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## **MONOGRÁFICO · SPECIAL ISSUE**

VIAJE DEL MUNDO ENSAYOS EN HONOR A CARLOS MARTÍNEZ SHAW

A TRAVELLING WORLD
ESSAYS IN HONOR OF CARLOS MARTÍNEZ SHAW

### LA PEPA VISITS THE PACIFIC: THE IMPACT OF SPANISH LIBERALISM IN THE VICEROYALTY OF PERU, 1808–1814

#### LA PEPA VISITA EL PACÍFICO: EL IMPACTO DEL LIBERALISMO ESPAÑOL EN EL VIRREINATO DE PERÚ, 1808-1814

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#### **Abstract**

In 1808 the political structures of the Hispanic world began to collapse as the fourth and fifth of Spain's Bourbon monarchs —Charles IV (1788–1808) and Ferdinand VII (1808–1833)— abdicated in quick succession before going into a genteel imprisonment in France which lasted until 1814, thereby leaving the way clear for Napoleon Bonaparte's brother, Joseph, to be crowned king of Spain in Madrid in June 1808. Despite the acquiescence of elements of the Spanish aristocracy and the enthusiasm for the change of dynasty among the country's progressive *afrancesados*, almost immediately spontaneous popular resistance to what was in effect a Napoleonic takeover of the Spanish State became widespread throughout the country. It was coordinated by, first, the Junta Central, established in September 1808, and from January 1810 by a Council of Regency, installed in the Isla de León. This essay analyses the events in Spain from early-1808 that led to this outcome, and reactions to them in the viceroyalty of Peru, with particular reference to the application there of the Constitution of Cádiz of 1812, prior to the receipt in late-1814 of the news that the restored Ferdinand VII had abolished the liberal code in May of that year.

#### Keywords

Abascal; Cádiz; Constitution; Cortes; Cuzco; Ferdinand VII; Peru; Spain

#### Resumen

En 1808 las estructuras políticas del mundo hispánico comenzaron a derrumbarse cuando el cuarto y quinto de los monarcas Borbones españoles —Carlos IV (1888–08) y Fernando VII (1808–33)— abdicaron sucesivamente y forzosamente se exiliaron en Francia hasta 1814, dejando el camino libre para el hermano de Napoleón Bonaparte,

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José, pudiera ser coronado rey de España en Madrid en junio de 1808. A pesar de la aquiescencia de la aristocracia española y el entusiasmo por el cambio de dinastía, entre los sectores *afrancesados*, la resistencia popular apareció muy pronto de manera espontánea, ya que se traba de una verdadera toma de posesión napoleónica del Estado español, que rápidamente se extendió por todo el país. Esta resistencia fue coordinada, primero, la Junta Central, creada en septiembre de 1808, y desde enero de 1810 por un Consejo de Regencia, instalado en la Isla de León. Este ensayo analiza los acontecimientos ocurridos en España desde principios del 1808, y las reacciones a los mismos en el virreinato del Perú, con especial referencia a la aplicación de la Constitución de Cádiz de 1812, y la recepción, a finales de 1814, de la noticia de que Fernando VII, restaurado en el trono, abolía la constitución en mayo de ese año.

Palabras clave

Abascal; Cádiz; Constitución; Cuzco; Fernando VII; Perú; España

#### 1. INTRODUCTION

On 24 September 1810, more than 100 deputies to the General and Extraordinary Cortes of Spain came together in the Iglesia Mayor of the Isla de León (now better known as San Fernando), adjacent to the fortified city of Cádiz, for the celebration of a solemn mass inaugurating the assembly's sessions, which began later that day in the town's Comedy Theatre<sup>2</sup>. The process invoked vague memories of the Cortes of the medieval kingdoms of Spain —León, Castile, Aragón, Valencia, and so on whose sovereigns had summoned representatives of the three estates (prelates, nobles, and municipal officials) to consult with them in times of crisis, a practice which had virtually ceased in any significant sense by the early-seventeenth century<sup>3</sup>. Few of the deputies present in San Fernando on 24 September had been elected directly, because virtually all of peninsular Spain had been occupied by the French, while all but one of the deputies selected by the oligarchic *cabildos* (city councils) of Spanish America, in response to the decree of the Council of Regency of 14 February 1810, calling upon all towns and cities in Spain and Spanish America to send deputies to the Isla, had not yet arrived; the one exception in the latter category was naval captain Ramón Power, representing Puerto Rico, who had reached Spain in June 1810. The remaining 29 deputies representing Spanish America, like most of those for Spain itself, were *suplentes* (substitutes) —mostly clerics, lawyers, and naval and military officers resident in and around Cádiz— who had been selected by the Regency to serve until the arrival of the proprietary delegates.

Notwithstanding this improvisation, 'The Cortes ... was the first parliamentary body in the history of humanity to have representatives of the metropolis and the colonies', to quote the rhetoric of one of the members of the bicentennial commission established in San Fernando to celebrate the events of 1810, and its convening was of major significance for the history of both Spain and Spanish America4. The purpose, then, of this essay is to explain what happened in Spain in the period prior to 1808–1810 that led to the summoning of the extraordinary Cortes, and to evaluate the significance, particularly from the perspectives of Spain's American subjects, of the Constitution of Cádiz, which it promulgated on 19 March 1812 (the feast day of St. Joseph, hence La Pepa). The essay's focus upon the application of the Constitution in the viceroyalty of Peru is grounded in the need to understand why the overwhelming majority of the creole inhabitants of that remote territory opted in not only 1812-1814 but also subsequently for the royalist cause, at a time when many of their counterparts elsewhere in South America saw the chaos in peninsular Spain as providing an opportunity to bid for genuine autonomy as a prelude to full independence from Spain. The essay begins, as a necessary preamble, with a brief discussion of the growing problems of Spain's Bourbon monarchy during the period immediately prior to its collapse in 1808.

<sup>2.</sup> Rodríguez, 1978, 28–30.

<sup>3.</sup> Merriman, (1911): 476-77.

<sup>4.</sup> Quintero González, 2010, 1.

