

## «EQUALITY! THE SACRED RIGHT OF EQUALITY». REPRESENTATION UNDER CONSTITUTION OF 1812

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*Historians generally argue that Spaniards were not willing to grant Americans equal representation in the Cortes of Cádiz. This article examines the nature of representation in the Antiguo Régimen and the reasons inequality existed in the institutions that emerged after 1808, the Junta Central, the Regency, and the Cortes. Although it is true that the Peninsular majority refused to grant the castas full political rights, they acted to preserve equal representation for themselves in the Cortes. Their actions were predicated on an erroneous belief about the total population of the overseas territories. Opposition to granting the castas full political rights was also shared by some American deputies — those from regions with large African origin population—. Although the Peninsular majority failed to grant Americans the equal representation based on population that they desired, the Spaniards went further than the leaders of any other European nation. England never considered granting the white population of its North American possessions any representation in Parliament, much less equality.*

KEY WORDS: *Equality, representation, Junta Central, Regency, Cortes, Constitution of 1812, castas.*

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Although the Constitution of 1812 triggered a great political revolution throughout the Hispanic world, historians generally have been critical of the way Americans were treated. Many believe that Spanish Americans sought equality and that the *peninsulares* (Spaniards, people from the Iberian Peninsula) refused to grant it. The *Representación of Santa Fe de Bogotá*, prepared by the *asesor* (consultant) of the *ayuntamiento*, Camilo Torres Tenorio, and quoted in the title of this article, appears to reflect that conflict<sup>1</sup>. Moreover, the

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<sup>1</sup> Cabildo de Santa Fe, «Representación dirigida a la Suprema Junta Central de España», ALMARZA VILLALOBOS and ARMANDO MARTÍNEZ GARNICA (coords.), (forthcoming).

argument that the Bourbon reforms were a «revolution in government» and constituted a «second conquest of America» lends credence to those two beliefs<sup>2</sup>. Yet, the *Antiguo Régimen* (old regime) was a corporate society in which each group sought privileges rather than equality. Although political ideas, structures, and practices changed with vertiginous rapidity after 1808, much remained of the old order. Thus, a brief examination of some of the practices of the late eighteenth century is necessary before considering the transformations that occurred after Napoleon's invasion of the Iberian Peninsula.

#### REPRESENTATION DURING THE ANTIGUO RÉGIMEN

As part of the worldwide Spanish Monarchy, America had a tradition of representation that began in the early years of the conquest and reached its apogee with the Hispanic Constitution of 1812<sup>3</sup>. Many historians, however, question the nature of that representation, particularly during the late eighteenth century when two conflicting tendencies emerged in the New World: the sense of a local identity in the American kingdoms and the determination of royal officials to centralize government and transform the New World realms into more efficient sources of income for the Crown.

In recent decades, a number of historians have argued that a form of Spanish American patriotism emerged during the second half of the eighteenth century—a patriotism that insisted on the distinction between *españoles europeos* (European Spaniards) and *españoles americanos* (American Spaniards). The latter emphasized their love and ties to their lands, an attitude David Brading and others have called «creole patriotism» or «criollismo»<sup>4</sup>. One of the documents most quoted to make that point is the *Representación* of Mexico City of 1771. Yet, according to Annick Lempérière: «The *Representación* is not an example of protonacionalism, [as some have argued] but a well crafted juridical declaration [of rights] that is unassailable according to the most orthodox monarchical criteria»<sup>5</sup>.

In May 1771, the Most Noble, Most Loyal, Distinguished, and Imperial City of Mexico sent a *representación* to King Carlos III that began as follows: «For matters of importance to all North America, H. M. has decided that only

<sup>2</sup> BRADING, 1971: 33-92. LYNCH, 1973: 1-36.

<sup>3</sup> RODRÍGUEZ, O., 61 (México, 2005): 6-32.

<sup>4</sup> For an extended examination of creole patriotism see: BRADING, 1991.

<sup>5</sup> LEMPÉRIÈRE, 2000: 63.

this Most Noble City have a voice [relating to questions of importance to the kingdom] since it is the Head and the Court of all [the land]»<sup>6</sup>. The *ayuntamiento* (city council) reminded the king of the many contributions it had made to the Monarchy and of the significant titles, rights, and privileges the city had received over the years. The *ayuntamiento* argued in its lengthy *Representación* that New Spain was an autonomous kingdom within the Spanish Monarchy and that its natives possessed the right to the majority of posts, both civil and ecclesiastic. The learned *Representación*, in essence, reaffirmed the principle of mixed government and the right of representation.

Americans, however, did not argue that all *españoles europeos* should be excluded. They differentiated between *estrangeros* (those not born in the town) and *naturales* (those born in the town). *Estrangeros* who identified with America, married locally, acquired property, and fulfilled their obligations to their *pueblos* became *vecinos* (citizens) and adoptive *naturales*. Many others, particularly those Crown officials who worked in the New World kingdoms but who did not identify with them, remained foreigners. As the *Representación* of Mexico City declared:

«Although they are not considered ... foreigners in the Indies, it is clear that they do not identify with her. They maintain in Old, not in New Spain, their homes, their parents, their brothers, and everything that attracts men's inclinations. When they abandon their land to serve in a distant post, they do not change their nature...and they consider themselves transients in America, having as their object to return to the tranquility of their patria and their home...»<sup>7</sup>.

Therefore, those individuals lacked the rights to *vecindad* (citizenship) in the same way and for the same reason that Crown officials who lived in the towns of Castilla were denied those rights. They lived there temporarily, not because they loved, identified with, or committed themselves to the land, but because they had to work there for the Crown. In essence, therefore, *vecinos* were citizens of cities or towns who represented the interests of *the people*<sup>8</sup>.

Legal scholars generally define a *vecino* as the *padre de familia* (head of the household) who resided in an urban settlement that possessed its own government — that is, an urban settlement not dependant on another city or town.

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<sup>6</sup> «Representación que hizo la ciudad de México al rey D. Carlos III en 1771 sobre que los criollos deben ser preferidos a los Europeos en la distribución de empleos y beneficios de estos reinos», HERNÁNDEZ Y DÁVALOS (ed.), 1877, vol. I: 427.

<sup>7</sup> «Representación que hizo la ciudad de México al rey D. Carlos III en 1771», HERNÁNDEZ Y DÁVALOS (ed.), 1877, vol. I: 427.

<sup>8</sup> For a view different than mine, see: BERNABEU ALBERT, 2006.

