of these rules and practices, nineteenth-century citizens were not abstract individuals forming part of a nation, but instead concrete individuals belonging to a specific local community. It was the local society made up of *pueblo*s – which had recovered their sovereign powers during the crisis of the monarchy and the wars of independence – that continued to define the citizens of the new nations. This strong connection between *vecindad* and national belonging reflects the fact that the new Spanish American countries were mostly the product of alliances between municipalities or local communities.

The case of Spanish America clearly shows that the Age of Revolutions is not characterized by the Atlantic dissemination of the French model. Even though emerging in open opposition to Napoleonic imperialism, the Spanish liberal revolution and the American independence movements embraced the new modern principles of popular sovereignty, citizenship, constitutionalism, and republicanism. Yet, because of the dynamics of the imperial crisis, these same precepts entailed a strong fragmentation of sovereignty that permitted local communities to resume power and become the key political components in the process of respatialization.

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32 H. Sábato (ed.), *Ciudadanía política y formación de las naciones. Perspectivas históricas de América Latina*, Mexico City: Fideicomiso de Historia de las Américas de El Colegio de México – Fondo de Cultura Económica, 1999.