#### 2. SPAIN AND ITS AMERICAN EMPIRE PRIOR TO 1808

The 30 years or so from the mid-1790s until the mid-1820s constituted the most decisive period in the modern history of Spain since the era of discoveries and conquests in the Americas of the early-sixteenth century. Having gone to war with France in 1793, ostensibly in defence of monarchical and Catholic values, thereby rupturing the vestiges of the Bourbon Family Compacts of the eighteenth century, Spain made peace with its regicide, revolutionary neighbour in 1795, declaring war against England a year later, alongside France, in the hope of striking a fatal blow against the burgeoning maritime power in the Atlantic of its imperial rival, which had already been forced at the end of the War of American Independence (1776–1783) to return to Spain East and West Florida, initially ceded by Spain at the end of the Seven Years War (1756–1763) as compensation for the English withdrawal from Havana, which had been captured in 1762.

By the early-1790s the humiliation suffered at the hands of the English during the Seven Years War was a distant memory in Madrid, as imperial policy makers were enjoying a self-confidence of comparable importance to that experienced in the golden age of the late-sixteenth century. This was the result in large measure of the commercial and financial successes engendered during the reign of Spain's third Bourbon king, Charles III (1759–1788) whose ministers are generally credited with extending to Spanish America the rational reforms of provincial administration, taxation, defence, and commerce that had been introduced already in peninsular Spain during the reigns of its first two Bourbon kings —Philip v (1700–1746) and Ferdinand vi (1746–1759)— during the first half of the xviii century<sup>5</sup>. Early in the reign of Charles IV (1788-1808) a series of censuses taken in Spain and America showed a total Hispanic population of some 27 million, ten million of them in the peninsula and seventeen million in the kingdoms of America. In the latter, the three million or so inhabitants defined as 'españoles americanos' (American Spaniards) or *criollos* (creoles) were enjoying unprecedented prosperity, largely because of a partial relaxation in 1778-1789 of the old commercial restrictions that had been established in the sixteenth century<sup>6</sup>. Although still required by the new, misleadingly named, 'free trade' legislation to trade exclusively with Spanish ports, colonial producers and merchants were the indirect beneficiaries in the last two decades of the eighteenth century of ever-expanding markets in Europe, the United States and the Far East for not only the silver that continued to be produced in record quantities in the imperial heartlands of Mexico and Peru but also the hitherto neglected pastoral and agricultural products of peripheral regions in Spanish America, such as the Río de la Plata and Venezuela, whose hides, indigo, tobacco, sugar, cotton and so on flowed eastwards across the Atlantic in return for European manufactures. The latter, it is true, were largely produced in northern Europe for re-export through Spanish ports to America, but the expansion of imperial trade

<sup>5.</sup> Fisher, Kuethe & McFarlane, 1990, 1–16; Kuethe & Andrien, 2014, 133–227.

<sup>6.</sup> Fisher, 1985, 9-19.

was one of the factors that stimulated a limited industrial growth in peninsular Spain in this period, notably in Vizcaya (iron goods) Catalonia (cotton textiles), Castile (woollen cloth), and Málaga and Valencia (silks). However, the major peninsular beneficiaries of freer trade were the traditional viticultural and agricultural sectors, for whose products —notably wines, brandies, olives, oil, and flour—there was a seemingly insatiable demand in the expanding markets of America<sup>7</sup>. Thus, by the late-1780s most Spanish Americans remained basically content with their continued subjection to the Bourbon dynasty, despite their increasing resentment that, with very few exceptions, their viceroys, governors, bishops, judges, and other senior administrators were, and always had been, peninsular-born Spaniards. There were, it is true, some isolated regional protests in Spanish America against the increased fiscal burdens imposed by Charles III in the 1760s and 1770s in part to finance improved defences against the ever-present threat of British aggression, notably in the Caribbean. These manifestations of discontent were particularly serious in the viceroyalties of Peru, where the 1780-1783 Rebellion of Túpac Amaru revealed clearly the inadequacy of the reorganisation of local militia regiments that had been undertaken in the 1760s and 1770s during the viceregency of Manuel de Amat y Junient<sup>8</sup>. Similarly, in the neighbouring viceroyalty of New Granada the less violent 1781 Rebellion of the Comuneros demonstrated the difficulties faced by crown officials in imposing unpopular new taxes<sup>9</sup>. However, they drew their support largely from the indigenous and mixed race —mestizo— segments of the population rather than the politically dominant minority of creoles, and, in any case, did not embrace any clearly-articulated demands for real independence, notwithstanding the claims to the contrary of some modern historians who exaggerate the strength of nationalist identity<sup>10</sup>. Within this basically loyalist context, a few isolated champions of independence can be identified, notably the veteran revolutionary Francisco de Miranda, who sought in vain prior to 1810 to persuade his fellow-Venezuelans to emulate the 1776 precedent set by Britain's Thirteen Colonies in taking up arms against colonialism<sup>11</sup>. Similarly, the exiled Peruvian Jesuit Juan Pablo Viscardo y Guzmán —one of 2,600 members of the Society abruptly expelled from Spanish America in 1767 by the regalist Charles 111— had articulated by 1799 in his Lettre aux Espagnols-Americains, the case for ridding Spanish America of the evils of colonialism. However, this work, although subsequently recognised as a key text in analysing colonial grievances, had a negligible impact upon the attitudes of his creole contemporaries prior to independence<sup>12</sup>.

As is well known, the results of Spain's decision to go to war with England in 1796 were the opposite of those anticipated by Charles IV and his domineering chief minister Manuel de Godoy, who had been ennobled as Principe de la Paz (Prince of

<sup>7.</sup> FISHER, 1997, 134-59.

<sup>8.</sup> Campbell, 1978, 43-68.

<sup>9.</sup> Phelan, 1978, 18–35.

<sup>10.</sup> Serulnikov, 2003, 122–56; Fisher, Kuethe & McFarlane, 1990, 197–326; McFarlane, 1993, 264–71.

<sup>11.</sup> RACINE, 2003, 200.

