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## **Race, wars, and citizenship. Free people of color in the Spanish American independence.**

This essay focuses on a significant population that for a long time has been invisible in much of the historiography on of Latin American independence, namely, the free people of color, or, as they were referred to in Spanish America, the *castas*. In contrast, a number of more recent publications, mostly primarily focused on *Tierra Firme* (Colombia and Venezuela), have demonstrated the active participation of this population in the Spanish American independence movements. These works echo previous research concerning the important role played by free blacks in other regions of the Atlantic World, especially in Saint-Domingue. Through an analysis of the contributions made by these various studies, this article proposes an historiographical survey of the transformation of racial and social hierarchies and of the shaping of new citizenship rights during the crisis of the Spanish Empire and the independence wars.

In recent decades, the literature on Afro-American populations - both slave and free – has acquired an important dimension, even in the case of Spanish America<sup>1</sup>. Previously, the ideals of “racial democracy” and *mestizaje* (the racial mixing between Indians and whites), had mostly excluded this subject from the historical research. This historiographical about-face has been associated and partly preceded by the acknowledgment of the multi-ethnic and multicultural character of Latin American states and special constitutional rights of the minorities. The studies dedicated to Afro-Latin America have disclosed important aspects on slaves’ and free blacks’ lives, such as their agency, their collective awareness, and more generally the centrality of race in the structuring of social order.

Although the presence of free people of color in the Iberian territories of America dates back to the 16<sup>th</sup> century, they attained demographic and social relevance during the 18<sup>th</sup> century when

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<sup>1</sup> George R. Andrews, *Afro-Latin America, 1800-2000* (Oxford-New York, Oxford University Press, 2004); Daren J. Davis (ed.), *Beyond Slavery: The Multilayered Legacy of Africans in Latin America and the Caribbean* (Lanham, MD, Rowman & Littlefield, 2007).

abolition began to loom on the political horizon. By 1800, they outnumbered the slaves in most territories of Latin America. While free blacks and mulattos constituted 5 percent or less of the population in the major French and English colonies, in Brazil and much of Spanish America they made up 20 to 30 percent of the population or more. Only in Brazil and Cuba, the two major centers of Latin American plantation agriculture during this period, did the slave population exceed that of the free black population. The free black population were larger in Spanish and Portuguese America than in English or French America for the simple reason that slaves were freed at higher rates in Latin America than in the rest of the hemisphere. Granting manumission, though often portrayed by masters as a gift and act of generosity towards their slaves, was in fact the product of negotiations between master and slave. Several studies have shown that such a concession was rarely made spontaneously and of the master's own volition; rather, manumission was generally the outcome of slaves' long-term efforts, often extending over many years, to pressure and persuade their owners to grant them freedom<sup>2</sup>.

The term "free people of color" (*libres de color*), appeared in the late 18<sup>th</sup> century, denoted the increasing difficulty of classifying individuals according to race and also signalled exclusion/inclusion. Freedom signified independence from an owner, a cacique or a lord, autonomy to leave the town, to work in different places or to support oneself through one's own industry. Consequently, the recognition of free men or women as such implied their inclusion among non-Indians and non-slaves, even though the qualification of "color" alluded to a stain that justified exclusion from whites. In sum, free people of color found themselves in an intermediate position that was ambiguous and slippery. It is precisely this precarious status that makes them a privileged group to study when examining the negotiation and formation of racial identity as well as the definition of citizenship requirements in colonial and post-colonial contexts. If, as a consequence of

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<sup>2</sup> Christine Hünefeldt, *Paying the Price of Freedom: Family and Labour among Lima's Slaves* (Berkeley, University of California Press, 2004); Lyman J. Johnson, "Manumission in Colonial Buenos Aires", *Hispanic American Historical Review* 59, 2 (1979): 258-79; Stuart B. Schwartz, "The Manumission of Slaves in Colonial Brazil: Bahia, 1648-1745", *Hispanic American Historical Review* 54, 4 (1974): 603-35.

their African origin, they were considered to be inferior— and even foreigners— and were thus excluded from citizenship, they were nevertheless, in some cases, able to obtain the same rights as citizens. The political turn, that in the last three decades has overturned the interpretations on Spanish American independences – now considered as the by-product of the monarchical crisis rather than the will of pre-existent nations -, has thus influenced the historiography on free people of color. Whereas previous studies had rather focused on the social aspects of their lives, more recent works have started to consider their juridical status and their relation to citizenship.