In this sense, a *vecino* might be defined as a citizen of a specific city. Some maintain that *vecinos* had to be *naturales* of the city or town in which they possessed their *vecindad*. In a recent book, however, Tamar Herzog has argued that in Castilla, *vecinos* were not always *naturales* but also included individuals who identified with and fulfilled their responsibilities to the towns or cities in which they lived. They generally owned property, paid their taxes, fulfilled other obligations required of *vecinos*, and served in the town's militia. Thus, outsiders, among them natives of foreign lands, could and did receive the right of *vecindad*. In contrast, *naturales* who left and did not fulfill their obligations to the town were frequently denied *vecindad*<sup>9</sup>.

The Bourbon reforms were neither a revolution in government nor a second conquest of America — nor did they constitute a carefully orchestrated, determined, and well-executed plan of action. Rather the reforms consisted of a number of initiatives that responded to particular needs of the Monarchy. They did not, as is often asserted, represent a virulent form of colonialism. Instead, they were attempts by the Crown to devise more efficient methods of obtaining the financial resources required to compete in the increasingly hostile international arena. The cities, as representatives of their regions, constituted an important obstacle to that effort because they generally opposed tax increases<sup>10</sup>. Therefore, the Monarchy moved to reduce their power both in the Peninsula and in America. Whereas the Bourbon reformers sought greater control of municipal finances, they also granted the *vecinos* of the towns greater representation and authority in local matters.

In the 1760s, the Crown instituted municipal reforms, first in Spain and then in America. Concerned that public funds were being administered poorly, the Crown audited the records of the *ayuntamientos*. Therefore, it established a regulatory body, the *Contaduría General de Propios y Arbitrios* (General Accounting Office of City Finances), to review annually the expenditures of the cities. Subsequently, *visitador general* (inspector general) José de Gálvez carried out an audit of *ayuntamiento* finances in New Spain. After examining the accounts of Mexico City, he accused the *regidores* of corruption, alleging that in their transactions they favored their relatives and friends. Galvez and other reformers argued that the *venta de cargos* (sale of offices) contributed substantially to corruption and mismanagement. He recommended, and the Crown approved, the introduction of a *Contaduría General de Propios y Arbitrios* in New Spain.

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<sup>9</sup> HERZOG, 2003.

<sup>10</sup> LEMPÉRIÈRE, 2000: 55-71.

In 1766, Carlos III issued the *Instrucción de Diputados y Personeros* to reform municipal government in Spain. He declared: «Wishing to avoid in the towns all the vexations of poor administration or regime of councilmen that they may suffer..., and so that citizens know how [the town's funds] are managed and so that they may consider how best to spend them..., we order...»<sup>11</sup> that this reform be implemented. The introduction of *diputados del común* (representatives of the public) and *personeros* (especial magistrates) in the *ayuntamientos* generally has been interpreted as an effort by the Crown to establish greater control over municipal government by undermining the power of the *regidores perpetuos* (hereditary councilmen). However, it also expanded political participation considerably. *Vecinos* voted at the parish level for *compromisarios*, who in turn elected the *diputados del común* and the *síndicos personeros*. Those eligible to vote included not only nobles, professionals, and merchants, but also artisans and *campesinos* (peasants) as long as they had «a job or an honorable profession.» The social composition of each city or town determined who could vote. Because all the *vecinos* participated in the elections, the municipal reform constituted a significant step forward in the evolution of the suffrage. For the first time, the people — all the *vecinos* — voted as individuals rather than as representatives of corporations or groups.

Similar reforms were implemented in America in the 1770s. There the officials were called *regidores honorarios* (honorary councilmen) and *síndicos procuradores del común* (magistrates of the public). The number of those officials depended on the size of the city. The best information exists for New Spain. Mexico City, for example, could elect six *regidores honorarios* and two *síndicos* and Puebla could choose four *regidores honorarios* and two *síndicos*. The information on other regions is fragmentary. According to Reinhard Liehr, elections were held in Guadalajara, Veracruz, Jalapa, and Querétaro «as well as in San Luis Potosí, Zacatecas and in other cities in the viceroyalty»<sup>12</sup>. Moreover, François-Xavier Guerra states: «in New Spain many [*ayuntamientos*] included *diputados* and *síndicos personeros del común*, introduced by the municipal reforms of Carlos III and, therefore, elected by all the *vecinos*»<sup>13</sup>. Quite by accident, as I was not investigating the subject, I found a certificate

<sup>11</sup> RUBIO FERNÁNDEZ, 1989: 46.

<sup>12</sup> LIEHR, 1971, vol. I: 100.

<sup>13</sup> GUERRA, 1992: 192. In note 48 on the same page, he states: «We find a *síndico personero del común* in [the cities of] Querétaro, Puebla, Zacatecas, Guanajuato, San Luis [Potosí] and Veracruz and four *diputados del común* in Zacatecas, Guanajuato, Veracruz and also in Mexico City».

of election in the Archivo General de la Nación in México for the small town of Yxtlahuaca, which demonstrates that even in rural villages there was extensive suffrage. In this case, the voters included secular clergy, landowners, merchants, small shopkeepers, tavern keepers, artisans, and rural laborers. Among the voters were *españoles*<sup>14</sup>, *mestizos*, and Indians<sup>15</sup>. This suggests that political participation not only expanded in New Spain, but also that municipal reform was probably introduced extensively throughout the kingdoms of America. The introduction of widespread elections for the *diputados del común* and *síndicos personeros* constituted a step forward in the evolution of popular elections. Later, that system of indirect elections formed the basis for the electoral system established by the Constitution of 1812.

### THE ELECTIONS OF 1809

The crisis of the Monarchy and the events of 1808, both in Spain and in America, marked the start of a rapid transition in Hispanic political culture. *Los pueblos*, the cities, acted and continued to act for a time as the representatives of their regions. However, a new actor, *el pueblo* (the people), as the representative of an inchoate and still poorly defined nation, emerged on *dos de mayo* (May 2, 1808) when the people of Madrid drove the French troops out of the capital. Their temporary victory triggered a series of political and military events that transformed the Hispanic world. Individual provinces formed *juntas* to govern their region. Each provincial *junta*, invoking the Hispanic legal principle that in the absence of the king sovereignty reverted to the people, acted as though it were an independent nation.

The establishment of the Junta Suprema Central y Gubernativa del Reino (Supreme Central Governing Junta of the Kingdom), which first met on September 25, 1808, appeared to be a solution to the crisis of the Monarchy. However the body, formed by representatives of the *juntas* of the Peninsula, soon realized that it needed the support of the American kingdoms to conduct the war against the French. The Junta Central, therefore, recognized the Americans' claims that their lands were not colonies but kingdoms, that they consti-

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<sup>14</sup> The term *español* (Spaniard) included American Spaniards and European Spaniards, depending on where they were born. In this case, it probably included both groups.

