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**Slaves to Tyrants:
Social Ordering, Nationhood, and the Spanish Constitution of 1812**

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The paradoxical relationship between slavery and the emerging discourses of human rights and universal freedoms during the putative Age of Revolutions has been an important focus of research on the Atlantic World. Recently, historians have turned their gaze to examining this relationship as it unfolded in the Spanish Atlantic world.¹ This turn toward historicizing the problem of slavery as a political challenge of the early nineteenth century holds the potential to explain wider processes of political change that functioned throughout the Spanish Monarchy. The discourse on slavery lies at the crux of understanding the relationship between processes of defining citizenship and state formation that were at the core of national projects in Spain and post-colonial Spanish America throughout the nineteenth century.² These changes relied on the emergence of a new discourse surrounding individual political freedoms. In order to understand how the successor states of the Spanish Monarchy transitioned from empire to nation-state, historians must explain how contemporaries confronted slavery in their political discourses. This article will argue that “slavery” as metaphor provided a convenient conceptual framework whereby contemporaries of the Spanish Atlantic World voiced claims in support of securing their political emancipation from forces of oppression. However, different social realities at work in peninsular Spain and Spanish America resulted in different outcomes. Chattel slavery survived in what remained of the Spanish empire in the Americas. Meanwhile, it more rapidly disappeared in those nation states that had escaped from the yoke of empire.

My contribution builds upon the work of other scholars. Josep M. Fradera has noted that the inferior social position of African slaves and free persons of color derived in large part from their subordinate position within the structures of the colonial labor system. At around the time that much of Spanish America gained political independence, this view gave way to more familiar notions of

¹ Two representative examples include Anthony Pagden, “Fellow Citizens and Imperial Subjects: Conquest and Sovereignty in Europe’s Overseas Empires,” *History and Theory* 44.4 (Dec. 2005): 28-46; and Josep Fradera, “Reading Imperial Transitions: Spanish Contraction, British Expansion, and American Irruption,” in *Colonial Crucible: Empire in the Making of the Modern American State*, ed. Alfred W. McCoy and Francisco A. Scarano (Madison: University of Wisconsin Press, 2009), 34-62.

² A good indication of this tension in the Spanish frame appears in Christopher Schmidt-Nowara, *Empire and Antislavery: Spain, Cuba, and Puerto Rico, 1833-1874* (Pittsburgh: University of Pittsburgh Press, 1999).

social difference defined in racial terms. As Fradera contends, this shift was still incomplete when the Spanish Monarchy promulgated its first constitutional charter in 1812. The social definition of citizenship included in the Constitution of 1812 was built upon corporatist patterns of social ordering that did not owe to the principle of race.³ My argument similarly imagines a pre-racial context for the articulation of political claims, but does not rely on stigmas associated with labor relationships as the foundation for explaining what occurred historically. Instead, I offer the structure of the traditional European social orders as a more convincing model.

In his study of the language of liberation, Peter Blanchard concluded that slaves were responsive to ideas of political equality emanating from constitutional debates in peninsular Spain.⁴ Despite the existence of a significant degree of institutionalized racism in Spanish America, enforced by laws governing the behavior of the various castes, slaves and other persons of African descent did not view race as a limiting factor in obtaining political equality as full citizens or as the primary obstacle in bringing an end to chattel slavery. Racial pretexts did not inform political possibilities in strict fashion. Slaves responded to the notion that equality was achievable in political terms because they served as loyal members of separatist armies.⁵ While this logic might also have permeated the thinking of White elites in Spanish America, it remains unclear to what extent it operated in peninsular Spain.

Beginning with the work of Jaime E. Rodríguez O., historiography has stressed the commonality and cohesiveness of a transatlantic Spanish political culture.⁶ For example, Scott Eastman has argued that this common political culture served as the basis for efforts to link both hemispheres under a common national identity.⁷ Likewise, Mónica Ricketts, has argued that a shared political culture provided the basis for framing resistance to oppression as the primary

³ Josep M. Fradera, "Raza y ciudadanía. El Factor racial en la delimitación de los derechos de los americanos," in *Gobernar colonias* (Barcelona: Ediciones Península, 1999), 51-69.

⁴ Peter Blanchard, "The Language of Liberation: Slave Voices in the Wars of Independence," *Hispanic American Historical Review* 82.3 (Aug. 2003): 499-523.

⁵ On this subject see George Reid Andrews, *Afro-Latin America, 1800-2000* (Oxford: Oxford University Press, 2004); and Christopher Schimdt-Nowara, *Slavery, Freedom, and Abolition in Latin America and the Atlantic World* (Albuquerque: University of New Mexico Press, 2011).

⁶ Jaime E. Rodríguez O. *The Independence of Spanish America* (Cambridge: Cambridge University Press, 1998). On Mexico specifically, see Jaime E. Rodríguez O. "We Are Now the True Spaniards": *Sovereignty, Revolution, Independence, and the Emergence of the Federal Republic of Mexico, 1808-1824* (Stanford: Stanford University Press, 2012).

⁷ Scott Eastman, *Preaching Spanish Nationalism across the Hispanic Atlantic, 1759-1823* (Baton Rouge: Louisiana State University Press, 2012).

constitutive factor of early liberalism in peninsular Spain and Spanish America.⁸ However, presupposing the existence of a transatlantic Spanish political culture as the contingent factor in framing causal or predictive evaluations of historical change comes with significant limitations. As this article demonstrates, transatlantic rhetorical devices in use on both sides of the Spanish Atlantic could yield different results when they operated in the unique contexts of local political cultures.

In their resistance to oppression imposed from abroad, political elites on both sides of the Atlantic used slavery as metaphor for the condition of subjection to illegitimate forms of power. Under such a conceptual schema, “tyrants” and “despots” enchained otherwise free peoples to bondage. In a world featuring the persistence of chattel slavery in actual terms, this practice signaled something more than casual rhetoric. Slavery as metaphor, if extended from the realm of politics to that of society, held the potential to undermine the institution of slavery as it had functioned in Spanish America for nearly 300 years. As the cognitive linguist Richard Trim has argued, “metaphor has always been a powerful tool in depicting man’s existence.”⁹ But metaphor has both intended and unintended effects. As Trim says, “whether at a conscious or unconscious level, the mind...switches to, or simply drifts inexorably towards, the idea of analogy.”¹⁰ Because of this, the link the polemicist made between subjection and slavery should be seen as a historically significant one. For Spaniards in the early years of the nineteenth century, intentionally or otherwise, comparing their political situation to the institution of slavery was a perfectly natural act with deep cultural significance.