<sup>12.</sup> VISCARDO Y GUZMÁN, 2002.

the Peace) following the 1795 cessation of hostilities with France, a process which had required Spain to cede to its powerful neighbour Santo Domingo (the modern Dominican Republic) and Louisiana (the largely uncharted lands to the west of the Mississippi)<sup>13</sup>. The first naval battle of the conflict, fought off Cape St. Vincent (Portugal) in February 1797, was a stunning victory for the English fleet over a larger Spanish force. Confident of their naval superiority, the English had immediately imposed a tight blockade upon the port of Cádiz, which prior to 1797 had handled 80% of peninsular trade with Spanish America, forcing the crown to grant in 1797 unprecedented permission for neutral ships to enter Spanish American ports. The principal beneficiaries were the industrialists and merchants of the United States and even, despite the formal state of hostilities, their English counterparts, who quickly established a mutually beneficial relationship in the Caribbean with Spanish American producers, whereby the foreigners brought manufactures and slaves to ports such as Vera Cruz, Havana, and La Guairá in exchange for silver, sugar, indigo, and other primary products, which they took back to their home ports, notwithstanding the official requirement in the 1797 decree of free trade, that they should sail for Spanish ports<sup>14</sup>. Although, in the light of this complication, Charles IV made a desultory attempt in 1799 to revoke the decree of free trade, most colonial officials ignored the new instruction, arguing that it was essential to allow trade with neutrals to continue in order to maintain creole loyalty to the crown and raise the customs revenues required for local defence.

The lull in Anglo-Spanish hostilities produced by the 1802 Peace of Amiens brought Spain some respite and increased customs revenues, as the merchant houses of Cádiz enjoyed some success in restoring their former business<sup>15</sup>. However, their renewal in 1804 brought in its train the October 1805 battle of Trafalgar, which finished off what had begun at Cape St. Vincent in 1797, namely the elimination of Spain and France as serious maritime powers. It also led many officials in Spanish American ports to connive at permitting direct trade with the British Caribbean islands, notwithstanding the formal state of warfare between the two countries<sup>16</sup>. Even so, Spanish Americans remained reluctant to embrace the independence cause, as Miranda discovered in 1806 when he mounted from New York two abortive raids on the coast of Venezuela. One factor in his failure to attract support from the Venezuelan elite was its fear that revolutionary activity might unleash a massacre of landowners by black slaves, such as had occurred in nearby Saint Domingue, following the 1804 declaration of Haiti's independence from France<sup>17</sup>. The British, too, had their fingers badly burned when in mid-1806 they entered the estuary of the Río de la Plata to seize the ports of Buenos Aires and Montevideo, only to be forced into an ignominious surrender a year later by the

<sup>13.</sup> ESDAILE, 2003, 10-12; HERR, 1958, 348-444.

<sup>14.</sup> FISHER, 1997, 197-216; PEARCE, 2007, 161-229.

<sup>15.</sup> FISHER, 1992, 78-94.

<sup>16.</sup> Pearce, 2007, 161-229.

<sup>17.</sup> Grafenstein, 2005, 41–60.

ferocious hostility of local militia regiments<sup>18</sup>. Although not yet fully understood in Madrid, one of the lessons to be learned, as the British had discovered in North America, was that training colonial subjects in the use of arms could boomerang if they decided that they no longer wished to be governed from Europe by monarchies that regarded them primarily as safe sources of taxation revenue but undeserving of representative government.

#### 3. THE EVENTS OF 1807-1814

The impending crisis for the Iberian powers deepened in mid-1807, when Napoleon Bonaparte, frustrated by Portugal's persistent refusal to close its ports to British warships and merchantmen (thereby undermining his continental system), and impatient with the lukewarm Spanish contribution to the French war effort, sent a 25,000-strong army across the Pyrenees to begin preparations for undertaking a full-scale invasion of Britain's traditional ally. The hapless Charles IV and Godoy —the latter seduced by Napoleon's suggestion that, following the anticipated victory over Portugal, he might be further ennobled as Prince of the Algarve— had little option but to agree to provide a similar number of Spanish troops for the enterprise<sup>19</sup>, despite their apprehension about allowing French troops to pass through northern Spain (in reality the only available route, given Britain's maritime control of the Bay of Biscay). In November 1807 the combined force invaded Portugal from León, advanced rapidly though central Portugal, and captured the virtually defenceless Lisbon on 30 November, only to discover on arriving there that a day earlier a hastily improvised convoy of 36 vessels had sailed for Brazil under the protection of British warships. The fleet carried across the Atlantic not only the Braganza royal family, but also thousands of courtiers and wealthy inhabitants of Lisbon, the royal archive, library and art collection, and the contents of the treasury, thereby paving the way for the relatively peaceful independence of Brazil in 1822, with the heir to the Portuguese throne ensconced as Emperor Pedro 120.

The bewildered Charles IV also contemplated fleeing to America, but vacillated until it was too late. Confused by riots against Godoy and evidence that his son and heir Ferdinand had been conspiring with Napoleon to dethrone him, he meekly observed the summons to cross the Pyrenees to Bayonne, where he abdicated on 19 March 1808 in favour of Ferdinand VII (1808–1833). However, when the latter entered Madrid a week later, he discovered that Marshal Murat, whose French troops had occupied the city the previous day, was unwilling to recognise his authority<sup>21</sup>. The reality was that Napoleon had already decided that the best course of action from his perspective, with more than 100,000 French troops already in Spain, was to get rid of the Bourbons altogether in favour of a puppet sovereign from his extended

<sup>18.</sup> Halperín-Donghi, 1974, 125–50.

<sup>19.</sup> ESDAILE, 1988, 58.

<sup>20.</sup> Macauley, 1986, 1–19; Barman, 1988, 42–96.

<sup>21.</sup> ESDAILE, 1988, 75-77.

family. Ferdinand meekly accepted Napoleon's invitation to a further face-to-face meeting in Bayonne, where he was joined by his parents and Godoy. There, only a few days after the popular protests against the French in Madrid depicted in Goya's 'Dos de Mayo' (Second of May) painting, on 5–6 May 1810 father and son renounced their claims to the Spanish throne in favour of a comfortable exile in France, thus leaving the way clear for the emperor to make his eldest brother, Joseph, king of Spain and America, an outcome formally proclaimed in Madrid on 6 June, with the acquiescence of supine elements of the Spanish aristocracy.