<sup>15</sup> «Lista de los Vecinos que compusieron la Junta i votaron para Síndico Personero de esta Villa de Yxtlahuaca», Archivo General de la Nación, México, Ayuntamientos, vol. 141.

tuted integral parts of the Spanish Monarchy, and that they possessed the right to representation in the national government.

On January 22, 1809, it decreed that the four viceroyalties — New Spain, New Granada, Peru, and Río de la Plata, and five captaincy generals — Cuba, Puerto Rico, Guatemala, Venezuela, Chile, and Filipinas — each elect a deputy to represent them in the Junta Central. There were two stages in the election. First, the *ayuntamientos* of the provincial capitals elected candidates. Second, the *real acuerdo* (royal council) of each viceroyalty and advisory bodies in each captaincy general selected one individual to represent each of the nine political entities<sup>16</sup>.

In 1809, the kingdoms of Spanish America held the first elections for representatives to a monarchy-wide government, the Junta Central. The complicated and lengthy elections constituted a profound step forward in the formation of modern representative government for the entire Spanish Nation, as the Spanish Monarchy was now called. Moreover, the process explicitly recognized the ancient putative right of the provincial capitals of America — the *ciudades cabezas de partido* — to representation in a congress of cities. However, the degree of regional representation varied widely since New World authorities differed in their interpretation of the election decree. New Spain, with nearly half the population of Spanish America, granted only fourteen cities the right to hold elections, whereas, in the much smaller Kingdom of Guatemala, an equal number of cities enjoyed that privilege. The situation also varied widely in South America: twenty cities held elections in New Granada, seventeen in Peru, sixteen in Chile, twelve in the Río de la Plata, and six in Venezuela<sup>17</sup>.

The two-stage electoral process generally took months to complete. In some instances, such as in Valladolid, New Spain, charges of fraud had to be resolved. In others, such as Córdoba, Río de la Plata, the viceroy had to intervene before the city finally selected its representative. The city of Loja, in the southernmost highland region of the Kingdom of Quito, was forced to send its instructions indirectly to Santa Fe, the capital of the Viceroyalty of New Granada because an autonomist *junta* had assumed power in the city of Quito while Loja had been electing its representative. Several kingdoms, among them Guatemala, Chile, and Río de la Plata, were unable to complete the process before the Junta Central dissolved in January 1810. In most cases, the representatives were persons

<sup>16</sup> RODRÍGUEZ, O., 1998: 59-64.

<sup>17</sup> BENSON, 20/1 (Berkeley, winter 2004): 1-20. RODRÍGUEZ, O., 1998: 59-64. GUERRA, 1992: 177-225. ALMARZA VILLALOBOS and MARTÍNEZ (forthcoming). DYM, 2006: 75-82. RODRÍGUEZ, O., 2006: 65-69 and 134-138. PANIAGUA CORAZAO, 2003: 79-92.

of great prestige who held civil, clerical, or military positions. In Quito, for example, the men selected for the *terna*, although Americans, were members of the oligarchy: the Conde de Puñonrostro, a *grande* of Spain, and two young officers who were sons of quiteño nobles, Carlos Montúfar y Larrea and José Larrea y Jijón. The election in Quito was typical. First, the members of the *ayuntamiento* voted. Then the names of the three individuals with the greatest number of votes were placed in a bowl. Finally, a child, Antonio Albufa, selected one, which, in this case, turned out to be Larrea y Jijón<sup>18</sup>.

The 1809 elections constituted a profound step forward in the formation of a modern representative government for the entire Nación Española. For the first time, elections were held in the New World to choose representatives for a unified government for Spain and America. Some Americans objected, however, that they would not have equal representation. Each province of Spain possessed two deputies to the Junta Central whereas the nine American kingdoms were allocated one apiece. That criticism was valid<sup>19</sup>. However, as Nettie Lee Benson has observed, the Junta Central was fleeing from the French and did not know or understand the size and complexity of America. There is no evidence that it attempted to minimize American representation deliberately. The disparity was the result of ignorance.

Subsequently, the Junta Central attempted to address American concerns. When New Granada requested clarification of who was eligible for election to the Junta Central, that body replied that «The election of a deputy to the Supreme Junta Central of the Kingdom must fall on the subject who is a native of the province which elects him, or who is a *vecino* and has close ties to [that region], as long as he is American by birth»<sup>20</sup>. This clarification issued on October 6, 1809, confirmed the decision of the *ayuntamiento* of the city of Cuenca in the Kingdom of Quito to allow *vecinos* who were natives of Popayán and Buenos Aires to participate in the election<sup>21</sup>. It arrived too late to influence the

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<sup>18</sup> BENSON, 20/1 (Berkeley, winter 2004): 1-20. GUERRA, 1992: 190-205. Archivo Municipal de Quito, Actas del Consejo, 1809, ff23-24v.

<sup>19</sup> The clearest criticism came from *Representaciones* of Santa Fe de Bogotá and Socorro in the Reino de New Granada. There is no evidence of any criticism from the great Viceroyalty of New Spain, however. The *Instrucciones* and *Representaciones* from the cities of New Granada, Quito, and Venezuela appear in ALMARZA VILLALOBOS and MARTÍNEZ GARNICA (coords.), (forthcoming). Those from New Spain are published in ROJAS (comp.), 2005.

<sup>20</sup> «Comunicación de la Junta Suprema Central Gubernativa del Reino al virrey del Nuevo Reino de Granada para aclarar las reglas que deben seguirse en la elección de diputados de los dominios de América», ALMARZA VILLALOBOS and ARMANDO MARTÍNEZ GARNICA (coords.) (forthcoming).

<sup>21</sup> RODRÍGUEZ, O., 2006: 67-68.

elections in New Spain where the majority of the candidates elected by the cities — eight out of fourteen — were *peninsulares*. Since the individual elected to represent the North American kingdom was an American, no new elections were held in New Spain. The Junta Central's decision to require a native to represent their region would have a significant impact on subsequent elections within the Spanish Monarchy.

### THE ELECTIONS OF 1810

Unable to stem the French invasion, the Junta Central, in an effort to strengthen its legitimacy, decreed on January 1, 1810, that elections be held for a national *Cortes* (parliament). In Spain, each provincial *junta* and each city entitled to representation in earlier *Cortes* could select a deputy. In addition, a deputy was to be elected for every 50,000 inhabitants. Those elections were based on the municipal elections of *diputados del común y síndicos personeros* introduced by Carlos III in the municipal reforms of 1766. At the parish level, *vecinos* elected *compromisarios* who then selected parish electors; these electors, in turn, met in the capital of the *partido* to select *partido* electors. The latter then met in the provincial capital to choose provincial electors who finally elected the deputies from the province by means of lot<sup>22</sup>. That indirect electoral process, which provided for widespread representation, would be enshrined subsequently in the Constitution of 1812.