My effort to contextualize the ideological significance of slavery as metaphor highlights one area in which the political cultures of peninsular Spain and Spanish America, as determined in part by the nature of the social composition, were quite different from one another. In peninsular Spain, there was a politically ascendant aristocracy and only a marginal slave population. Here, the ancient tradition of rule by political orders remained strong. In such an environment, chattel slavery served as an evocative contrast to the condition of political freedom enjoyed by citizens of a nascent liberal democratic regime. Despite the socially inclusive vision of nationhood offered by creation of a transatlantic Spanish nation, peninsular Spaniards accepted continuing social inequalities as wholly natural. In peninsular Spain, slavery as metaphor offered a

⁸ Mónica Ricketts, “Together or separate in the fight against oppression? Liberal in Peru and Spain in the 1820s,” *European History Quarterly* 41.3 (2011): 413-47.

⁹ Richard Trim, *Metaphor and the Historical Evolution of Conceptual Mapping* (London: Palgrave Macmillan, 2011), 8.

¹⁰ *ibid.*, 10.

useful rhetorical trope for promoting political ends, but stood for little insofar as chattel slavery was concerned. Chattel slavery survived in areas of Spanish America that remained colonies of Spain as a result of the enduring significance of the Constitution of 1812, which essentially fused together rule by socially inclusive orders with a socially exclusive variety of nationhood. In Spanish America, the logic of rule by social orders never gained widespread acceptance and instead a sizeable community of slaves and free men of color were wooed by separatists in their contest with the metropole.¹¹ Slavery as metaphor in this instance had clear parallels with the plight of actual slaves. Rule by social orders made little sense in the context of Spanish America, and so a more socially inclusive model of national liberation was more readily adopted. Subsumed into this effort was a more rapid adoption of emancipation.

Spain's Pre-1812 Constitutional Regime and Attempts at Reform

A constitutional regime existed in Spain prior to promulgation of the country's first written constitution in 1812. As was the case in every European state prior to the late eighteenth century, the Spanish regime structured itself about the political organization of historic orders that dated to the important precedent of ancient Rome.¹² King, aristocracy, and commons worked as equals to maintain a balance of power. On this balance rested the preservation of special privileges particular to each order. This was an unwritten constitutional system based on tradition. Ceremony and ritual existed as essential pillars of support. Following Aristotelian principle, the exercise of disproportionate power by one member of this three-way balance would result in the perversion of the system, violations of special privileges, and ultimately the corruption of freedom itself. Survival of an equitable balance depended on political vigilance.

The Bourbon succession of the early eighteenth century threatened the balance of governing orders, as the crown acquired tremendous power under the terms of its efforts to promote greater state centralization. By mid-century, the centralizing efforts of the first Bourbons, gave way to an impulse of "enlightened reform" during the reign of Carlos III.¹³ Tensions peaked with the Tumult of

¹¹ Despite fears of slave revolt in the Americas, the experience of Haiti was rather exceptional. Slave populations remained divided throughout the colonial period. Social linkages with free Blacks and other social groups remained weak until the eruption of hostilities after 1810. See Andrews, *op.cit.*, 53-84.

¹² On this subject, much has come from the foundational work of J.G.A. Pocock and Quentin Skinner –founders of the so-called Cambridge School of political thought – whose approach to reading political texts as products of their own historical context has yielded untold dividends.

¹³ For an excellent summarization of the recent work on the area of Gabriel Paquette "Introduction," in *Enlightenment Enlightened Reform in Europe and its Atlantic Colonies, c. 1750-1830*, ed. Gabriel Paquette (Farnham: Ashgate, 2009). See also Derek Beales, *Enlightenment*

Esquilache, which ventured the threat of full-scale revolution in 1766. The Tumult signaled a turning point in the crown's policy toward reform. Coincidentally, the reforming energies of the state turned more emphatically to its overseas possessions in Spanish America, an outcome made all the more necessary by the outcome of the Seven Years' War (1756-1763). Notably, this did result in the brief promulgation of a Spanish slave law (*El Código Negro*) in 1789, later repealed in 1794.¹⁴ Preservation of chattel slavery was certainly not at odds with the prevailing conception of Spanish constitutional order at the height of reformist zeal. This was not the result of a long-standing policy of Bourbon disregard for conceptions of Spanish constitutionalism. A series of key peninsular reforms suggest the extent to which the monarchy appreciated the delicate constitutional problem located at the nexus of its powerful political position and the specter of continued urban violence.

Political order required restoring the balance of power between the orders. The aristocracy had seized on the position of the monarchy to rally the defense of the commons to its cause. In an effort to maintain its position while conceding to the constitutional expectations of the commons, the monarchy offered to rewrite the organization of politics at the municipal level. Town councils (*ayuntamientos*) were required to provide for the selection of municipal deputies of the commons (*diputados del Común*) public defenders (*Síndicos personeros*) to represent the popular classes. Local governments historically had been the reserve of the aristocracy. Thus, the monarchy intended to forge an alliance with the commons to block the pretensions of the aristocracy.

Simultaneously, the monarchy worked to envision an alternative to the existing constitutional regime with an ambitious new experiment. A series of New Settlements (*Nuevas Poblaciones*), populated by Catholic foreigners, were established in the "deserts" of Andalusia. Under the terms of the Law of the New Settlements, the proposed zones of settlement were exempted from all existing corporate requirements. These included the institutional rights of the Church and the grazing privileges of the powerful Mesta.¹⁵ Under the direction of Peruvian

and Reform in Eighteenth Century Europe (London: I.B. Tauris, 2005); and Gabriel B. Paquette, *Enlightenment, Governance, and Reform in Spain and its Empire, 1759-1808* (Basingstoke: Palgrave Macmillan 2009).

¹⁴ For decades, considerable debate has focused on the role of special legal status accorded to slaves under Spanish jurisdiction. For the origins of this debate, see Frank Tannenbaum, *Slave and Citizen, the Negro in the Americas* (New York: Vintage Books, 1946). Although the Spanish slave law of 1789 was issued in response to an earlier French law and as a means to clarify existing policy, it also reflected a common view towards viewing slaves as a unique order unto themselves as a special category of legal consideration.