### **Changes in the status of free people of color at the end of the colonial period**

Despite it has long been asserted that Spanish and Portuguese colonization tolerated racial miscegenation to a degree unimaginable in the British and - to a lesser extent - French worlds, historiography has fully demonstrated that Iberian colonial society, like that of metropolitan Spain and Portugal, was obsessed with genealogy<sup>3</sup>. The accusation of being of mixed blood, which carried with it the stigma of illegitimacy - compounded with the stigma of slavery where there was also African blood - was used to justify a segregationist policy that excluded the *castas* from public offices, from membership of municipal corporations and religious orders, from entry into colleges and universities and from joining many confraternities and guilds. Such a system was not without precedent in the Spanish and Portuguese laws governing people of “unclean blood” – Muslims, Jews, Gypsies and Africans – in the Old World, and indeed these laws were progressively extended to the New World during the 17<sup>th</sup> century. Under this body of racial law, free blacks and mulattos suffered numerous restrictions and disabilities: they were forbidden to wear expensive clothing and jewellery or to engage in non-manual professions involving the church, the law or the universities.

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<sup>3</sup> María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion and Gender in Colonial Mexico* (Stanford, Stanford University Press, 2008); Max S. Hering Torres, María Elena Martínez and David Nirenberg (eds.), *Race and Blood in the Iberian World* (Berlin, Lit Verlag, 2012).

Furthermore, Spanish law subjected them, not unlike the Indians, to a racially defined head tax, the tribute.

Nevertheless, issues of race and illegitimacy were not necessarily immutably fixed at birth, since questions of honour and status - the other two elements (other than birth) that determined an individual's position in the community - were negotiated and sometimes even contested. The *casta* system was not in fact static in Spanish America: the familiar prestige and the social status, beyond color, could determine the position of a person in the colonial hierarchy. The concept of lineage is useful for thinking through the meaning of *casta* because of semantic linkages between the two concepts, the importance of descent in Iberian culture, and the genealogical/kinship and more broadly social implications of *casta*. Although scholars of colonial Latin America often used *casta* and race interchangeably, *casta* was not the equivalent of race. The latter was more explicitly linked to genealogy and blood, and particularly referred to a stain, as indicated by archival evidence. For instance, in a case of a Spanish woman suspected of witchcraft by the Mexican Inquisition in 1593, she was asked whether her blood was clean. Her reply is telling, for she said that she did not know if there was any "evil race" in her *casta*, clearly separating the two terms<sup>4</sup>.

Although *casta* was more neutral than *raza*, any given ancestry couched as *casta* could still be desirable or not. Each *casta* category was therefore accompanied by a set of assumptions about behaviour, infamy, morality, religiosity, and citizenship. Because behaviour and other qualities were central to what constituted *casta*, almost everyone in colonial Latin America was redeemable over the course of several generations. Many scholars except blacks from this scheme, but the fact of the irredeemableness of black blood, did not mean that blacks and mulattoes did not attempt to attain status in creative ways<sup>5</sup>. In other words, behaviour and social status (*calidad*) could outweigh

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<sup>4</sup> Laura A. Lewis, "Between *Casta* and *Raza*. The example of colonial Mexico", in Max S. Hering Torres, María Elena Martínez and David Nirenberg (eds.), *Race and Blood in the Iberian World*, pp. 99-123.