In spite of its best efforts, the Junta Central could not halt the French advance. Forced to retreat into the southern corner of Spain, the *Junta*, in an attempt to create a more effective government, appointed a five-member Council of Regency and dissolved itself at the end of January 1810. The delegate from New Spain to the Junta Central, Miguel de Lardizábal y Uribe, represented America in the new government. As its last act, the Junta Central charged the Regency with convening a *Cortes*.

The Council of Regency approved an entirely different electoral process for the New World. According to the decree issued on February, 14 1810: «The viceroyalties of New Spain, Peru, Santa Fe and Buenos Aires and the captaincies general of Puerto Rico, Cuba, Santo Domingo, Guatemala, Provincias Internas, Venezuela, Chile and the Filipinas shall have national representation in the Extraordinary *Cortes* of the Kingdom. There shall be a deputy for each capital of *partido* of these separate provinces»<sup>23</sup>. Once again the

<sup>22</sup> CHÁVARRI SIDERA, 1988: 1-90.

<sup>23</sup> *Gazeta del Gobierno de México*, tomo I, núm. 56 (May 18, 1810): 419-420. Timothy E.

besieged government in Spain focused on the four viceroyalties and the captaincy generals. This time, however, it identified eight captaincy generals instead of the five that participated in the 1809 elections for representatives to the Junta Central. Interestingly, the new *convocatoria* (decree of convocation) separated the Provincias Internas from the Viceroyalty of New Spain. Moreover, it continued to rely on the *partido*, a vague and undefined term, as the regional unit for elections. No provision was made for representation based on population. It is clear that the Regency did not know the number of *partidos* in the New World. The term *partido* was also used differently in Spain and Spanish America. The Peninsula, which was much smaller geographically than the New World, was divided into many intendancies and provinces, which in turn were divided into *partidos*. In contrast, America was organized into viceroyalties, captaincies general, *audiencias*, and *gobernaciones*, which included provinces that were divided into *partidos*. According to a recent study, New Spain alone had 250 *partidos*<sup>24</sup>. The royal authorities in America were not certain what the decree meant. Some interpreted the document to mean that the term *capitals of partidos* referred to provincial capitals. Others interpreted the *convocatoria* literally, and capitals of *partidos* elected deputies to the Cortes, although not all were able to travel to Spain<sup>25</sup>. As a result of different interpretations, the authorities in Guatemala reduced the number of cities that could elect deputies to the Cortes whereas those in New Spain increased the number of eligible cities.

The electoral decree also indicated that: «Their election [that of the deputies] shall be conducted by the *ayuntamiento* of each capital, naming first three *naturales of the province*, endowed with probity, talent and learning, and without any blemish; then one of the three shall be selected by lot. The one thus chosen shall be the deputy to the Cortes»<sup>26</sup>. Thus, the requirements for election and the electoral process were to be similar to those used in 1809 for elections

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Anna asserts, without evidence, that in America a deputy was to be elected for every 100,000 inhabitants in contrast to Spain, which elected a deputy for every 50,000 persons. ANNA, 1983: 66.

<sup>24</sup> BENSON, 20/1 (Berkeley, winter 2004): 1-20. COMMONS, 1993.

<sup>25</sup> RIEU-MILLAN, 1990: 10, quote 22.

<sup>26</sup> *Gazeta del Gobierno de México*, tomo I, num. 56, (May 18, 1810): 419-420. The italics are mine. The electoral decree is also published in HERNÁNDEZ Y DÁVALOS, 1877, vol. II: 37-38. Alfredo Avila appears not to know that a requirement existed that the diputado be a «natural de la provincia»; he writes, for example: «If there was a difference with the [electoral] process of the previous year, it was that in 1810 a good number of criollos or at least *individuals closely related to the colonials of their cities*.... Even in Veracruz, with its peninsular [dominated] *Consulado* (merchant's guild) a *criollo* was elected....» (The italics are mine). ÁVILA, 2002: 94-95.

for deputies to the Junta Central. There were, however, two major differences. The candidates had to be «*naturales* of the province», thus eliminating *españoles europeos* residing in America, and a deputy would be elected for each *ayuntamiento* rather than for each *reino*. Although observers, from Servando Teresa de Mier in 1813 to the present, have commented on the inequality of representation allocated to Americans in the Cortes<sup>27</sup>, the government in Spain was taking an extraordinary action. No other European metropolis granted its overseas territory comparable representation. The English parliament, generally believed to be the most advanced in the world, never considered granting its North American colonies anything but virtual representation.

### *The Elections of Suplentes*

Elections for the new representative government occurred while warfare engulfed the Peninsula and parts of America. Because many of the occupied provinces of Spain could not hold elections, and because distance delayed the arrival of many American deputies, the Regency decreed that fifty-five *suplentes* (substitutes), among them thirty from America and the Filipinas, be elected by individuals from those areas who were in Cádiz.

In 1810, Cádiz was swollen with refugees, Americans as well as *peninsulares*, who had retreated to the port from other regions of Spain to escape French control. As the September date for the inauguration of the Cortes approached, the Regency completed the list of Americans in Cádiz who would elect *suplentes* from their regions to attend the parliament. Faced with the problem of those New World regions in revolt, the Regency decided that the *suplentes* would represent the «healthy part» of the population in those provinces. It noted: «the rebels will say that they [the *suplentes*] are neither enough nor legal, but they will complain even more if they [the insurgent areas] are totally excluded»<sup>28</sup>.

On September 8, the Regency announced the electoral procedures. It allocated the overseas' provinces thirty *suplentes*, fifteen to *América Septentrional* (North America): New Spain seven, Guatemala two, Cuba two, the Filipinas two, Santo Domingo one, and Puerto Rico one; and fifteen to *América Meridional* (South America): Peru five, Santa Fe three, Buenos Aires three, Venezuela two, and Chile two. *Suplentes* had to be at least twenty-five

<sup>27</sup> ÁVILA, 2002: 92.