¹⁵ Julio Caro Baroja's article was foundational in laying the social significance of the New Settlements, "Las Nuevas Poblaciones de Sierra Morena y Andalusia. Un experimento sociológico

ilustrado Pablo de Olavide,¹⁶ successful Andalusian settlements offered a potential model to radically reconfigure the Spanish constitution. This exercise in “internal colonization” was part of an extensive project on the crown’s behalf to coordinate human settlement in keeping with state interests. A similar program was undertaken in Aragón, meanwhile the creation of new missions in Alta California and the transfer of Canary Islanders to the shores of Spanish Louisiana should be seen as part of this process as well. An appreciation for the potential future spouts of urban violence on the peninsula aside, the crown viewed this undertaking on equal terms throughout the empire. The pattern repeated on both sides of the Atlantic was a sort of Bourbon utopia which sidelined the role of the aristocracy at the local level. In effect, this was meant to substitute the historic three-way balance of power for a direct two-way relationship between the monarchy and its subjects. That is, a constitutional shift away from a system that depended upon the parity of equals towards a form of state paternalism.¹⁷

Within such a construct, slavery as metaphor was nearly inevitable. Polemicists could draw simple comparison between state paternalism and the direct relationship of master to slave. However, the New Settlements were a colossal failure; the *limense* at its head brought down by the Inquisition and efforts to expand the project stymied by a lack of colonists. The representatives of the commons were, in turn, co-opted by members of the aristocracy at the local level.¹⁸ The monarchy’s ambitious plan for reform of the constitutional system stood in tatters when Carlos IV ascended to the Spanish throne in 1788. Nonetheless, this attempt showcased the durability of the prevailing constitutional model.

en tiempos de Carlos III,” *Clavileño* 18 (1952): 53-64. I am indebted to Thomas F. Reese for access to his book manuscript on the subject. On the local experience of settlement of these towns, see José Antonio Filter Rodríguez, *Orígenes y fundación de la Luisiana, El Campillo y Cañada Rosal. La colonización de Carlos III en la campiña sevillana*, 2nd ed. (Sevilla: Consejería de Cultura de la Junta de Andalucía, 1986).

¹⁶ Recent work on Olavide has largely discarded the label of *afrancesado* in favor of placing him more squarely in the context of the Spanish Enlightenment and imperial reform on both sides of the Atlantic. See Manuel D. Capel Margarito, *Pablo de Olavide, un criollo en el equipo reformista de Carlos III* (Jaén: M. Capel, 1997); and Juan Marchena Fernández, *El tiempo ilustrado de Pablo de Olavide. Vida, obra y sueños de un americano en la España del S. XVIII* (Sevilla: Alfar, 2001).

¹⁷ On the topic of the Bourbon paternalism in Spanish America, see Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill: University of North Carolina Press, 2009).

¹⁸ This appraisal has been shared by Antonio Domínguez Ortiz, *Sociedad y estado en el siglo XVIII español* (Barcelona: Ariel 1976); Benjamín González Alonso, “El régimen municipal y sus reformas en el siglo XVIII,” in *Sobre el Estado y la Administración del la Corona de Castilla en el Antiguo Régimen* (Madrid: Siglo XXI, 1981); and, more recently, Fernando J. Campese Galleo, *La Representación del Común en el Ayuntamiento de Sevilla, 1766-1808* (Sevilla: Universidad de Sevilla, 2005).

Slavery as Metaphor in Peninsular Spain

The government of Carlos IV was hailed by contemporaries as a disgrace.¹⁹ Royal “decadence,” or rather the king’s detachment from his divinely-constituted role in government, had produced a weakened government that was the basis of the country’s ills. A petty usurper had stumbled into the space vacated by the king’s retreat from his rightful place at the head of government. This man, the king’s first minister, Manuel de Godoy, was viewed by both aristocracy and commons as a “tyrant” and “despot,” whose ambition placed the nation at risk. News of his rise produced widespread criticism. For the Aristocracy, Godoy was an unacceptable choice as first minister. Previous ministers of state had come from relatively modest backgrounds and distinguished themselves by merit. Godoy in comparison was reviled as a favorite of the king and queen.²⁰ To the popular classes, Godoy stood behind a very unpopular alliance with France that drew young men to fight loosing battles in continental Europe and failed naval engagements like that at Trafalgar in 1805. Rumor had it that Godoy worked to aggrandize his individual standing as the expense of Spanish blood, accepting Spanish participation in costly French wars only where they served to advance his personal interests.²¹ Antonio de Capmany would later claim such behavior “left Spain a perpetual slave and tributary of France.”²² Spanish government had lost the ability to act in the interest of the people it governed; Godoy had violated that right. Government had been corrupted by the political devastation of the monarchy, which remained responsible for its good maintenance. Correcting this error required intervention from the other orders. Thus, the Aristocracy and Commons rose to oust the unpopular favorite in the Tumult of Aranjuez on 17-18 March 1808, and thereby to rectify the situation in the combined interest of all.

The city and region of Sevilla offer a venue for patent appreciation of the use of slavery as metaphor as it unfolded in the popular presses. The city featured a thriving public sphere with many established *tertulias* and street side cafes that provided for the dissemination of news and information. From these nodal points of exchange, depictions of a Godoy as a tyrant wound their way from the street to private homes. As a result, well before his fall Godoy was the focus of a deep-

¹⁹ This critique was all the more apparent in the wake of many years of good government under the stewardship of Carlos III. Richard Herr has portrayed the reign of Carlos IV as something of sustained crisis, coinciding as it did with the advent of revolution in France. See *The Eighteenth-Century Revolution in Spain* (Princeton: Princeton University Press, 1958).

²⁰ *ibid.*, 316-18.

²¹ In negotiating the terms of Spain’s alliance with France over the invasion of Portugal, popular rumor suggested that Godoy has secured the kingship of an independent state to be formed in the Portuguese Algarve.