<sup>5</sup> María Elena Martínez, *Genealogical Fictions. Limpieza de sangre, Religion and Gender in Colonial Mexico* (Stanford, Stanford University Press, 2008).

the penalties of birth. Above all, *casta* was a situational signifier that classified people and was simultaneously a malleable tool; it was not a set of stratified legal rankings based on pseudo-biological distinctions<sup>6</sup>. However, by the mid eighteenth century the language of blood purity started to be applied to black and mulattoes, as the 1778 Pragmatic Sanction clearly expresses: it targeted with threats of financial penalties and disinheritance anyone who married a social inferior with the black ancestry isolated as the fundamental determinant<sup>7</sup>. In this decree the words *race* and *casta* appear almost interchangeably. The introduction of *raza* into the blurred lines of *casta* suggests not so much that blood took an importance in the colonies that it did not previously have as it suggests that blood might have become synecdoche for wealth.

Despite these changes towards the end of colonial period, several studies have pointed out that numerous blacks and mulattos entered into the militias, others were exempted from paying tribute, and some were even admitted into the law profession. These exceptions were not only the consequence of the nature of justice in the Ancient Regime, but rather, they also embodied the long-standing Spanish tradition of allowing the king to alter rank, status or heritage even when it involved an individual's birth or race. In keeping with this tradition, during the final decades of the 18<sup>th</sup> century, *pardos* and mulattoes were included among those groups who could benefit, upon payment to the Crown, from the so-called decrees of legitimization (*gracias al sacar*). As Ann Twinam's work has clearly demonstrated, these official edicts could erase some or all of the disadvantages, limited inheritance rights, disqualification from certain honourable positions, and loss of public respect, suffered by those conceived outside of lawful wedlock; people of mixed racial ancestry might purchase "whiteness" or even buy the honorific title of "Don"<sup>8</sup>. Such requests generated a rather substantial associated documentation, given that petitioners wrote about their

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<sup>6</sup> Pilar Gonzalbo, "Las trampas de la castas" in P. Gonzalo and S. Alberro *La sociedad novohispana: estereotipos y realidades* (Mexico City, Colegio de México, 2013), I part.

<sup>7</sup> Patricia Seed, *To Love, Honor and Obey in Colonial Mexico* (Stanford, Stanford University Press, 1998), 206

<sup>8</sup> Ann Twinam, *Purchasing Whiteness. Pardos, Mulattos, and the Quest for Social Mobility in the Spanish Indies*, (Stanford, Stanford University Press, 2015).

lives and their service to the Crown, provided letters of recommendation from local elites, had applications investigated or commented on by officials in America, and then reviewed by the lawyers (*fiscales*) as well as members of the Council of the Indies. Yet, nowhere in this deluge of paper is any attempt made at challenging the fundamental proposition according to which *pardo-ness* and *mulatto-ness* exist as transformable categories or that whiteness is an attainable goal. The implication that one's colour might be removable through payment not only undermines biological theories of race, but also reveals the social and legal construct of citizenship during the colonial era. The decision constituted people as bearers of rights at the same time as it defined them as members of a community: most of the buyers procured them for the purposes of obtaining a university title, joining the church hierarchy, securing a public office or attaining the honorific title of "Don".

The extension of privileges, normally reserved for the Spanish, to include free blacks was actually more generalised. If the number of the petitions made on behalf of mulattos and *pardos* in relation to the *gracias al sacar* were relatively small, the concession of the *fuero militar* was much greater in scope. As the studies on the Bourbon military reforms had already argued, the newly formed militia units of freemen of color were granted the *fuero*, that is, protection by the military code including certain immunities and exemptions<sup>9</sup>. Moreover, their officers were given badges and jurisdictional rights emblematic of their legitimate command authority. These privileges removed mixed-race militia captains from the power and control of both Spanish officers and civil authorities, granting them a certain degree of autonomy. Even if the Bourbon reforms did not seek to reduce social divides, many of the above-mentioned measures, principally aimed at greater economic, commercial, financial, political, and military efficiency, also carried with them implications of social change.