<sup>28</sup> Cited in RIEU-MILLAN, 1990: 34.

years of age and natives of the provinces that elected them. Members of the regular orders, convicted felons, public debtors, and domestic servants were not eligible. As in the case of the Spanish provinces, the electors were to gather by province and choose seven *compromisarios*, who then would select three to form a terna from whom one would be picked by lot. Because there were not enough Americans in Cádiz from each province to hold individual elections, the procedure had to be abandoned. Instead, the 177 American electors met as four regional groups to pick the New World *suplentes*: New Spain, Guatemala and the Filipinas; Santo Domingo and Cuba; New Granada and Venezuela; and Perú, Buenos Aires and Chile. Puerto Rico did not participate because its proprietary deputy, Ramón Power, was the only one from America who arrived in time for the opening of the Cortes. New World *suplentes* were a varied group; they included military men, lawyers, academics, clerics, and government functionaries. Two were *grandes* of Spain and one, Dionisio Inca Yupangui, was a Peruvian Indian who had served as a lieutenant colonel of dragoons in the Peninsula<sup>29</sup>.

Although the election of the *suplentes* was a temporary measure to ensure representation for those Spanish provinces and American kingdoms whose proprietary deputies could not arrive in time, a number of observers rejected them because they were elected in an unrepresentative and, according to them, illegal manner. The *Gazeta de Caracas* and the *Gazeta de Buenos Ayres*, both publications of autonomous *juntas*, protested that the *suplentes* did not represent America. Uncertain about the situation in Spain, the *Gazeta de Caracas* also questioned the legitimacy of the elections. Were they, it wondered, merely façades for French control? The *Gazeta de Buenos Ayres* labeled the *suplentes* «representatives by an alien will». It also questioned the right of Americans in Cádiz, whom it described as «a handful of adventurers without standing or authority» to elect deputies to the Cortes<sup>30</sup>. Similarly — after the first Regency was dismissed by the Cortes — Miguel Lardizábal y Uribe declared: «Who really believes that the provinces which have not sent their own deputies, will accept substantive reform and a constitution written by men whom they [the provinces] have not appointed nor given the authority to make such changes?»<sup>31</sup>. Servando Teresa de Mier, then a publicist, was even more caustic and hyperbolic: «The killing of Americans [in the New World] continued because they [the authorities] obeyed 200 fugitives in the Isle of León, among

<sup>29</sup> RIEU-MILLAN, 1990: 1-6.

<sup>30</sup> *Gazeta de Caracas*, tomo II, núm. 17, January 29, 1811. *Gazeta de Buenos Ayres*, February 25, 1811.

<sup>31</sup> Cited in RIEU-MILLAN, 1990: 9.

them 28 American refugees, who claimed, as a result of a popular riot, that they represented the nation even though they possessed no power other than that which they gave themselves. And with respect to the Americans, nearly all the provinces of America rejected them»<sup>32</sup>.

Despite the objections, the *suplentes* played a major role in the Cortes on behalf of their *patrias* and America as a whole. Indeed, some of them such as José María Couto and José María Gutiérrez de Terán of New Spain and José Mejía Llequerica of Quito became outstanding parliamentarians. Moreover, when the proprietary deputies from America arrived, most *suplentes* remained in the Cortes representing New World kingdoms that had failed to send proprietary deputies. The election of substitute deputies has confused many historians who believe that America was only allotted thirty deputies to the Cortes. They confuse the number of *substitute* deputies assigned to their territories (30) with the number of *proprietary* deputies (approximately 80) that their realms had the right to elect. Although Nettie Lee Benson noted this error more than forty years ago, prominent historians continue to commit it<sup>33</sup>. As a result, these scholars continue to emphasize the supposed great inequality of representation between the two regions of the Spanish Monarchy.

### *Elections in America*

Elections for proprietary deputies to the Cortes were held in America during late 1810 and part of 1811. Although insurgencies had erupted in various parts of the continent, most kingdoms, with the exception of Chile and parts of Venezuela, New Granada, and the Río de la Plata, participated in the electoral process. The elections had a great impact throughout the New World. The capitals of most of the provinces eligible to elect deputies consulted widely with the *villas* and *pueblos* of their regions. Each urban center prepared lists of their notables by consulting prominent individuals of the region. *Curas* discussed

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<sup>32</sup> SERVANDO TERESA DE MIER, «Manifiesto apológetico», MIQUEL Y VERGES y DÍAZ-THOMÉ (comp.), 1994: 153-154.

<sup>33</sup> BENSON, 1966: 4-8. The following are examples of distinguished historians who maintain that the Americans were allocated *only* 30 deputies to the Cortes. After mentioning the unequal representation America received to the Junta Central, François-Xavier Guerra asserts: «When elections are held a year later to the extraordinary Cortes, there are even greater inequalities since only 30 deputies represent America against about 250 for Peninsular Spain». GUERRA: 1995: 28. Josep M. Fradera declares: «against the two hundred deputies from the Peninsula, thirty corresponded to overseas, twenty eight for America and two for the Filipinas». FRADERA, 1999: 52.

the importance of the event at mass and outside of church; they emphasized the significance of participating in the government of the Spanish Nation in order to oppose the godless French who were a threat to the holy faith, the king, and the *patria*. During the process of consultation, there was widespread discussion in public places, such as plazas, markets, *garitas* (sentry posts), government buildings, parks, eating places, inns, and taverns. The elections in the provincial capitals were generally conducted in public and were accompanied by public ceremonies that usually began with a mass of *Espiritu Santo* and ended with a *Te Deum*, the ringing of bells and other public celebrations. Generally, the cities, *villas*, and *pueblos* decorated the center of the town to commemorate the festive occasion. In large capital cities, the celebrations were accompanied by the firing of cannon and fireworks. These events created a spirit of optimism and gave Americans a sense that they could overcome the grave political crisis engendered by the French invasion of Spain.

The islands of Cuba, Puerto Rico, and Santo Domingo were the first to complete the elections. New Spain, which was allocated twenty-two deputies, elected eighteen, but only fifteen from the provinces of Guanajuato, Tlaxcala, Puebla, Querétaro, México, Guadalajara, Valladolid de Michoacán, Veracruz, Mérida de Yucatán, San Luis Potosí, Zacatecas, Tabasco, Nuevo Reino de León, Sonora, Durango, and New Mexico managed to reach Spain. The Kingdom of Guatemala elected six deputies from Guatemala, San Salvador, Costa Rica, Nicaragua, Honduras, and Chiapas. One city in Venezuela, Maracaibo, elected a deputy. New Granada selected two to represent Quito and Panama, the areas that remained in royalist hands. Guayaquil, which had been temporarily attached to the Viceroyalty of Peru, also elected a deputy, as did the Peruvian provinces of Lima, Piura, Tarma, Trujillo, Chapapoyas, Arequipa, and Puno. Only Charcas and Montevideo elected deputies from the Viceroyalty of the Río de la Plata<sup>34</sup>.