²² Antonio de Capmany, *Centinela contra franceses*, ed. Françoise Etienvre (Madrid: Centro de Estudios Políticos y Constitucionales, 2008), 7.

seated public resentment. Indicative of this fact, was the manner in which the people of Sevilla responded to word of his ouster. A crowd stormed its way through the streets of the city, broke into the convent-hospital of San Juan de Dios, and tore down the portrait of Godoy that hung there, ripping it into small pieces. According to one first-hand account, “the uproar was great from the people (though short) and great the general happiness.”²³ Simmering tensions had boiled over into a spontaneous display of public revulsion. The popular classes then celebrated the accession of Fernando VII, deemed the “desired one,” as a solution to resolve political crisis.

In the aftermath of Godoy’s ouster, the popular presses filled with references to slavery as censorship restrictions came undone. Accusations of “ministerial despotism” and Spanish slavery achieved at the hands of the royal “favorite” became common. *El Semanario Patriótico* jumped on this trend noting that the country had been freed from “the yoke that threatened it.”²⁴ “If despotism is not offended,” one paper noted, “freedom will not regenerate.”²⁵ The desire to regenerate the country focused on the need to return the comportment of Spaniards to its rightful sort: “A free man does not flatter – does not ask for work by means of intrigue – but rather by force of merit; does not belittle himself in the antechambers of the favorite, but rather in studies and useful works on behalf the patria.” Such behavior reflected conscious “yearning to walk toward chains” to the disgrace of the law.²⁶ Behind this narrative was the participatory nature of that the constitutional system inherent to Spanish political culture. The same article asked, “Who has wanted to enchain himself in bonds of marriage to a despotic regime, when it is known that at every moment one has to tremble for his property and his honor, in anticipation of the being demoted to the rank of miserable slaves?”²⁷ In this way, slavery as metaphor was used to explain the proper nature of government as a balance of social orders.

News of Joseph Bonaparte’s appointment as King of Spain rapidly refocused attention away from the despotism of Godoy to that of Napoleon. This was aided in no small measure by a potent dose of Spanish xenophobia directed toward the French. This shift marked the emergence of a new paradigm in which slavery as metaphor would function with even greater effect. In witnessing so much of the country fall to the French without resistance, there was a patent fear

²³ Félix González de León, *Crónica de Don Félix González de León*, Archivo Municipal de Sevilla, Section 14, Vol. 9. 22 March 1808. See also summary of events presented in José Velázquez y Sánchez, *Anales de Sevilla de 1800 a 1850*. Facsimile of 1872 Edition (Sevilla: Servicio de Publicaciones, 1994), 55-57.

²⁴ *El Semanario Patriótico*, No. 1, 1 September 1808, 4-5.

²⁵ *ibid.*, No. 26, 27 October 1809, 102.

²⁶ *ibid.*, No. 26, 27 October 1809, 102.

²⁷ *ibid.*, No. 26, 27 October 1809, 103.

that the Spanish had “sanctified slavery,”²⁸ As the Count of Toreno later noted, it was precisely the experience of tyranny under Godoy that had facilitated the establishment of Napoleon’s tyranny in the occupied zones. “The dailies of Madrid, or better yet the miserable *Gaceta de Madrid*,” with French recapture of the Spanish capital became mere reflections of those produced in France: “Enslaved by the previous censure, they were describing events and fashioning them to the taste and flavor of whatever in reality was dominating here [in Spain] and beyond the Pyrenees.”²⁹ Capmany warned of Napoleon, expressing fear that the Spanish might become “most obedient slaves of his despotism.”³⁰ Meanwhile, the composer of the “National March” made reference to Spaniards as “slaves” yoked beneath a burden of Napoleon’s making.³¹ Definitive declarations of Spanish nationhood were emerging in response to the war against Napoleon and the French using the framework of slavery as metaphor.³² In effect, while Spain remained oppressed, the root of the problem no longer stemmed from the corruption of government; Napoleon’s despotism was one borne of conquest of a nation. In this respect, Spain shared the fate of other European nations. In early 1809, the *Gazeta Ministerial de Sevilla* lamented the fate of neighboring Portugal: “Spain learned with pain and despair of your slavery and all the horrific evils that have followed.”³³ Napoleon’s enslavement of nations included that of France as well. The *Gazeta* insisted Spain would remain at war with France so long as it remained under Napoleon’s “domination and tyrannical yoke.”³⁴ Thus, the advent of Napoleon signaled the first uses of slavery as metaphor to explain enslavement of the nation, as distinct from that of tyranny imposed by a corruption in the balance of the governing social orders.

This new conceptualization of slavery as metaphor to express the place of the Spanish nation *vis-à-vis* Napoleon refigured the struggle of Spain’s conflict with the French. Already in May 1808, to quote contemporaries, full-scale “*revolución*” came to Sevilla. Resulting violence demonstrated the popular resonance of both the nation and social order-centered approaches to the theory of the state. The popular classes rioted against those who governed the city under Godoy, associating the aristocracy with corruption as well, and launched a religious campaign to mark a stark contrast with the perceived secular reputation

²⁸ *El Espectador sevillano*, No. 28, 29 October 1809, 110.

²⁹ Conde de Toreno, *Historia de levantamiento, guerra y revolución de España*, vol. 1 (Madrid: Imprenta del Diario, 1839), 55.

³⁰ Capmany, *op.cit.* 12.

³¹ Eastman, *op.cit.*, 153.

³² On the origins of Spanish nationalism in this period, see José Álvarez Junco, *Mater Dolorosa. La idea de España en el siglo XIX* (Madrid: Taurus, 2001); and Eastman, *op.cit.*

³³ *Gazeta Ministerial de Sevilla*, No. 2, 4 June 1809, 14.

³⁴ *ibid.*, No. 4, 11 June 1809, 30.

of the French.³⁵ If not contained properly, an inherent logic to revolt found in the rhetoric of slavery as metaphor threatened to unravel order in those regions resisting the rule of Joseph Bonaparte. Elites understood the need to place themselves ahead of the potential for such future outbursts and worked to bring the public into line with their views, so as to channel this energy towards more productive ends.