Slowly at first, popular risings against the French occupation followed in most major Spanish cities, as regional juntas (governing committees) were formed to coordinate resistance, and the Spanish army pledged its support for their cause. The anti-French forces received a powerful boost in June 1808 from the success of a delegation sent to London by the junta of Asturias, which persuaded the British to abandon hostilities against Spain, and instead send to the anti-French patriots arms and money, the first consignments of which reached La Coruña as early as mid-July, prior to the arrival of an expeditionary force of 40,000 men, including the 13,000 that prior to the reversal of alliances had been training in Cork, under the command of Arthur Wellesley (the future Duke of Wellington), for an attack on Venezuela. In the interim, the combined forces of the Spanish army and thousands of hastily-mobilised guerrillas had won a stunning victory over the French at the battle of Bailén in mid-July 1808, paving the way for the temporary re-occupation of Madrid at the end of the month, ten days after the arrival there of king Joseph and his entourage. This deceptively-easy triumph was followed on 25 September 1808 by the agreement of the representatives of the regional juntas, assembled in the royal palace of Aranjuez, to install as the repository of monarchical authority the Junta Suprema Central Gubernativa del Reino, commonly known as the Junta Central, initially headed by the aged Conde de Floridablanca, who had served as Spain's secretary of state in 1776–1792, prior to his removal from office because of his strong opposition to Charles IV's decision to recognise the French constitution imposed upon Louis xv1<sup>22</sup>.

The new entity, composed of two representatives of each of the regional committees, claimed to govern, in the name of the absent Ferdinand VII, both Spain and the kingdoms of America, each of which (in the case of America four viceroyalties and six captaincy-generals) was invited to send two representatives to join it, thereby providing for a maximum American representation of ten members, compared with 36 for peninsular Spain. Thus, for the first time in three centuries the need to provide Spanish Americans with some sort of representation, however limited, was recognised in principle<sup>23</sup>.

News of these dramatic events reached the monarchy's overseas kingdoms slowly, and often in confused fashion. In the city of Mexico, capital of the huge and prosperous (at least superficially) viceroyalty of New Spain, as news of events in

<sup>22.</sup> Herr, 1958, 239-268.

<sup>23.</sup> CHUST, 2010, 22-23.

the peninsula filtered through in 1808, the corrupt and vacillating viceroy José de Iturrigaray, a protégé of the now-discredited Godoy, showed some sympathy for the suggestion of the city council of Mexico that a viceregal congress be summoned to determine the way forward. However, the powerful community of peninsular Spaniards, supported by conservative creoles, the judges of the *audiencia*, and the ecclesiastical hierarchy, deposed him abruptly on 15 September 1808, replacing him with a series of interim officials —initially Gabriel de Yermo, a rich landowner-merchant—until the installation in September 1810 of the proprietary viceroy Francisco Javier Venegas<sup>24</sup>. Venegas arrived in his capital immediately after the completion of the process of electing deputies to the extraordinary Cortes, fifteen of whom eventually arrived in Cádiz, the assembly having voted on 20 February 1811 to transfer to there from the Isla de León<sup>25</sup>. Almost immediately Venegas and his military commander Félix María Calleja, who subsequently succeeded him as viceroy (1813–1816), were confronted by the unambiguous bid for Mexican independence proclaimed on 16 September 1810 in the small town of Dolores by its parish priest, Miguel de Hidalgo. Tens of thousands of small farmers, mine-workers, and labourers on local haciendas from all parts of the rich Bajío region —predominantly mestizos and Indians—flocked to support the movement, which succeeded in the short term in capturing the provincial capital of Guanajuato, where the indiscriminate slaughter of several hundred Spaniards, both American and peninsular-born, indicated that what had begun was in part a class war. Accordingly, although the insurgents succeeded in capturing Valladolid (now better-known as Morelia, capital of the state of Michoacán in commemoration of José María Morelos, who assumed control of the independence cause following the execution of Hidalgo in 1811), Venegas and Calleja had no difficulty in mobilising the militia of the city of Mexico to repress with great brutality this threat posed to their wealth and prestige. Thereafter, although rural insurgency persisted in the provinces of Oaxaca and Michoacán, the towns and cities of New Spain remained loyal, ostensibly at least, to Spain until 1821, when increasing instability in the peninsula persuaded the viceroyalty's creole elite that full independence from Spain rather than royalism promised them greater protection for their privileges<sup>26</sup>.

The most distant from Spain of the American viceregal capitals, Lima, did not learn of the abdications in March and May 1808 of Charles IV and Ferdinand VII until August and September respectively and of the formation of the Junta Central until January 1809, two months after the city's authorities had formally declared war against France in support of the junta of the viceroy's native Asturias. However, despite his concern that the information that arrived from Spain was 'confused, misleading and equivocal', the viceroy of Peru, José Fernando de Abascal y Sousa, a dyed-in-the-wool absolutist, who had been in office since 1806, was able, like the overwhelming majority of the royal administrators in the other towns and cities

<sup>24.</sup> Anna, 1978, 63-98.

<sup>25.</sup> BERRY, 1966, 11–16; Colección de los decretos, 1811, 81.

<sup>26.</sup> Rodríguez O, 1998, 159–68.