Historians of family relations have explained that this kind of social mobility, joined with miscegenation, had engendered much confusion at the end of the 18<sup>th</sup> century, in so far as the

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<sup>9</sup> Allan Kuethe, *Military Reform and Society in New Granada, 1773—1808* (Gainesville, University Presses of Florida, 1978); Juan Marchena, *Ejército y Milicias en el Mundo Colonial Americano* (Madrid, Mapfre, 1992).

characteristics dividing the white elites from the rest of population had become almost imperceptible, thereby threatening the colonial socio-racial order. Both anecdotal accounts and statistical analysis point toward the heightened awareness of Spanish American elites concerning the ambiguities of birth status and other socio-racial indices that had previously determined their pre-eminence. Some complained that racial mixing made tax collections more difficult; others complained that baptismal records failed to register the real distinguishing features of *castas*, essentially transforming them into whites, and thus damaging the “authentic white vassals who cannot prevent contact between their families [i.e., the families of white vassals and the families of the *castas*]”<sup>10</sup>. These cases reveal an increase in racial confusion as well as critical changes in birth status, that is, the other category, aside from race, that assured social pre-eminence. Indeed, contemporary accounts remind us that a new demographic group was emerging all over the Spanish Empire: racially-mixed people (mulattos and mestizos), almost white, holding fast to a growing legitimate status as descendants of marital unions legalized by the Church<sup>11</sup>.

### **Towards new citizenship rights**

The works focused on free people of color at the end of the colonial period have thus indicated that certain reforms as well as the demographic and social dynamics endemic to a racially-mixed society produced some important changes in relation to the status of free blacks and mulattos. Thanks to the militias, the *gracias al sacar*, and passing, many could attain privileges normally withheld from members of their group, thus allowing them to consolidate the status of citizen

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<sup>10</sup> Richard Konetzke, *Colección de documentos para la historia de la formación social de hispanoamérica, 1493-1810*, (Madrid, Consejo Superior de Investigaciones Científicas, 1958-1962), vol.3, n. 2, doc. n. 300, 1788.

<sup>11</sup> Ann Twinam, *Public Lives, Private Secrets: Gender, Honor Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, Stanford University Press, 1999); Guiomar Dueñas Vargas, *Gender, Race and Class: Illegitimacy and Family Life in Santa Fé, Nuevo Reino de Granada, 1770-1810* (PhD diss., University of Texas-Austin, 1995); Susan Socolow, “Acceptable Partners: Marriage Choice in Colonial Argentina, 1778-1810”, in Asunción Lavrin (ed.), *Sexuality and Marriage in Colonial Latin America*, (Lincoln, University of Nebraska Press, 1989): 209-246.



(*vecino*) and free themselves from the racial stigma. However, during this same period, the Haitian Revolution provided them with an alternative model for obtaining the same rights as whites, based on the modern concepts of freedom and juridical equality.

Of all the Atlantic revolutions, the fifteen-year struggle that transformed French Saint-Domingue into independent Haiti produced the greatest degree of social and economic change, and constituted the fullest embodiment of the contemporary pursuit of freedom, equality, and independence. Between 1789 and 1804, the Haitian Revolution unfolded in a succession of major precedents: the right to colonial representation in a metropolitan assembly was finally won, racial discrimination was put to an end, the abolition of slavery in an important slave society was achieved for the first time, and Latin America's first independent state was created. Beginning as a home-rule movement among wealthy white colonists and evolving in constant interplay with the metropolitan revolution, it rapidly drew in militant free people of color who demanded political rights before instigating the largest slave uprising in the history of the Americas<sup>12</sup>.

Once largely neglected by historical analyses, a great "outcast" so to speak, the Haitian Revolution has during the past two decades transformed into one of the most intensely studied subjects in history. From the vantage point of historiography, two factors contributed to its rehabilitation: 1) the bicentenary of the French Revolution, which for the first time brought the colonial question within the context of the history of the Revolution<sup>13</sup>; 2) the spread of Atlantic history. A number of studies embracing the Atlantic perspective have proved particularly revelatory and have served, above all, to

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<sup>12</sup> David Geggus, "The Haitian Revolution in Atlantic Perspective", in Nicolas Canny and Philip Morgan (eds.), *The Oxford Handbook of the Atlantic World, 1450-1850* (New York, Oxford University Press, 2011): 533-49. See also, Jeremy D. Popkin, *You Are All Free: The Haitian Revolution and the Abolition of Slavery* (Cambridge, Cambridge University Press, 2010).