In late December the *Junta Suprema Central* arrived in Sevilla. Two periodicals dominated the thirteen month stay of the Junta in Sevilla (December 1808 to January 1810): *El Semanario Patriótico* and *El Espectador Sevillano*. Whereas the former carried on the tradition of Quintana's Madrid newspaper under the leadership of José María Blanco White, showcasing exploration of many revolutionary political ideas later instituted by the Cortes of Cádiz, the latter was rather a more pedestrian effort under the direction of Alberto Lista targeted at a general readership. The editorial staff of both periodicals overlapped. This was possible because *El Semanario* went to press for the last time in Sevilla during August of 1809, whereas *El Espectador* began its print run on 8 October of the same year. Like its predecessor, *El Espectador* viewed itself as sporting a didactic mission to inculcate the virtues of parliamentary monarchy in the Spanish public at large. Unlike *El Semanario*, the fledgling government of the *Junta* supported *El Espectador* financially.³⁶ By late 1809, preparations to convoke the Cortes were already underway with a French invasion of Andalusia adding a pressing sense of urgency to the situation. *El Espectador* was clearly meant to be a work of political propaganda intended to prepare the Spanish public for the advent of parliamentary monarchy and to inculcate a political culture both receptive to and appreciative of the path of political reform on which the Cortes was about to embark. To this end, articles published in *El Espectador* offer a clear sense of how Spanish elites associated with the leadership of the national resistance chose to portray the prevailing constitutional crisis to a patriotic Spanish public.

Narrative discourse in *El Espectador* fixated on the nature of the complex relationship between government and the Spanish nation and that of the Spanish nation to Napoleon. Celebrating the will of the Spanish nation to rise up and "to defend its rights violated by the most unbridled [form of] tyranny," the paper demanded word of what the Council of Castile, the "final bulwark of our constitution," had done to defend against the French attack. Condemning the willingness of the Council to adhere to the terms of the Bourbon abdications and the subsequent French intervention in Spanish affairs of state, it asked "Why have

³⁵ Manuel Moreno Alonso, *La revolución "santa" de Sevilla. La revuelta popular de 1808* (Sevilla: Caja San Fernando, 1997), 41-60, 135-50.

³⁶ Juan Rey, "Los escritores sevillanos en el tránsito del Antiguo al Nuevo Régimen," *CAUCE, Revista de Filología y su Didáctica* 13 (1990): 155-56.

you taken the yoke of the Emperor of the French and placed it on Spanish necks?”³⁷ Revolution was couched as an effort to avoid enslavement by a foreign and tyrannical power that had undone constitutional guarantees that existed to protect the freedoms of average Spaniards.

The editorial staff of *El Espectador* wasted little time in making use of slavery as metaphor for the condition of Spain. In doing so, they did not seek to dismiss the condition of servitude in absolute terms, but rather the quality of a submission owed to an undeserving master. In his eulogy of the former president of the Junta, Lista heaped “Endless glory to Floridablanca and the gathered wise men [of the Junta Suprema] who knew to unite all factions and submit all wills to the yoke of his illustrious patriotism!”³⁸ As a patriot and defender of the Spanish *patria*, Floridablanca was exempted from characterization as a tyrant. As a usurper of legitimate authority, Napoleon’s pretension toward mastery of the Spanish was not the sort of behavior deserving praise, but rather admonishment. “Not content with the slavery of his *patria*,” they argued, Napoleon sought to enslave all of Europe.³⁹ Deference to legitimate political authority was a basic facet of Old Regime political culture. Legitimate forms of oppression had a role to play in stable government.

For historical contemporaries then there existed many forms of oppression; only some of these were deemed just cause for revolt. There was also a direct connection between revolt and revolution. As Álvaro Flórez Estrada noted in 1810, the sequence of unfolding events amounted to nothing short of “a revolution formed by a people to liberate themselves of a tyrant and secure its independence.”⁴⁰ Revolt was the essential means to bring the compact between the orders back into proper effect. Thus, the revolution issued in 1808 should be seen as an undertaking seeking the restoration of an old balance under the parameters of a new constitutional arrangement. Revolution did not have to be about rejection of past models of rule, but rather as a means to rectify a certain imperfection. Slavery as metaphor in peninsular Spain worked on at least two distinct levels, as an instrument of social definition and as a marker of national identity. Furthermore, it was associated with the idea of revolution, a force seen to be pervasive in peninsular Spain after the events of 1808.

³⁷ *Gazeta Ministerial de Sevilla*, No. 12, 9 July 180, 93. Here the paper reprinted words first printed in *El Semanario Patriótico*, 1 September 1808.

³⁸ Alberto Lista y Aragón, *Elogio histórico del Serenísimo Señor Don José Moñino, conde de Floridablanca* (Sevilla: Imprenta Real, 1809), 32.

³⁹ *El Espectador sevillano*, No. 1, 2 October 1809, 2.

⁴⁰ Quoted in Joaquín Álvarez Barrientos, “‘Revolución española,’ ‘Guerra de la Independencia.’ y ‘Dos de Mayo’ en las primeras formulaciones historiográficas,” *La Guerra de la Independencia en la cultura española*, ed. Joaquín Álvarez Barrientos (Madrid: Siglo XXI, 2008), 248-49.

Social Ordering and Nationhood in the Constitution of 1812

The Spanish constitutional system entered a sustained, and ultimately catastrophic, crisis beginning in 1808. The combined effects of the Napoleon's invasion, the Bourbon abdications, Joseph Bonaparte's usurpation, French occupation and the implementation of military justice, rule by juntas in areas offering resistance, and varied forms of revolutionary activity in both zones ended the observance of normal constitutional rule. Constitutionalist, those who favored rule by a civilian government operating under a conviction to uphold the popular will, confronted the challenge of resuscitating this system. For more reform-minded constitutionalists, this moment provided an opportune moment to modify the basic structure the Spanish state. More specifically, constitutionalists favored greater opportunity for the popular classes to take part in governance of the state. A new, written constitutional charter offered the means to integrate impulses toward reform in the moribund ancestral roots of the state. The Constitution of 1812 should be seen as accomplishing just this. Intellectual and legal precedent consciously looked back to the ancient model and early modern political theorists of the School of Salamanca.⁴¹ Those scholars, observing the foundational premise of Roman Civil Law, framed the state as a balance of political forces represented by the social orders. However, the Enlightenment and the more recent experience of the Napoleonic invasion provided a second pillar of intellectual support. The result was a mutually reinforcing merger of intellectual energies featuring promotion of a reinvigorated constitutional system at its core.