of Spanish America, to persuade the creole elite represented by the city council of his capital to swear allegiance to the Junta Central in March 1809. He also swiftly despatched Peruvian troops —drawn from the militia regiments of the provinces of Arequipa and Cuzco, and supported by Indian conscripts led by royalist caciques to suppress brutally the local juntas that had been set up in Chuquisaca (modern Sucre), La Paz, Quito, and other cities of the neighbouring kingdoms of Upper Peru (Bolivia) and Quito (Ecuador) —territories which were no longer technically under his jurisdiction—by citizens who believed and argued that they had just as much right as their counterparts in the peninsula to reclaim the sovereignty no longer capable of being exercised by the captive Ferdinand VII<sup>27</sup>. By 1808, Abascal, who had served in New Spain as president of the audiencia of Guadalajara prior to his transfer to Peru, had over 30 years of experience as a senior administrator in Spanish America, and considered himself an expert upon what he regarded as devious creole opportunism<sup>28</sup>. Accordingly, he not only acted with alacrity to suppress the 1809 juntas established in Upper Peru and Quito, but also repressed fiercely isolated attempts to depose royalist officials within his viceroyalty, principally in the remote Tacna in 1811 and 1814, Arequipa in 1813, and in 1812 in the central Peruvian cities of Huamanga (modern Ayacucho) and Huánuco, as well as a number of alleged conspiracies discovered in Lima<sup>29</sup>. The juntas established in Caracas, Buenos Aires, and Santa Fé de Bogotá, in April, May, and July 1810 respectively, were beyond Abascal's reach, but that of Santiago de Chile, erected in September 1810, was eventually overthrown by an expeditionary force from Peru that landed in southern Chile in March 1813, which rallied Chilean royalists as it advanced north upon Santiago from the port of Concepción30. Such was Abascal's determination to defend the royalist cause both within and beyond the official frontiers of the viceroyalty of Peru —the annexation of which to the old viceroyalty he decreed peremptorily in mid-1810— that his most recent biographer, recalling the old suggestion that in 1808 prominent Peruvians believed that the best way of defending their viceroyalty from the threat of submission to the French would be to crown Abascal king, and name his daughter, Ramona, as his eventual successor<sup>31</sup>, describes him as the 'king of America' in the sub-title of his book<sup>32</sup>.

The expressions of support for the Junta Central received from America in 1808–1809 were of greater symbolic than substantive importance, as it was forced by a new French onslaught in central Spain to flee southwards from Madrid in December 1808, eventually establishing its headquarters in Seville. In the course of 1809 it enjoyed some military success, notably at the battle of Talavera of 28 July, where the Spanish forces were bolstered by Portuguese and British troops under Wellesley. However, the cautious British commander withdrew his army to the

<sup>27.</sup> FISHER, 2003, 147-48.

<sup>28.</sup> FISHER, 2003, 147-48.

<sup>29.</sup> FISHER, 2004, 94-105.

<sup>30.</sup> Rodríguez, 1998, 142–43.

<sup>31.</sup> NIETO VÉLEZ, (1960): 31–35.

<sup>32.</sup> VARGAS ESQUERRA, 2010.

relative safety of Portugal immediately after this victory, and the initiative in Spain passed very quickly to the French. Six months later, the Junta Central abandoned Seville for the Isla de León, in the south-western corner of Andalucía, whose fortifications and extensive salt marshes defended the adjacent city of Cádiz. There, on 29 January 1810 the Junta dissolved itself and handed power to a five-man Council of Regency, which met for the first time three days later<sup>33</sup>. Thus, the Junta left it to the Regency to follow up its decree of 22 May 1809, announcing that as soon as circumstances permitted 'the legal and established representation of the Monarchy in its ancient Cortes will be restored'<sup>34</sup>. On 4 February 1810 the defences of the Isla were reinforced by the arrival of the undefeated army of Extremadura, and thus began the longest siege of the Peninsular War, which continued until the French withdrew on 25 August 1812<sup>35</sup>.

With the defences of the Isla holding firm, the Council of Regency embarked slowly upon a programme of political reform, the key feature of which was its aforementioned decree of 14 February calling for deputies to attend the extraordinary Cortes. Using remarkably strident language, much to the discomfiture of the absolutist administrators required to deal with the practicalities of enforcing it, the decree assured Americans that they were to be elevated from degradation to 'the dignity of free men', whose destinies 'are in your own hands', who would enjoy the opportunity in the forthcoming Cortes to remedy 'all the abuses, extortions and evils caused in those lands by the arbitrariness and inadequacy of the agents of the former government'36. As is well known, these reassurances fell on stony ground in many parts of Spanish America, where the arrival of news of the collapse of the Junta Central triggered the formation, first in Caracas in April 1810, of local juntas, unwilling both to recognise the authority of the Regency and to send deputies to the Cortes.

Initially, at least, none of the American juntas set up in 1810 demanded independence, insisting only that the citizens of the overseas kingdoms enjoyed the same right as those of Spain to reclaim the sovereignty that Ferdinand VII was now incapable of exercising. However, they also contained genuine advocates of full independence, and their establishment demonstrated clearly the fragility of the Regency's authority in America. This problem was particularly acute in Buenos Aires and Santa Fe de Bogotá, the respective capitals of the viceroyalties of the Río de la Plata and New Granada, where in May and July 1810 viceroys Baltasar Hidalgo de Cisneros and Antonio Amar y Borbón weekly surrendered to the demands of their city councils for the creation of local juntas<sup>37</sup>. However, as we have seen, events took a different course in Lima and Mexico, the respective capitals of the viceroyalties of Peru and New Spain.

<sup>33.</sup> Anna, 1983, 29-30.

<sup>34.</sup> Fernández Martín, 1885, 559-61.

<sup>35.</sup> ESDAILE, 2003, 220–221.

<sup>36.</sup> Fisher, 1970, 213.

<sup>37.</sup> LYNCH, 1986, 52–57; EARLE, 2000, 25–26.

In Lima the hard-headed viceroy Abascal took firm control of events as early as 1808, managing very carefully the process of selecting a deputy to join the Junta Central, which was completed in October 1809 by drawing by lot one of three names of prominent representatives approved by Abascal. The unsuccessful candidates were the influential arequipeño military officer, José Manuel de Goyeneche, and the only creole judge of the audiencia of Lima, José Baquíjano y Carrillo, third Count of Vistaflorida<sup>38</sup>. Although the man chosen, José de Silva y Olave (a canon of the cathedral of Lima since 1792 and rector in 1809-1809 of the ancient University of San Marcos) got no further than Mexico on his journey to Spain, before returning to Lima on learning of the dissolution of the Junta, the instructions that he received from the city council of Lima, articulating clearly the grievances of the creole elite, did reach the Council of Regency. They began on a positive note, expressing gratitude for the recognition that the American kingdoms were integral parts of the monarchy rather than mere colonies, but then proceeded to attack many features of the Bourbon reform programme, calling for, *inter alia*, the abolition of the intendant system, which had been extended to Peru in 1784 as part of a general crown policy of gathering taxes more efficiently and improving the quality of provincial administration, as well as the restoration of the *repartimiento* system, which had been abolished as a result of the Túpac Amaru rebellion, whereby the district officers (corregidores) had collaborated with local merchants in the forced sales of merchandise to the Indian communities under their jurisdiction. Other demands included, the abolition of monopolies (for the sale of, for example, tobacco and aguardiente), and the guarantee that Americans would be given at least a half share in governmental posts, for, it was argued, despite their fitness for office, the majority had been unable to secure honourable positions, instead finding themselves destined to be no more than 'farmers, clerics or lawyers'39.