The circumstances surrounding each election varied considerably. Quito provides an extreme example. After the autonomous Junta of Quito established in 1809 had disbanded, its members were arrested by the royal authorities. Some were killed when the populace unsuccessfully attempted to free them on August 2, 1810. Later, Carlos Montúfar, son of the Marqués de Selva Alegre who had presided over that *junta*, arrived in Quito as a representative of the government in Spain. He then helped establish a second *junta* on September 22, 1810, presided over by Governor Ruíz de Castilla with his father

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<sup>34</sup> BERRY, 1966: 11-16. RODRÍGUEZ, 1978: 44-47. RIEU-MILLAN, 1990: 36-38. RODRÍGUEZ O., 2006: 73-76. PANIAGUA CORAZAO, 2003: 96-106.

and Bishop José Cuero y Caicedo as members. A month later, on October 20, 1810, the new autonomous Junta of Quito held elections to select a deputy to the Cortes in Spain, choosing the Conde de Puñonrostro<sup>35</sup>. Like Quito, most areas of America considered the elections for the Cortes very important. Many individuals lobbied to be elected. In some provinces, the authorities sought to influence the elections. Personal and political conflicts delayed for months the final selection in a few cities, including Oaxaca, New Spain, and Puno, Peru. Some provinces, such as Texas, failed to elect a representative. Still others chose deputies but could not afford to send them to Spain<sup>36</sup>.

Since the electoral decree specified that the representatives had to be «natives» of the province, the process excluded Spaniards residing in the New World. Predictably, the *peninsulares* protested vehemently. As a result, the Regency modified the requirements on August 20, 1810, indicating, «that the *convocatoria* should not be interpreted as it sounds, [restricted only] to Spaniards born in America and Asia, but also those domiciled and resident in those countries as well as the Indians and the sons of Spaniards and Indians»<sup>37</sup>. The clarification reached the New World too late to affect the 1810 elections.

The decree addressed an issue important to Americans, however: Indians and *mestizos* were eligible to vote and to be selected as deputies. The Regency appears to have realized that by granting the capitals the right to elect the region's deputy it had inadvertently excluded Indians living in *repúblicas* (Indian communities). Therefore, it proposed «naming defenders to represent the Indians [in the Cortes], until a method is established for them to elect their own representatives»<sup>38</sup>. However, the proposal came to nothing. The Cortes convened, assumed sovereignty, and proceeded to restructure the Spanish Monarchy. Indians were defined as Spanish citizens by the Constitution of 1812 and subsequently participated in the electoral process. The political rights of those of African ancestry, however, remained unresolved.

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<sup>35</sup> Archivo Municipal de Quito, Actas del Consejo, 1809 a 1814, (October 20, 1810). ZÚÑIGA, 1945: 508-548.

<sup>36</sup> BENSON, 54 (Austin, July 1960): 1-22.

<sup>37</sup> «Decreto adicional al de 14 de febrero de 1810, para que los indios puedan elegir representantes a las cortes del reino», HERNÁNDEZ Y DÁVALOS, 1877, vol. II: 307-308. The natives of the Filipinas were also considered «indians.»

<sup>38</sup> «Decreto adicional al de 14 de febrero de 1810, para que los indios puedan elegir representantes a las cortes del reino», HERNÁNDEZ Y DÁVALOS, 1877, vol. II: 307-308.

## THE CORTES OF CÁDIZ

As their first act, the deputies to the Cortes of Cádiz declared themselves representatives of the nation and assumed sovereignty. It was the beginning of a great political revolution. Although it is difficult to determine the numbers of deputies who attended the Cortes of Cádiz, in part because they were not all there at the same time, 67 of an estimated 80 allocated under the *convocatoria* to its overseas possessions represented America and the Filipinas in a body of about 220 deputies<sup>39</sup>.

From the outset, the American deputies challenged the unequal representation between Spain and the New World in the Cortes. Led by Mejía Llequerica, on September 25, the day after the Cortes opened, they argued that the decrees restructuring the government of the Spanish Monarchy should not be published until the status of America was clarified. In a bid to gain equal representation, they demanded that new electoral regulations be issued that tied representation directly to population size and that the Cortes hold new elections under those rules in America. After some discussion, the president of the Cortes named a committee of ten Americans headed by Mejía Llequerica to prepare a report to be considered in the night session. That evening Mejía Llequerica reported that the committee believed it necessary to notify America, not only of the revolutionary decrees recently approved, but also to assure the New World «of its rights equal to those of the European Spaniards, of the extent of its national representation as an integral part of the Monarchy, and, finally, [the declaration ] of the amnesty, or more correctly, of the oblivion, into which it would be convenient to place some of the excesses that occurred in some countries in America»<sup>40</sup>.

The Americans' proposal sought to elect additional New World deputies on the same basis as the Peninsula: 1 for every 50,000 inhabitants before the

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<sup>39</sup> See LOVETT, 1965, vol. I: 371, note 33, for a review of the various estimates of the members of the Cortes. Federico Suárez identifies 67 deputies from overseas in SUÁREZ, 1982: 41-46, whereas Rieu-Millan lists only 63 in RIEU-MILLAN: 37; however, she does not include the deputies who represented the Filipinas. According to Miguel Artola, «Only 104 signed the minutes of the first session of the Cortes. The Constitution has only 184 signatures at the bottom of the page, and the minutes of the dissolution of the Cortes on September 14, 1813, includes 223 names. ARTOLA, 1975-1976, vol. I: 404. On the American deputies see: BERRUEZO, 1986: 55-299, for a detailed analysis of each American deputy.

<sup>40</sup> The quotes are found in *Diario de las sesiones de las Cortes Generales y Extraordinarias*, September 25, 1810: 6-7. Servando Teresa de Mier reproduced the text of the original American proposal that was published in *El Cosmopolita*: MIER, 1999: 528-529. On Mejía Llequerica see: CHUST, 2000: 43-62.

Cortes continued with the transformation of the Monarchy and the writing of a Constitution. Moreover, the American deputies insisted on counting as inhabitants all the free subjects of the king, including Indians and *castas* (persons of African ancestry). The *peninsulares* immediately opposed the measure because it would reduce them to a minority and transfer control of the government to the New World. Under the existing system, the Spaniards outnumbered the Americans, whereas under «equal» representation, the New World gained a three-to-two advantage<sup>41</sup>. Many Europeans and at least one American, the Peruvian Vicente Morales Duárez, considered the American measure «untimely»<sup>42</sup>. They believed it imperative to publish the decrees immediately and argued that the American question should be postponed. When the matter was brought to a vote, those favoring new elections lost<sup>43</sup>.