Nonetheless, combination of these distinct veins of political thought produced interesting consequences. The Constitution of 1812 featured a dualistic approach to the protection of human freedoms. This came as the result of unique challenges to the protection of human freedoms with respect to the kind of threat inherent to each. An ongoing political feud between the various social orders provoked reflection on how to protect collective freedoms held by specific social orders. Meanwhile, new discourse surrounding the idea of Spanish nationhood warranted consideration of how to maintain the freedoms owed to every individual as co-national. Conceptually, the nation entered the consciousness of reformers as a composite of those orders allied in opposition to the imposition of excessive executive power on the part of the monarchy. The Cortes brokered acceptance of a model of the state that secured sovereignty for the nation, but delegated authority over governance, at least in ceremonial fashion, to the monarchy. In this way, the Cortes used sovereignty as a tool in securing a new balance between king and nation. Effective power of sovereignty was vested in

⁴¹ An excellent overview of these arguments exists in Jaime E. Rodriguez O., *The Divine Charter: Constitutionalism and Liberalism in Nineteenth Century Mexico* (New York: Rowman and Littlefield, 2007).

the nation; the monarchy was granted authority to act on the nation's behalf. Should the monarchy violate the trust implied by such a concession, the nation now reserved a written legal right to redress the grievance.

Fusion of an order-based theory of the state with the logic of nationalism had many interesting results. None was perhaps as significant as the implications for Black citizenship and the survival of chattel slavery. There can be no mistake that the categories of men allowed to govern under the older system of social orders were the same as those granted citizenship under the Constitution of 1812. Likewise, those deemed unfit to govern under this system were denied membership in the Spanish nation on the bases of their status as non-citizens. Freed persons of color were deemed ineligible for citizenship because they did not originate from the commons or other order, but rather an entity wholly removed from the bounds to government. Thus, slaves and all free Black men seen to have originated as slaves by birth if not by ancestry were not seen to fit into one of the traditional social orders possessing a right to partake in governance and so were not worthy of full equality; they were rendered unable to govern and were instead governed over. In this way, nineteenth century constitutionalists divorced expressions of fury over the political enslavement of Spaniards from the larger problem of slavery in the Atlantic world because the ancient constitutional vision of government deemed worthy of protection was also one into which the tradition of slaveholding figured prominently.

It is important to understand how this corporatist mentality framed discussions on political participation and the continued practice of chattel slavery during Spain's transition to constitutional rule. At face value it seems ironic that a constitution designed to better protect human liberty for the average Spaniard also sanctioned the continued enslavement of black Africans and disenfranchisement of persons sharing similar ancestry. In their attempts to free themselves from the bondage of human slavery threatened by the despotism of tyrants, peninsular Spaniards were not opposed to the existence of slavery in absolute terms. For most peninsular Spaniards not residing in western Andalusia, actual chattel slavery was a relatively distant phenomenon.⁴² Certainly those who disapproved in wholesale terms were willing to sacrifice the preservation of the institution in order to secure the short-term goal of constitutional reform. Framers of the Constitution of 1812 then approached the issue of freedom in a very mixed manner, at once group-oriented and individualistic. To their credit, at least rhetorically-speaking, the problem appeared to be one in the same. This connection was made implicit by an almost casual usage of slavery as metaphor in depicting two very different sorts of political problem.

⁴² Ramón Solís, *El Cádiz de las Cortes. La vida en la ciudad en los años de 1810 a 1813* (Madrid: Silex, 2000), 103.

The rhetorical linkage provided by slavery as metaphor was a boon to the more public efforts of the Cortes to sell its political program to the public at large. Realistically, the popular classes were not capable of interpreting the philosophical grounds on which their freedoms were based. Doing so amid the competing logistical demands of war, rebuilding the state, and restoration of regional and local aspects of constitutional governance would have proven impossible. Discourse protecting the freedoms of social orders was furthermore a limited reserve of specialized political theorists and bureaucrats, operating especially in the municipal realm. The average peninsular Spaniard needed a clear and concise argument to carry the revolution beyond the problem of Godoy and Napoleon in order to accept a fundamental reordering of the state as a necessary investment in a time of war. This was offered by use of slavery as metaphor.

The Constitution of 1812 was received as a monumental achievement beyond the corridors of the Cortes. Notably, this included places removed from major nodal centers of communication and intellectual exchange. In 1813 appeal to the Cortes, residents of the Andalusian town of El Puente de Don Gonzalo (modern Puente Genil) decried “the burdensome yoke of feudalism...oppression and tyranny,” which seemed to pass away in the wake of the constitution.⁴³ As Scott Eastman has noted, “Biblical metaphors alluding to the captivity of the ancient Israelites in Egypt became common currency during Spain’s occupation.”⁴⁴ The metaphor also functioned in Biblical terms as a reference to the Assyrian invasion of Judah and the Babylonian Captivity. In a sermon presented to the Andalusian town of Estepa on the occasion of its swearing allegiance to the constitutional cause, Royal Chaplain José María de Miera Pacheco urged his countrymen to “Rise and break the chains from your body, captive daughter of Zion, and recover your freedom.”⁴⁵ Attention was also paid to ancient Rome. Of special celebration were heroes of the Roman republic, like Cincinnatus and the Fabrici brothers, protectors of the republican system from perversion by would-be tyrants.⁴⁶ Slavery as metaphor, long since a useful device for engendering popular hate of Godoy and the subsequent regime of Napoleon, remained an effective

⁴³ *Copia de la representación dirigida á la diputación permanente de las Córtes generales y extraordinarias del reyno por los individuos que la subscriben contra el Baron of Casa-Dabalillos gefe superior político de la provincia de Córdoba, por los atentados cometidos en la villa de la Puente de don Gonzalo contra la Constitución de la Monarquía española y decretos de S. M.* (Écija: Imprenta de Don Joaquin Chaves, 1813), 4.

⁴⁴ Eastman, *op.cit.*, 153. On “typology” in the Spanish Atlantic world, see Jorge Cañizares-Esguerra, “Entangled Histories: Borderland Historiographies in New Clothes?,” *The American Historical Review* 112.3 (June 2007): 790-796.

⁴⁵ José María de Miera Pacheco, *Discurso que en la villa de Estepa y en su jura de la Constitución política de la Monarquía pronunció el doctor Don Josef Maria de Miera Pacheco, Primer Capellan Real de la Capilla del Palacio de Aranjuez el 18 de octubre de 1812* (Écija: Don Joaquin Chaves, 1812), 3.