There is ample evidence that both the Junta Central and the Regency took very seriously these demands, which echoed those received from other American regions. In 1810, for example, the Regency ordered that provincial intendants who had held office for more than five years should be transferred elsewhere or removed from office entirely, and that, if possible, their replacements should be creoles. This particular requirement was particularly irritating for Abascal, because it resulted in the removal or suspension from office, at a particularly delicate historical moment, of experienced administrators in all but one of the Peruvian intendancies —the exception was Trujillo— even though two of them —he intendants of Lima and Huancavelica— were restored to their posts in 1811–1812. Similarly, within a month of its inauguration the extraordinary Cortes issued a string of reformist decrees, most of which were subsequently incorporated in the Constitution proper: for example, on 15 October a declaration of equality of representation for European and American Spaniards, and on 10 November a declaration of press freedom<sup>40</sup>. Following its

<sup>38.</sup> Fisher, 2003, 89; Burkholder, 1980, 17, 124–25; Marks, 2007, 42.

<sup>39.</sup> FISHER, 2003, 89.

<sup>40.</sup> Ayuntamiento de San Fernando, 2010, 14–17; MARTÍNEZ RIAZA, 1985, 30–41.

transfer to Cádiz the Cortes continued in similar vein, abolishing in 1811–1812, albeit ineffectually, Indian tribute (which in the case of Peru represented approximately 20% of crown revenues, a consideration which led to local officials continuing to collect what they could, under the guise of 'voluntary contributions'), the *mita* (forced work) system and personal service, and the Holy Office of the Inquisition <sup>41</sup>.

## 4. THE EXTRAORDINARY CORTES, PERU, AND THE PREPARATION OF THE 1812 CONSTITUTION

Having managed carefully in 1809 what turned out, in any case, to be the abortive selection of a Peruvian representative to join the Junta Central, in the following year Abascal —like his counterpart in the capital of New Spain— faced the rather more complicated challenge of enforcing the Regency's decree of 14 February 1810 calling upon the municipal councils of the principal cities of Spain and Spanish America to send deputies to the proposed extraordinary Cortes, due to meet for the first time on 24 September 1810. In this pre-constitutional period, of course, the municipal corporations of Peru, as in the other viceroyalties, were unelected, oligarchic bodies, whose members held office indefinitely, and whose heirs were entitled to purchase their posts when they fell vacant. Although their electoral functions were limited to the annual appointments of municipal magistrates and other minor officials, there is evidence that in this late-colonial period they were able, in the absence of alternative channels for the expression of local grievances and wishes, to acquire increasing influence and authority in their dealings with the representatives of peninsular authority<sup>42</sup>.

Conscious of the need to allow some flexibility in the application of the Regency's instructions, notwithstanding his deep distaste for its arguably inflammatory language, Abascal was prepared to leave the fine-tuning of the procedures to be adopted to the individual corporations. In Lima itself, in August 1810 the council chose three candidates by secret vote, and then selected one by lot. Having identified by this method that its representative should be Francisco Salazar y Carrillo (whose brother Andrés was one of the municipal magistrates for 1810), it provided him before his departure for Spain in January 1811 with not only the funds to cover his anticipated expenses but also, and more significantly, with a copy of the instructions drawn up in 1809 for Silva y Olave<sup>43</sup>. In Cuzco, Peru's most important city after Lima (notwithstanding its traditional rivalry with Arequipa for recognition of its primacy in southern Peru), the president of the *audiencia* insisted upon circumscribing the council's freedom of action, by presenting it with his own list of names from which it was required to identify three candidates for the lottery<sup>44</sup>. This tussle was just one feature of the struggle for power in Cuzco in 1810–1814 between

<sup>41.</sup> FISHER, 1970, 98, 206-13.

<sup>42.</sup> Fisher, 1970, 174-200; Lynch, 1986, 12.

<sup>43.</sup> Anna, 1979, 44.

<sup>44.</sup> FISHER, 1970, 214–217.

the city council, largely controlled by creoles, and the *audiencia*, representing peninsular officialdom, which would erupt in August 1814 with the deposition of the judges and the formation of the junta that declared in favour of the independence of Peru, with Cuzco as its capital<sup>45</sup>.

Further Peruvian deputies to the extraordinary Cortes were elected in Arequipa, Chachapoyas, Guayaquil, Huamanga, Huánuco, and Puno. None had arrived in Spain by September 1810, but eventually a total of seven Peruvian deputies had reached Cádiz in time for the promulgation of the Constitution in March 1812, although the representative of Huamanga, Miguel Ruiz de la Vega, got only as far as Lima, where he was delayed by what turned out to be a fatal illness<sup>46</sup>. In the initial absence of its proprietary deputies, Peru was represented by five of the 30 substitutes, chosen from American and Philippines citizens resident in or around Cádiz, chosen to sit alongside 75 peninsular deputies. With one exception —that of Dionisio Inca Yupanqui, a cavalry colonel educated in the College of Nobles in Madrid, whose lineage reached back to Manco Inca Yupanqui (whom Francisco Pizarro had crowned as Inca emperor in Cuzco in 1534)— the Peruvian deputies were archetypical members of the late-colonial Hispanic elite, although in three cases, including that of Inca Yupanqui, their connections with Peru were somewhat tenuous<sup>47</sup>. Ramón Olaguer Feliú, although educated in Peru, had been born in Ceuta, Antonio Suazo, a military officer, had been resident in Spain since the 1780s, and the cleric Blas Ostoloza was best-known as a former chaplain to Ferdinand VII. Arguably, the most authentic representative of Peru was the lawyer Vicente Morales Duárez (who had reached Cádiz in August 1810 as the attorney of the city council of Lima), who went on, in fact, to coordinate the demand of 16 December 1810 of the American deputies for greater equality of representation in any future parliamentary body of the numerically superior inhabitants of Spanish America, notwithstanding the diffidence of some Peruvian deputies about the wisdom or otherwise of allowing Indians and mestizos to become directly involved in elections<sup>48</sup>.