Mejía Llequerica raised the issue of representation again on October 1, 1810. Since the question of representation was tied to the issue of race, the debate became so inflammatory that the Cortes voted to discuss the issue in secret sessions. Unfortunately for the American cause, the representative from Lima, Vicente Morales Duárez, opposed political rights for the *castas*. Despite eloquent speeches by Mejía Llequerica, considered one of the best orators at the Cortes, and despite the nearly unanimous backing of the American delegates, the opposition prevailed<sup>44</sup>. The *castas* would not be counted. A compro-

<sup>41</sup> In part, the conflict stemmed from misleading estimates of the populations of Spain and America. At that time, Spain possessed a population of about 10.5 million people whereas, according to Humboldt's inflated figures that were accepted as accurate by the participants in the debate, the New World had a population of about 16 million.

<sup>42</sup> Vicente Morales Duárez described the proposal as: «the work of the other America, well conceived even before I appeared; it displayed its nonsense on the morning of the 26th. in a paper so ostentatious as to merit contempt and provided reason for whispers against Americans. It was then that the deputy from Peru [Morales Duárez], rushed to the tribune and said: The deputy from the kingdom of [New] Granada [Mejía Llequerica] must now abstain from speaking for America in general and limit himself to the kingdom which has granted his powers. Having spoken with [the deputies from] Peru, I contradict his arguments.... My country always loyal and respectful of the Crown does not need fashions, commentaries or new formulas to receive with the greatest joy the glorious news about the inauguration of the most august congress of the nation, and to pay its member the most pure and sincere homage from the best vassal.» Quote in KING, 33/1 (Durham, February 1953): 40, note 14.

<sup>43</sup> *Diario de las sesiones de las Cortes Generales y Extraordinarias*, September 25, 1810: 6-7.

<sup>44</sup> Mejía Llequerica went to extremes in arguing the case for equality of the castes on October 2. During his speech, he fell dramatically on his knees imploring his colleagues to grant the castes equality. Although his oratory is alleged to have drawn tears from the galleries, it was not sufficient to move enough of his fellow deputies. One declared: «One does not come here to move hearts, but to demonstrate truths». The *Diario de las Sesiones* did not reproduce

mise on the question of representation emerged on October 15 when deputies agreed that «the natives whose origins are from European or overseas dominions possess the same rights as those from the Peninsula [...]». The *castas*, who «originated» in Africa, were, therefore, not considered «*naturales*» of the Spanish dominions. Since the *castas* were thought to number about 5.5 to 6 million, the compromise equalized the populations of Spain and America for purposes of representation. Although 21 Spaniards supported the Americans' demand that elections be held immediately to increase America's representatives, the Peninsular majority refused because its members believed the urgency of the war in Spain made delay ill advised. The Europeans placated the Americans by reaffirming that the Spanish dominions in both hemispheres formed one Monarchy and by offering to overlook the «commotions» in the New World<sup>45</sup>. Although they did not immediately receive equality, the compromise briefly mollified the Americans. The Europeans — particularly the *liberales* — were pleased and grateful for the compromise because it ensured that the Cortes' legitimacy would not be challenged during the increasingly harsh French siege.

The American deputies, however, were unwilling to abandon their goal of immediate resolution of New World demands, including equal representation<sup>46</sup>. The debate began on January 9, 1811, and continued vigorously and sometimes heatedly until February 7. Although the proposition for immediate implementation of equal representation was defeated, 64 to 56, in a preliminary vote on January 18, some 20 Spaniards supported the Americans, probably because they believed that such concessions were necessary to retain the loyalty of the New World. Several deputies presented written explanations justifying their votes. The European Evaristo Pérez de Castro, *suplicante* for Valladolid, provided the Americans with the opportunity to renew the debate when he stated: «It is my vote that the Cortes declare the right of Americans to have an entirely equal representation in the national Cortes, equal both in form and in nature with the Peninsula, as well as in the constitution that shall be formed and that it establish a method of representation that is perfectly equal

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his speech, but others did; see: MIER, 1976: 74. See also: MIER, 1999: 530-531, and KING, 33/1 (Durham, February 1953): 41-42.

<sup>45</sup> The decree of 15 de octubre de 1810, *Colección de los decretos y órdenes que han expedido las Cortes*, 1987, vol. I: 36. See also: KING, 33/1 (Durham, February 1953): 146-148. See also CHUST, 1999: 50-53.

<sup>46</sup> The propositions do not appear in the *Diario de las sesiones de las Cortes*. However, Alamán reproduces them in his *Historia de Méjico*, III, 13-15. The propositions were published at the time and widely distributed to ayuntamientos throughout America by their deputies. See: CHUST, 2001: 28-29, and PRESTON MOORE, 1966: 208-209.

in both hemispheres....»<sup>47</sup>. However, he also insisted that the work of the Cortes should not be delayed.

The American deputies were undeterred; they argued their point at length, and the *peninsulares*, including many liberales, lost their patience. The great liberal Agustín Argüelles expressed their frustration when he declared:

«America, which until recently was considered a colony of Spain, has been declared an integral part [of the Monarchy]. The equality of rights among all H. M. subjects who inhabit both worlds has been sanctioned. This marvelous transformation has not been sufficient to calm the fears and concerns of the American gentleman. Your Majesty [the Cortes] has been extremely liberal with a kind of emancipation that is so generous that there is no other similar example in any other European nation»<sup>48</sup>.

The debate angered many Europeans because they believed that the Americans were endangering Spain by asking for elections at a moment when their forces were barely holding out against the French. In that regard, it was unrealistic to expect the *peninsulares* to halt the activities of the Cortes, particularly the writing of the Constitution, for months and perhaps a year, while elections took place in the New World.

Antonio Joaquín Pérez, an ecclesiastic and a traditionalist deputy from Puebla, presided at the session of February 7, 1811, when the final vote was taken. Since most European deputies wanted to approve the principle of equality, but did not wish to delay the process of writing a Constitution for the Spanish Nation, the proposition was divided into two parts. The first, dealing with equality of representation between the Peninsula and America, passed overwhelmingly by a vote of 123 to 4. However, the second part, which would have applied the principle to the present Cortes Generales y Extraordinarias, lost by 69 to 61. Clearly, a considerable number of *españoles europeos* supported the American quest. Indeed, it might have won except for the actions of the president of the Cortes. According to Mier, who was present: «Don Antonio Joaquín Pérez, deputy from Puebla, ended the discussion in order to vote, and relying on his authority as president [of the Cortes], he exhorted the opponents to remain firm, nodding his head [no] in response to the question: would Mexico consider [the defeat of the proposal] negatively»<sup>49</sup>.