⁴⁶ *Los Ingleses en España, ó Postillon de Sevilla*, No. 16, 1813, 114.

means of garnering popular support for the new constitutional regime. As Manuel Salmón put it, “Convoking the Cortes, in the midst of the ruins and desolation of such incredible tyranny was the greatest, most admirable and illustrious work of this glorious revolution.”⁴⁷ In this way, the new constitutional regime was credited with the promotion of human freedoms and placed in rather stark contrast to existing forms of rule and even the unreformed version of constitutionalism that preceded it.

Slavery as Metaphor in Spanish America

Napoleon’s invasion of Spain precipitated a sweep of change across the Spanish Atlantic world.⁴⁸ It was not long after the colonies received word of Napoleon’s intervention in Spain that references to tyranny appeared in the Spanish American press. There separatists framed the whole of Spain’s time in Spanish America as a Biblical tale of enslavement.⁴⁹ Yet despite the fact that concern for the rightful organization of constitutional powers and the language of tyranny was a common narrative trope in the U.S. struggle for independence,⁵⁰ on clear display in *Common Sense* and the Declaration of Independence, the language of tyranny does not appear to have registered in a definite sense in Spanish America until after the Bourbon abdications of 1808. This should not be surprising. The widespread loyalty of Spanish America to peninsular Spain until the year 1808 has been a constant of Latin American historiography.⁵¹ All the same, slavery as metaphor for tyranny offered a powerful argument in support of separation.

Tyranny entered the Spanish American lexicon very quickly. This was facilitated by strong maritime routes of information exchange. In fact,

⁴⁷ Manuel Salmón, *Resumen Histórico de la Revolución de España*, quoted in Eastman, *op.cit.*, 46.

⁴⁸ Scholars have only recently turned to considering these changes collectively as a product of transatlantic networks of political rule and cultural exchange. See *Napoleon’s Atlantic: The Impact of Napoleonic Empire in the Atlantic World*, ed. Christophe Belaubre, Jordana Dym, and John Savage (Leiden: Brill, 2010).

⁴⁹ Scott Eastman, “‘America Has Escaped from Our Hands’: Rethinking Empire, Identity and Independence during the *Trienio Liberal* in Spain, 1820-1823,” *European History Quarterly* 41 (2011): 428-429.

⁵⁰ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1967).

⁵¹ Three noteworthy qualifications to this claim are riots that enveloped New Spain in 1767 word of the Jesuit expulsion, the Túpac Amaru revolt that wreaked havoc in Peru during 1772, and the *Comunero* rebellion of 1781 in what is modern-day Colombia – which, it should be noted, took its name from the 1520-1521 revolt of Castilians who found the crown to have violated their historic sense of constitutional privileges. Neither of the latter two disputes was essentially about independence, but rather focused of questions of home rule. See, for instance, Hugh M. Hamill, Jr. *The Hidalgo Revolt: Prelude to Mexican Independence* (Gainesville, University of Florida Press, 1966), 10-11.

transmission of news from peninsular Spain to New Spain was often faster than internal lines of communication within the viceroyalty.⁵² Slavery as metaphor appears to have originated at the urging of peninsular Spaniards who invited Spanish Americans to decry the tyranny of Napoleon.⁵³ In his first decree issued in 1810, the first leader of the Mexican independence movement, father Miguel Hidalgo, declared “From the felicitous moment in which the courageous American Nation took arms in order to throw off the heavy yoke that pressed down on her for close to three centuries, one of the principle objects was to extinguish the many taxes ... that prevented her fortune from progressing.”⁵⁴ From the beginnings of the Mexican independence movement, there was a concern with rectifying the abuses of the nation at the hands of covetous peninsular Spaniards. The “heavy yoke” of which Hidalgo spoke linked political struggle to a narrative of enslavement. Spanish enemies of the Mexican nation were attacked for having managed colonial affairs around a policy providing for the extraction of wealth alone. Framing this argument around a dispute between peoples on either side of the Atlantic necessarily drew Mexicans together. From the beginning, Hidalgo’s revolt would champion the abolition of chattel slavery, seeing it as a device of colonial occupation.⁵⁵ Language focusing on social orders and the balance of government among them was absent entirely. A similar pattern played out elsewhere in Spanish America.

In South America, the liberators José de San Martín and Simón Bolívar, though once ambivalent on the question of chattel slavery, converted themselves into proponents of abolition.⁵⁶ Bolívar, the leader of independence movements in South America, employed language reminiscent of Hidalgo. In his “Jamaica Letter” (1815), writing on the subject of independence movements already afoot, Bolívar recognized that “men have perished rather than be slaves,” for “Americans today, and perhaps to a greater extent than ever before, who live within the Spanish system occupy a position in society no better than that of serfs destined for labor.”⁵⁷ At another point in the same document, he linked tyranny to

⁵² This likely owed to the relative speed of travel by sea versus land. Eric Van Young, *The Other Rebellion: Popular Violence, Ideology, and the Mexican Struggle for Independence, 1810-1821* (Stanford; Stanford University Press, 2002), 325.

⁵³ Ricketts, *op.cit.*, 415.

⁵⁴ Miguel Hidalgo y Costilla, quoted in Hamill, *op.cit.*, 195.

⁵⁵ Slaves in New Spain at around 1800 comprised less than one percent of the total population. Because of this, the social barriers to abolition were quite minimal by comparison to those encountered elsewhere. For data on the distribution of slaves and free blacks throughout the region, see Andrews, *op.cit.*, 41.

⁵⁶ *ibid.*, 56.

⁵⁷ Although quite different in theory and practice, for his purposes Bolívar appears to conflate the position of a feudal serf (*siervo*) with that of a slave (*esclavo*). Simón Bolívar, “Jamaica Letter,” in *Selected Writings of Bolívar*, Vol. I, ed. Harold A. Bierck, trans. Lewis Bertrand (New York: The Colonial Press, 1951), 106, 111.

the size of a state, suggesting that imperfections in a governing order originated as the inevitable result of boundless growth in population and governed territory and not from congruence of the relative power of the social orders.⁵⁸ His diagnosis of Peru was bleak, seeing the institution of slavery well entrenched there, for as he put it “The soul of a serf can seldom really appreciate true freedom. Either he loses his head in uprisings or his self-respect in chains.”⁵⁹ For Bolívar, like many of his peers, the chattel slavery was inconsistent with the creation of genuinely free republics. Institution of a durable political regime would require eliminating all forms of slavery.