The other demands of the American deputies included the abolition of the traditional restrictions on freedom of cultivation, the establishment of colonial industries, genuine free trade not only within the imperial structure but also with friendly nations, the abolition of monopolies (including that of mercury production and distribution (essential for the refining of silver ores), the restoration of the Jesuits, and equality of access to public office for American and peninsular Spaniards, with half the posts in each kingdom reserved for creoles: in short, the traditional creole demands, as articulated by the city council of Lima in 1809<sup>49</sup>. The closeness of the relationship between the corporation and Morales Duárez was underlined by the fact that as soon as a copy of the document summarising these demands, sent by him and Olaguer Feliú, reached Lima in April 1811 the cabildo published it in the

<sup>45.</sup> WALKER, 1999, 98-100.

<sup>46.</sup> Vargas Ugarte, 1958, 113.

<sup>47.</sup> Bazán Díaz, 2013, 119–58; O'Phelan Godoy, 2014, 83–102.

<sup>48.</sup> King, 1953, 46; Fisher, 1970; 215; Chust Calero, 2010, 61-63.

<sup>49.</sup> FISHER, 1970, 215–32.

city's *Gaceta de Gobierno*, together with the letter it had already sent to the insurgent junta of Buenos Aires, urging it to declare its allegiance to Spain, and insisting that, thanks to the work of the extraordinary Cortes, 'three hundred miserable years of ignominy, violence and degradation' had been swept away, and Americans would in the future enjoy freedom to sell their products in 'all the markets of the world'50.

Throughout 1811 the text of the eventual Constitution was drafted by a commission of fifteen Cortes deputies, five of them Americans, with its recommendations being debated and finalised, article by article, by the assembly. Thanks, in part, to the presence of Inca Yupanqui, who intervened in the discussion of the possible enfranchisement as 'Inca, Indian, and American', the final document, approved on 18 March 1812 for publication the following day, extended the suffrage all male heads of families other than those of Áfrican origin, whether slave or free, on the basis that each jurisdiction would be entitled to elect one deputy for every 70,000 inhabitants, once local administrators had clarified the precise arrangements for the process<sup>51</sup>. In some respects, the definitive document was something of a patchwork, influenced variously by Enlightenment principles, concepts stemming from the American and French Revolutions relating to the restriction of aristocratic and clerical privileges, and traditional features of Spanish law. Its central tenet, encapsulated in the first three of its 384 articles, was that sovereignty resided in the nation, defined as 'the reunion of all Spaniards of both hemispheres ... free and independent, and neither is nor can be the patrimony of any one family or person'—a dig at the Bonapartes rather than the Bourbons—, which alone enjoyed 'the right to establish its fundamental laws'52. The original draft of the third article concerning fundamental laws included the additional clause 'and to adopt the form of government that suits it best', which was rejected at the insistence of the absolutists, because the only alternative to monarchy was republicanism. Nevertheless, subsequent articles made it clear that the power of the crown extended only to those functions that the nation, represented in the Cortes, chose not to exercise.

Although applied only gradually in peninsular Spain, as the allied forces advanced slowly against the French, the new code took immediate effect in those parts of America still under royalist control, subject only to the inevitable delays caused by distance, in recognition of which the Regency decided in May 1812 to defer the planned opening of the ordinary Cortes from March until October 1813. By October 1812, the viceroy of New Spain, Venegas had made the necessary arrangements in New Spain for completing the somewhat cumbersome three-tier elections (parochial meetings, followed by those at district and provincial levels), but as it became clear in November that all the electors chosen in the parochial meetings in Mexico City were creoles, he abruptly suspended the process, leaving to it his successor, Calleja, to resume it in July 1813<sup>53</sup>. For the same reason, on 5 December 1812, in what one scholar has described as a 'viceregal coup d'etat', implemented in

<sup>50.</sup> FISHER, 1970, 216.

<sup>51.</sup> Chust, 2010, 61-63; Rodríguez, 1978, 53-74.

<sup>52.</sup> Constitución, 1812, articles 1-3; CHUST, 2010, 35-38.

<sup>53.</sup> Berry, 1966, 22-23.

the conviction that the Mexican elite was not yet ready to take up arms in support of the Constitution, he annulled the election of the capital's constitutional *cabildo* (city council), due to take office on I January I813, and, for good measure suspended article 371 of the Constitution, which granted all Spaniards unrestricted freedom to write, print, and publish their political ideas<sup>54</sup>.

## 5. THE APPLICATION OF THE 1812 CONSTITUTION IN PERU, 1812–1814

Copies of the Constitution reached Lima in September 1812. Despite his distaste for its provisions, the absolutist viceroy Abascal, unlike Venegas, felt that he had no option but to enforce it, arranging, in the first instance, for parochial meetings to choose electors who would complete the process of replacing the old oligarchic cabildos with elected municipal councils on I January 1813. In Lima, for example, the 25 electors, most of them priests and lawyers, met on 13 December with the viceroy to elect the city's magistrates and councillors for the coming year. The viceroy subsequently bemoaned the fact that only four of the 16 councillors chosen were peninsulares (peninsula-born Spaniards), and that was only thanks to the pressure he had been able to exert upon the malcontents and troublemakers appointed as electors in unruly parochial meetings. He made a similar protest about the meetings held in January 1813 to choose the two deputies to represent Lima in the forthcoming Cortes, and in May 1813 complained bitterly of 'el abuso criminal con el que los descontentos buscan hacer uso de los sagrados axiomas de la constitución para conseguir sus propios fines siniestros' (the criminal abuse with which malcontents seek to make use of the sacred axioms of the constitution to further their own sinister aims)55.