The Galician deputy José Alfonso López offered a compromise that allocated an equal number of deputies to Spain and its overseas dominions. He proposed a law «by which the overseas lands send to congress a 100 or 150

<sup>47</sup> *Diario de las sesiones de las Cortes*, January 23, 1811: 419.

<sup>48</sup> Cited in CHUST, 2001: 31.

<sup>49</sup> MIER, 1999: 533. See also: CHUST, 2001: 31.

deputies to join an equal number of a 100 or 150 deputies from the Peninsula, who would be easily distributed among the provinces, regions and districts [...], keeping in mind the population censuses of both areas [...]»<sup>50</sup>. López's proposal might have been accepted as a reasonable compromise had the debate been less intense and less personal. The Americans, led by the *novohispanos*, continued to insist on recognizing the rights of the *castas*, whom they described as good, decent, hard-working citizens.

To some on both sides, the struggle for the political rights of the castas was simply a conflict between Americans and Europeans over which group would enjoy a majority in the Cortes. Ramón Feliú, substitute deputy for Peru, declared: «it is clear that [the Europeans] intend to always keep America with a smaller and more limited representation than corresponds to [its numbers].» Whereas, Catalan deputy Felipe Aner charged that the Americans supported the *castas* «so that in this manner they will have a third more deputies in the Cortes than the deputies from European Spain[....]»<sup>51</sup>. In the end, the Spanish majority rejected the American proposal, reaffirming the denial of representation to the *castas*. Although the Europeans were willing to allocate an equal number of deputies to each side of the Atlantic, they were unwilling to become the minority in their own Cortes.

## CONCLUSION

In evaluating the achievements and limitations of the Cortes, it is useful to compare the Hispanic parliament with those of other nations. Although the Spanish majority failed to grant Americans the equal representation based on population that they desired, the *peninsulares* went further than the leaders of any other European nation. Certainly England, the birthplace of modern representative government, never considered giving its North American possessions any representation in Parliament, much less equality. By denying people of African ancestry political rights as well as representation, the Cortes acted in the same fashion as the governments of all other nations with representative governments, which also excluded their African-origin population from full citizenship. Under the Hispanic Constitution, however, freedmen of extraordinary achievement might become full-fledged citizens.

The Spanish liberals and their American colleagues were determined to create a modern nation in America as well as in Spain. Despite extensive

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<sup>50</sup> *Diario de las sesiones de las Cortes*, September 17, 1811: 1868.

<sup>51</sup> *Diario de las sesiones de las Cortes*, September 5, 1811: 1779-1781.

warnings from royal officials in the New World as well as from traditionalists in Spain and America about the special conditions of the Western Hemisphere, they refused to define the Indians and *mestizos* as less human than themselves. The Constitution of 1812 recognized Indians and *mestizos* as full citizens of the Spanish Nation. In contrast, the British Monarchy did not recognize Indians as subjects of the Crown, and the United States did not grant them citizenship until 1924. Before that date, both under Britain and after independence, the Indians residing in the territory that is now the United States were defined as foreigners<sup>52</sup>.

Britain proved even unwilling to grant the white inhabitants of its American colonies any representation in Parliament. The Hispanic Cortes, on the other hand, agreed to provide the New World with the *same number of representatives* as the Peninsula. No Spaniard, however, would agree to a provision that reduced Spain to a minority in its own Cortes. Since a deputy was to be chosen on the basis of 1 for every 70,000 inhabitants, by depriving the *castas* of political rights, the *peninsulares* reduced the size of the politically eligible overseas population to a number comparable to theirs, thereby retaining *equal representation for themselves* in their parliament. However, if the population of African ancestry was smaller than believed, or if New World authorities counted them for purposes of representation — something we know happened in parts of New Spain, Guatemala, and Guayaquil — the Spaniards would be a *minority* in their own Cortes<sup>53</sup>.

The Constitution of 1812, the most radical charter of the nineteenth century, abolished seigniorial institutions, the Inquisition, Indian tribute, forced labor — such as the *mita* in South America and personal service in Spain — and asserted the state's control of the Church. It created a unitary state with equal laws for all parts of the Spanish Monarchy, substantially restricted the authority of the king, and entrusted the legislature with decisive power. When it enfranchised all men, except those of African ancestry, without requiring either literacy or property qualifications, the Constitution of 1812 surpassed all existing representative governments, such as Great Britain, the United States, and France, in providing political rights to the vast majority of the male population.

It is fitting to end this article by recalling the revolutionary spirit of the Cortes of Cádiz. When the Constitution of the Spanish Monarchy was promul-

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<sup>52</sup> SEED, 25/3 (London, October 1993): 651.

<sup>53</sup> On the participation of *castas* in the elections see: GUEDEA, 7/1 (Berkeley, 1991): 1-28. DYM, 2006: 127-156, and RODRÍGUEZ, O., 21 (Quito, II semestre, 2004): 35-88.

gated on March 19, 1812, the Bishop of Mallorca Bernardo Nadal y Crespi, then president of that parliament, declared:

«Eternal praise, eternal gratitude to the Sovereign National Congress! ...Our slavery has ended! My compatriots, inhabitants of the four parts of the world, we have recovered our dignity and our rights! We are Spaniards! We are free!»<sup>54</sup>.

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<sup>54</sup> Cited in SUÁREZ, 1982: 129.

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## «¡IGUALDAD! EL SAGRADO DERECHO A LA IGUALDAD». LA REPRESENTACIÓN EN LA CONSTITUCIÓN DE 1812

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*La historiografía sostiene habitualmente que los españoles peninsulares no deseaban otorgar a los americanos una representación igualitaria en las Cortes de Cádiz. Este artículo estudia la naturaleza de la representación en el Antiguo Régimen y las razones por las que existía la desigualdad en instituciones surgidas después de 1808, como la Junta Central, la Regencia y las Cortes. Es cierto que la mayoría peninsular rechazó otorgar plenos derechos políticos a las castas (personas con ancestros africanos) y que se esforzó en conservar la representación igualitaria para ellos mismos en las Cortes. Un comportamiento que se basaba en una idea equivocada sobre la población total de los territorios de ultramar. Sin embargo, en el rechazo a otorgar plenos derechos políticos también participaron algunos diputados americanos procedentes de regiones con amplia población africana. Aunque la mayoría peninsular fracasó en otorgar a los americanos la representación igualitaria que ellos deseaban, basada en la población, los españoles fueron más lejos que los dirigentes de cualquier otra nación europea. Inglaterra nunca consideró otorgar a la población blanca de sus territorios de Norte América representación en el Parlamento, mucho menos la igualdad.*

PALABRAS CLAVE: *Igualdad, representación, Junta Central, Regencia, Cortes, Constitución de 1812, castas.*

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