<sup>13</sup> Yves B  not, *La R  volution fran  aise et la fin des colonies* (Paris, La D  couverte, 1988); Marcel Dorigny and Bernard Gainot, *La Soci  t   des amis des noirs, 1788-1799: contribution    l'histoire de l'abolition de l'esclavage* (Paris, UNESCO, 1998); Jean-Daniel Piquet, *L'  mancipation des noirs dans la R  volution fran  aise: 1789-1795* (Paris, Karthala, 2002).

shed considerable light on the Revolution's multifarious repercussions on antislavery movements in the Americas, to further emphasise the Revolution's unending legacy in the Atlantic World, and to re-evaluate Haiti's most important contribution to universal emancipation and the equal rights of all men<sup>14</sup>. These studies have illuminated some aspects that have been largely neglected by the classical historiography of the Haitian Revolution. Whereas the latter tended to stress the slave struggle, attributing the slaves' success to leadership and political organization - considered to be the by-product of African traditional religions and the maroon resistance -, recent research has gone beyond the classical partition of slave society into slaves and owners, emphasizing its economic and social complexity. Although slaves played a determining role in the Revolution's various outcomes, the first conflicts arose because of the growing discrimination against free blacks and their aspiration to political rights: the outbreak of the French Revolution and the Declaration of the Rights of Man and of the Citizen of 1789 gave them the opportunity to accede to political equality. The conflict between free whites and blacks favoured the embedding of slaves' revolts in the island: both whites and mulattos armed the slaves to fight in favour of their respective cause, thereby provoking their own insurrection once they realized that their owners were divided. The analysis of the free blacks' social condition before the revolution has thus been essential to understanding their participation in the revolt. Work by John Garrigus and Dominique Rogers, for example, has revealed free blacks' long-term struggle to socially integrate their group within the predominantly white hegemonic colony<sup>15</sup>.

Recent studies focused squarely on the Haitian Revolution have had a rather considerable impact on the historiography of Afro-Latin Americans. Firstly, the Haitian Revolution contributed

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<sup>14</sup> David P. Geggus (ed.), *The Impact of the Haitian Revolution in the Atlantic World* (Columbia, University of South Carolina Press, 2001); David P. Geggus and Norman Fiering (eds.), *The World of the Haitian Revolution* (Bloomington, Indiana University Press, 2009).

<sup>15</sup> John Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue* (Palgrave Macmillan, New York 2006); Dominique Rogers, *Les libres de couleur dans les capitales de Saint-Domingue: fortune, mentalités et intégration à la fin de l'Ancien Régime (1776-1789)* (PhD, Université Michel de Montaigne-Bordeaux III, 1999).

to the emergence of an egalitarian political model as an alternative to one based on privileges. Secondly, by emphasising the active role played by slaves and free blacks in the Revolution, these studies have shed light on the participation of subaltern sectors in the Spanish American wars of independence. News of the Haitian Revolution spread wide and fast in the Caribbean basin through privateers, mariners, refugees, exiles, and prisoners<sup>16</sup>. Throughout the Revolution, waves of refugees and deportees left Saint-Domingue and neighbouring Santo Domingo, seeking temporary shelter or new homes elsewhere in the Caribbean or in North America. Governments sought to intermittently restrict immigration from Saint-Domingue and from the other French colonies and to expel refugees, particularly if they were of African descent. Nevertheless, such restrictions were often bypassed, especially when immigration promised economic rewards. Men of color were also prominent among the prisoners of war who were sent to the region's jails and prison ships. Within months of the outbreak of war in 1793, more than 900 prisoners of war were sent to La Guaira, Venezuela; thousands more were shipped during the following decade to Veracruz, Havana, and Puerto Rico.