In Cuzco claims from the *audiencia* (high court) ministers (all but one of them *peninsulares*) that the members of the constitutional *cabildo* elected early in 1813 were in league with insurgents in Upper Peru provoked counter-claims of obstruction of the Constitution by officialdom. Arrests of supposed revolutionary members of the council in October 1813 led to violent popular protests, which resulted in the deaths of demonstrators and, in due course —on 2 August 1814— to the storming of the city's jail, the release of prisoners, the sacking of the *audiencia*'s offices, and an unambiguous declaration of independence which gained rapid support from surrounding provinces prior to its defeat in March 1815, as the viceroyalty's creole elite, like its Mexican counterpart in 1810, decided to eradicate popular insurgency<sup>56</sup>. Ironically, the initial demand of the *cuzqueño* rebels —that the Constitution be applied properly, without obstruction by absolutist officials— was made in ignorance of the fact that three months earlier —on 4 May 1814— the restored Ferdinand,

<sup>54.</sup> Anna, 1978, 113.

<sup>55.</sup> FISHER, 1970, 218-19.

<sup>56.</sup> Fisher, 2009, 13-48.

supported by absolutist deputies largely representing Spanish provinces that had had little involvement in its approval two years earlier because of the French occupation, had declared the code null and void, embarking immediately on the persecution of its adherents, and the implementation of a policy of seeking to crush insurgency by force of arms<sup>57</sup>. So, many of the American deputies elected in 1813 to serve in the Cortes, such as Vicente Rocafuerte, a future president of Ecuador, who had reached Madrid in April 1814, quickly discovered that there was no Cortes for them to attend, leaving them with the option of taking absolutism or leaving it<sup>58</sup>. Several of those who had arrived sooner fared even worse, suffering imprisonment: they included the Mexican deputies Joaquín Maniau y Torquemada from Vera Cruz, pardoned in 1815, and the priest Miguel Ramos Arizpe (representing Coahuila), who was confined in a monastery until his release in 1820, following the restoration of the Constitution, who on his return to Mexico in 1822, served as president of the constitutional congress of 1823<sup>59</sup>.

#### 6. POSTSCRIPT: THE LIBERAL TRIENNIUM, 1820-1823

Following the defeat of the Cuzco rebellion, there was no further insurgency of any significance within the territory of the viceroyalty of Peru prior to 1820, although thousands of Peruvian troops continued to fight for the royalist cause in Chile and Upper Peru. The traditional historiography of the eventual emancipation of Peru from Spanish rule —officially secured in 1821 but, in reality, in 1824— has assumed that the arrival in Pisco in September 1820 from the Chilean port of Valparaiso of the 5.000-strong army of José de San Martín made the defeat of the royalist cause inevitable. However, this interpretation does not take into account the events that occurred in Spain during the Liberal Triennium of 1820–1823, which were set in train on I January 1820 by the military rising led by Rafael de Riego, the commander of one of the ten battalions which were stationed in and around Cádiz, awaiting the departure of their long-delayed expedition to reconquer the old viceroyalty of the Río de la Plata. Riego proclaimed in favour of the restoration of the 1812 Constitution, forcing Ferdinand VII to accede to this demand on 10 March 182060. This second constitutional interlude was short-lived, for in April 1823, at the invitation of Ferdinand and the Holy Alliance, a new French army —'the 100,000 sons of St. Luis'— entered Spain to restore absolutism. By September, its campaign culminated with the execution of Riego in Madrid, leaving for posterity only the 'Hymn of Riego', which had been adopted in 1822 as Spain's national anthem, as indeed, it would be again during the periods of republican government of 1873–1874 and 1931–1936.

By July 1820, the viceroy of Peru Joaquín de la Pezuela, who had succeeded the aged Abascal in mid-1816, had been informed unofficially (in his private correspondence

<sup>57.</sup> Costeloe, 1986, 101–116.

<sup>58.</sup> Rodríguez, 1975, 179–94.

<sup>59.</sup> Berry, 1966, 28.

<sup>60.</sup> Comellas, 1958, 303–355; Heredia, 1974, 383–385.

with the Spanish ambassador in Rio de Janeiro) of the restoration of the Constitution. However, he chose to take no further action until 4 September 1820, when a formal instruction to put the code into practice reached him from Madrid<sup>61</sup>. The ceremony of swearing allegiance to it took place in Lima on 15 September, following the receipt on 11 September of complementary orders to enter into 'conversations' with San Martín, pending the arrival in Peru of peace commissioners encharged with the task of persuading the insurgents that the restoration of the Constitution would enable them to secure peacefully what the government in Madrid regarded as their legitimate objectives<sup>62</sup>. In fact, the discussions with San Martín's representatives were abortive, in part because of their insistence that the royalist army be withdrawn unconditionally from Upper Peru, and hostilities were renewed formally on 7 October 1820, with the invaders having consolidated their presence in and around Pisco in the meantime.

Four months later, on 29 January 1821, Pezuela was dismissed abruptly from his post by the leading officers of the royalist army, and replaced by the most senior of them, José de la Serna, who was one of the officers despatched to Upper Peru in 1816 by Ferdinand VII both to reinforce the fight against insurgency and to rid peninsular Spain of powerful soldiers suspected of having liberal sympathies. With the support of his senior officers, La Serna evacuated Lima in July 1821, taking his army to, first, Huancayo and from there to Cuzco, thereby allowing San Martín's army to enter the defenceless Lima on 12 July, as a prelude to the formal declaration of independence from the viceregal palace on 28 July 1821. La Serna, Peru's last viceroy, remained in office in the highlands until surrendering to José Antonio de Sucre at the battle of Ayacucho on 9 December 1824, prior to returning to Spain with other high-ranking officers early in 1825<sup>63</sup>. As soon as he reached Spanish soil he entered into a vehement polemic, notably with Pezuela and his supporters, about the vents of January 1821 in Lima and, more generally, the whys and wherefores of the restoration and re-abolition of the Constitution in 1820 and 1823 respectively. All that, however, is a story to be told on some future occasion.

<sup>61.</sup> FISHER, 2003, 120.

<sup>62.</sup> FISHER, 2009, 13-48.

<sup>63.</sup> Wagner De La Reyna, 1985, 37–59.

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