Enslavement became a useful frame for separatists to speak of the colonial role of peninsular Spain in Spanish America. Peninsular Spaniards focused their political energies on fixing a weakened government, itself the product of a corrupted political relationship between the monarchy and nations. By contrast, Spanish Americans attacked the government and disregarded the role of the monarchy. This was exemplified by the popular refrain, “Long live the King, death to bad government!” In the Spanish American context, tyranny emerged as a product of colonialism. Spanish Americans deployed slavery as metaphor in order to critique the character of Spanish colonialism. Unlike their counterparts in peninsular Spain, separatists in Spanish America did not envision a project to rebalance the political orders as the basis for their movement towards independence. In the Western Hemisphere, a theory of government based upon legally constituted social orders never took definite form. Spanish imperial policy had tended toward treatment of overseas colonies as co-equal parts of a global empire. Although a New World aristocracy survived throughout the colonial period, it was never the social equal of its counterpart in peninsular Spain.⁶⁰ Meanwhile, the proliferation of indigenous communities under the terms of the “two republics” system complicated consolidation of a coherent commons. The presence of considerable, though quite variable, slave populations further rendered social composition of Spanish America as a profound contrast to that which existed in Europe. The logic that compelled references to slavery in the European sphere simply did not resonate in Spanish America.⁶¹ Peninsular Spaniards had come to this realization years earlier when they set out to affirm the distinction between metropole and colony under the auspices of the Bourbon

⁵⁸ *ibid.*, 116.

⁵⁹ *ibid.*, 117.

⁶⁰ Doris M. Ladd, *The Mexican Nobility at Independence, 1780-1826* (Austin: University of Texas Press, 1977).

⁶¹ Spain did not burden its colonies with creation of a feudal system that emerged in Spain as the product of centuries of medieval conflict. Absence of a feudal past was portrayed by Louis Hartz as basis for American exceptionalism and its success in avoiding the violence of the French Revolution. See *The Liberal Tradition in America: An interpretation of American Political Thought Since the Revolution* (New York: Harcourt Brace, 1955).

Reforms. Years later Spanish American separatists sought to redress this apparent hierarchy, which had rendered them colonial subjects and not co-equals within a global Spanish Monarchy.

Use of slavery as metaphor in Spanish America also transformed the nature of the political struggle. Close association of chattel slavery with political oppression in Spanish America had a different effect in a socio-political environment wherein the practice of slavery as an institution served as a structural constant of society. Separatists attacking the error of slavery in rhetorical terms did so with the knowledge that it provided rhetorical fodder for the emancipation of slaves. Spanish Americans simply could not overlook the issue the same way their peers across the Atlantic had done. They had to confront the issue directly. In some sectors, slave populations were seen as integral to securing independence. In other sectors, either owing to the specter of a race-based violence or the ability of freed persons to resist royalists without additional aid, slave communities were not a significant or integral component to securing independence. In the case of Mexico, where use of slavery as metaphor appeared most often, abolition came with that nation's first constitutional charter in 1824. In peninsular Spain, abolition was never adopted as a major plank of the dominant liberal orthodoxy. For their part, Cuban planters employed a "wait and see" tactic in declaring their loyalties, waiting to determine the position of peninsular liberals, and favoring the preservation of their lucrative industry over all else.⁶² Metropolitan officials responded with similar pragmatism.⁶³ Peninsular liberals, who retained rule of Cuba and Puerto Rico until the end of the nineteenth century, did not feel the burden to advance a policy of abolition until there emerged significant resistance to their control of these imperial domains. The foundational premise of peninsular constitutionalism did not otherwise challenge them to consider emancipation on doctrinal grounds. At least with regard to the institution of slavery as a form of oppression, it is more appropriate to speak of multiple liberal projects rather than a singular program.

Conclusion

At the outset of Spain's first revolutionary interval of the modern era, an almost visceral drive against the rule of tyrants served as a spur to revolt and political reform. Political momentum derived from this sentiment served to legitimate the Constitution of 1812 as a means to restore good government and end the reign of tyranny. This new written constitution was seen to have brought into being the

⁶² Dominique Goncalvès, "Havana's Aristocrats in the Spanish War of Independence, 1808-1814," in *Napoleon's Atlantic*, *op.cit.*, 81-95.

⁶³ Michael P. Costeloe, *Response to Revolution: Imperial Spain and the Spanish American Revolutions, 1810-1840* (Cambridge: Cambridge University Press, 1986).

terms of an ancient, unwritten constitution structured around a political tradition that was never at odds with the institution of slavery. Thus, the earliest stage of Spain's liberal revolution looked to the past as a model for moving forward. In doing so, it embraced a corporatist logic at odds with tyranny but also one that accommodated itself to chattel slavery.

Transatlantic movement of people and printed material facilitated the exchange of slavery as metaphor. The nature of oppression that served to compel political revolt had very different origins in each hemisphere. In peninsular Spain, the logic of revolt originated, in part, from a conviction to uphold a balance of powers held in concert by social orders. The relatively limited scope of chattel slavery in peninsular Spain failed to provoke reflection there on the need to abolish slavery in social as well as political terms. In Spanish America, references to rule of the Spanish monarchy over its subjects like that of a master over its slaves had a certain dramatic effect that proved a useful impetus towards revolt in purely national terms. On this level, slavery as metaphor encountered a new meaning that stressed human equality and the intolerance of slavery. In both contexts, slavery as metaphor aided political mobilization, though it maintained an independent ideological relevance to each.

New scholarship on the Atlantic world has expanded the horizon of research on the Spanish Monarchy. Political elites on both sides of the Spanish Atlantic certainly viewed themselves, at least abstractly, as engaged in a common undertaking. Beyond the rhetoric, however, there existed different realities and competing interests. Oversimplifying the terms of a transatlantic political culture imperils a complete understanding of citizenship and state formation on both sides of the Atlantic. A singular version of Spanish political culture as a springboard for examining widespread processes like independence, revolution, and the abolition of slavery has its limits. A more fruitful endeavor would be to situate the nuanced role of various local political cultures within the ambit of a more loosely configured transatlantic system.