The impact of the Haitian Revolution on the other colonial territories was twofold: if, on the one hand, they intensified the slave order due to the slave owners' fear of further slave revolts<sup>17</sup>, on the other hand, they contributed to the dissemination of new political ideas, inspiring several conspiracies, revolts and assertions of black pride. In the case of *Tierra firme*, between 1793 and 1797, several conspiracies orchestrated by free blacks were uncovered. Regarded for a long time as pre-figurations of the independence movement, more recent analyses tend to link them to the Haitian Revolution. Take for example the La Guaira conspiracy of 1797 – where, in addition to

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<sup>16</sup> Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (Cambridge, Cambridge University Press, 2015); Nathalie Dessens, *From Saint-Domingue to New Orleans: Migration and Influence* (Gainesville, University Press of Florida, 2007); Julius Scott, *The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution* (PhD, University of Michigan, 1986).

<sup>17</sup> Alejandro Gómez, *Le spectre de la Révolution noire: l'impact de la Révolution haïtienne dans le monde atlantique, 1790-1886* (Rennes, Presses Universitaires de Rennes, 2013).

prisoners from Saint-Domingue, were arrived Spanish prisoners arrested for their part in the San Blas conspiracy – that envisaged the creation of a Catholic republic aimed at suppressing slavery and declaring the equality of all citizens<sup>18</sup>.

These conspiracies, even when undermined, sensitized the Spanish creoles to the cause championed by the *pardos* and the mulattos. Even though the fear that the revolution engendered spread all throughout the Atlantic, the studies on the autonomous city governments (*juntas*), established during the crisis of the Spanish monarchy, have shown that the Haitian example favoured political change with respect to the legal status of free people of color. On a number of occasions, concerns of a race war persuaded the insurgents to integrate those groups likely to rebel into the new regimes politically. So, in 1810, the Caracas elites asked the *pardos* to designate some of their delegates to the supreme *junta*; the Cartagena assembly extended citizenship to the free blacks in 1812; so did the constitution of Apatzingan in 1814 and other constitutional documents of the independence period. These legal texts did not, however, deal with the problem of slavery, which, despite the *Libertadores*' pronouncements against it, was not entirely abolished. Being slave owners themselves, many rich *pardos*, like Creole elites, did not wish to do away with slavery completely.

The aim of social control should not, however, undervalue a clear break with the past: some years before, the Creole elites would not have accepted such a measure, as attested by the protests in 1796 on behalf of the Caracas municipality against the possibility of granting legal equality to *pardos* through the *gracias al sacar*. Indeed, partly because of the erosion of the colonial racial laws during the last decades of colonial rule, and partly because of their relative status advantage, free blacks and mulattos were able to push considerably further than slaves. During the 1810s and 1820s, they were able to enact laws and constitutions that, for the first time in the region's history, offered people of African ancestry full and equal citizenship.

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<sup>18</sup> Alejandro Gómez, "La Revolución de Caracas desde abajo", *Nuevo Mundo Mundos Nuevos*, 8 (2008) <http://nuevomundo.revues.org/32982>.

However, their role in the independence movements was not restricted to political participation. Recent studies on the independence wars have actually pointed out the large participation of subaltern groups in the armed conflicts. Particularly in Colombia and Venezuela, and Argentina and Mexico as well, independence was likely to be won or lost according to which side free black troops decide to support. It was quite clear that they would back whichever side made the clearest commitment to declaring racial equality, as the works of Aline Helg and Marixa Lasso have clearly demonstrates in the case of Nueva Grenada<sup>19</sup>. Whereas Hidalgo and Morelos, the *juntas* of Buenos Aires, Caracas, and Cartagena had all proclaimed the abolition of *casta* distinctions, the 1812 Spanish constitution, which had granted citizenship to American-born whites, Indians and mestizos, explicitly denied it to “Spaniards who, on any side, are considered and reputed to be originated in Africa” (art. 22). Although the question at stake specifically concerned the representation in the national Cortes – that is, whether the majority would be Spanish or American -, this decision and the debates surrounding it decisively weakened free blacks’ support for the royalist cause. From then on, patriots would claim to be the only supporters of racial equality, thereby linking it to American patriotism, while racial discrimination was associated with Spanish oppression and despotism<sup>20</sup>. Consequently, no attempt was made to justify the racial problems of colonial society, including slavery, by claiming that they were a terrible legacy of Spanish domination. This kind of discourse actually freed the Creole elites from any responsibility concerning the racial conditions of the time.

With the arrival of independence, the category of free people of color disappeared. In the new constitutions, citizenship for free men was formally recognized and included Indians, but not

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<sup>19</sup> Marixa Lasso, *Myths of Harmony: Race and Republicanism during the Age of Revolution, Colombia 1795-1831*, (University of Pittsburgh Press, Pittsburgh 2007);

Aline Helg, *Liberty and Equality in Caribbean Colombia, 1770-1835*, (University of North Carolina Press, Chapel Hill 2004).

<sup>20</sup> Marixa Lasso, “Race War and Nation in Caribbean Gran Colombia, Cartagena, 1810–1832”, *The American Historical Review*, 111 (2006): 336-361.

slaves. The first laws against slavery were issued in the 1820s with the consecration of the freedom of newly born persons principle (*libertad de vientres*); however, complete abolition in most countries only came about in the 1850s. One purpose for granting universal citizenship to free men was to underscore the contrast with the colonial period, when people were categorized either as vassal or subject and many suffered major legal inequalities. The title of “citizen” is an example of this discourse of formal equality and inclusion.

### **New perspectives on race and citizenship in the 19<sup>th</sup> century**

Although racial prejudices were not erased by laws and constitutions, a close analysis of this period reveals that the ideal of racial equality amounted to more than mere facile rhetoric. The literature on the intellectual and electoral history of the Spanish American wars of independence has shown that the political changes of the time were the result of serious intellectual and political debates and were perceived by the protagonists as a momentous transformation that challenged entrenched cultural traditions and social hierarchies<sup>21</sup>. The most recent work on the role played by Afro-Latin Americans in independence movements have taught us that they were not mere “cannon fodder”; they participated in and influenced the political debates about citizenship, sometimes pushing the elites to acquiesce to radical measures they had not initially contemplated<sup>22</sup>.

In the aftermath of the wars of independence, which saw both the emergence of a black political and military class — including generals, congressmen and senators — as well as the enfranchisement of a segment of the free black population, the *pardos* had developed new

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<sup>21</sup> Eduardo Posada-Carbó (ed.), *Elections before Democracy: The History of Elections in Europe and Latin America* (London, 1996); Antonio Annino (ed.) *Historia de las elecciones en Iberoamérica, siglo XIX* (Buenos Aires, Fondo de Cultura Económica, 1995); David Brading, *The First America: The Spanish Monarchy, Creole Patriots, and the Liberal State, 1492–1867* (Cambridge, Cambridge University Press, 1991).

<sup>22</sup> Marixa Lasso, *Myths of Harmony*; Aline Helg, *Liberty and Equality*; Peter Blanchard, “The Language of Liberation: Slave Voices in the Wars of Independence,” *Hispanic American Historical Review* 82, no. 3 (2002): 499–523; Peter Guardino, *Peasants, Politics, and the Formation of Mexico’s National State* (Stanford, Stanford University Press, 1996).

expectations of freedom and equality and were exerting a form of political pressure that the Creole elite could not ignore. Although the lack of specific studies on the political and social role played by free people of color after the independence from Spain, some works have stressed the Creoles' fear about of race war and racial conspiracies. Nevertheless, vengeance was not what most Afro-Americans were seeking. In return for the promise of full citizenship rights, they willingly accepted the obligations incumbent on them, by serving in provincial and national armed forces and taking part in the contentious party politics of the early republican years. In doing so, they played a central role in shaping the new republics.

Even though it is evident that racial equality was merely abstract and formal rather than a concrete reality, the proclamation of citizenship for all and the elimination of ethnic categories in the census carved out a legal niche that was decisive for the future of the new republics. The struggle for concretely broadening citizenship was carried out in part through party and electoral politics and in part through armed confrontation and civil war, resulting in a situation whereby free blacks and mulattos in many countries formed the backbone of liberal or conservative rebellions, guerrillas and armies. Recent studies have actually revealed the participation of free people of color in these movements<sup>23</sup>. However, another form of analysis should be undertaken in order to examine their concrete access to citizenship during the 19<sup>th</sup> century. Actually, people of African descent were part of a broader question concerning what citizenship meant and to whom it could be offered. Some scholars, especially those who advocate the critique of citizenship emerging from postcolonial theory, have argued that the notion of citizenship as a construct is wedded to colonialism in a profound way: that it formed part of the baggage of European colonizers, and was linked to a fundamentally Eurocentric goal according to which the individual was to enjoy an unmediated relationship with the State. However, recent studies have shown that, from its early beginnings to the present, even in Europe, citizenship has had a cultural content: there has always

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<sup>23</sup> A. Helg, *Limity of Equality*; Guardino, *Peasants and Politics*; James Sanders, *Contentious Republicans. Popular Politics, Race, and Class in Nineteenth-Century Colombia* (Durham, Duke University Press, 2004).

been a question of what sort of people were “in”, and what sort “out”. Yet, the idea of the relationship of an individual to the State, unmediated by another affiliation, has always been a form of claim-making, not an essence of citizenship, and debates about the relationship of citizenship to other forms of social affinity are long-standing and on-going within communities of citizens.

Although many 19<sup>th</sup> century independent regimes granted citizenship to the free blacks, belonging to the communities and enjoying their rights continued to be the main mechanisms through which citizens were distinguished from non-citizens. Patterned after the Spanish constitution of 1812, the majority of Latin American legal systems reproduced not only a jurisdictional order - in the sense that laws were not automatically enforced<sup>24</sup> -, but also the identification between the citizen and the ancient Hispanic notion of *vecino*, essentially linked more to social reputation than to other conditions<sup>25</sup>. As a consequence, the mechanisms of incorporation into the national community were not imposed by the State, but resulted from complex dynamics between the State and the society.

This ambiguity probably produced a significant number of conflicts, since free people of colour could appeal to justice in order to have their formal rights concretely recognized. Undertaking the analysis of these documents could prove essential to evaluating the degree of inclusion into or exclusion from the new regimes. These claims and the decisions taken by the courts should disclose crucial information about how the State considered citizenship in the 19<sup>th</sup> century and on the basis of which criteria the judges distinguished those who were members of the political community from those who were not. They also should address the problem of how, in the

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<sup>24</sup> Carlos Garriga and Marta Lorente, *Cádiz, 1812. La Constitución jurisdiccional* (Madrid, Centro de Estudios Políticos y Constitucionales, 2007).

<sup>25</sup> Tamar Herzog, *Defining Nations. Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven-London, Yale University Press, 2003); Hilda Sabato (ed.), *Ciudadanía política y formación de las naciones. Perspectivas históricas de América Latina* (México, Fideicomiso de Historia de las Américas de El Colegio de México-Fondo de Cultura Económica, 1999).



process of distinguishing good from bad citizens, the new national society defines itself by establishing its criteria of membership and fixing its boundaries.

Even though historiography on Spanish America has disclosed the crucial role played by free people of color in the independence movement, it is worth underlining that the great majority of these works, as this essay has demonstrated, have been published in English. This fact is particularly relevant and telling, since it reveals that Latin American historians who live in the continent and write in Spanish are less sensible than Anglophone ones towards the issues of race and racial marginalisation. If on the one hand this attitude aims to highlight the differences with respect to North American context, and especially to United States, on the other hand it still contributes to the invisibilization of people of African descent in the national narratives and their exclusion from the political scene.