

# 1812 Echoes



1812 Echoes:  
The Cadiz Constitution in Hispanic  
History, Culture and Politics

Edited by

Stephen G.H. Roberts and Adam Sharman

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P U B L I S H I N G

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Edited by Stephen G.H. Roberts and Adam Sharman

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To Jose, Chuchi, Alicia and Alba, and in memory of Anne.  
SR

To Toni, Clem and Nye, and in memory of my mother,  
Valerie Frances Shaw.  
AS

And in memory of Professor Nigel Glendinning.



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## FOREWORD

### THE CADIZ CORTES: A LESSON FOR THE FUTURE

In the middle of the War of Independence, when the nineteenth-century liberal revolution was getting under way, two hundred Spanish deputies of the most diverse ideological and geographical origins drew up the most important Spanish constitutional text, one whose significance was destined to last.

On 24 September 1810, a small group of men took refuge in San Fernando, a small locality close to the city of Cadiz, in order to write the first lines of our Modern Age.

Thus started the arduous task of reform of a Cortes that, sheltering from the attacks of the French invaders, worked clandestinely over many months to give exemplary form to the regenerative claims and demands of a nation that was being laid to waste not only by the Napoleonic forces but also by the dying structures of an Ancien Régime that refused obstinately to disappear. It was in this unpredictable way that the first Magna Carta in Spanish history was born, and then promulgated, in Cadiz this time, on 19 March 1812.

Often seen as a Romantic document, because of what it never managed to become, the 1812 Constitution, despite its early failure, represented a landmark that illuminated the convulsive epoch that it helped to usher in. The good news of the work of the Spanish deputies in Cadiz spread throughout the world thanks to the early translation of the text into all the European languages. Adopted by the Liberals in Naples and Piedmont, exhaustively analyzed by the Portuguese parliamentarians, seen as a model during the Independence processes in the American colonies, our Constitution even had an impact in the distant lands of the Russian Empire, where those involved in the Decembrist revolt of 1825 found inspiration in Cadiz.

The poet Shelley was swift to recognize that Spain was then the political hope and inspiration for all those who longed to put an end to the injustice of an absolutist Europe that was in thrall to the excesses of the

Holy Alliance. *A glorious people*, affirmed the English poet, *vibrated again*, halting the advance, in the process, of the most fearful military machine in the world. *Napoleon*, as the great Stendhal once wrote, *could not get over his surprise. He thought he was confronting Prussians and Austrians but found himself, instead, up against a Nation.*

In Spain, the 1812 Constitution, or La Pepa, as it is commonly known, represents the firmest foundation of the Spanish constitutional edifice, being unanimously considered, both then and now, as a clear bastion of the liberty of the citizen. It has given us such important concepts as the freedom of the individual and the press, the inviolability of the private sphere, national sovereignty and the division of powers, all ideas that have been fully assimilated by present-day democratic legislation but which, in its own era, signified a profoundly revolutionary break with the laws of the past.

On 19 March 2012, therefore, we commemorate the bicentenary of the civil rights of our country. This is a unique celebration that unites us with many other peoples throughout the world and reminds us of the never-ending struggle to establish ever more perfect democracies. Nobody, whether they search for inspiration in the eternal past or base their idea of progress on uncertain notions of the future, should forget the search for freedom and concord represented by the 200-year-old Constitution of Cadiz.

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The organizers of the Conference are also grateful to the late Professor Nigel Glendinning, who kindly loaned us the materials for the Exhibition entitled “1812 Spanish Constitution drawn up by the Cortes in Cadiz” and held at the Djanogly Gallery at the University of Nottingham (19-31 March 2012). We would like to thank Shona Powell, the Director of Lakeside Arts Centre (incorporating the Djanogly Art Gallery), and Neil Walker, the Visual Arts Officer, for their support for the Exhibition; Steven Bradley, Frederic Griffiths, Charlotte Pratley and Luke Stones, for their care and attention as Gallery Assistants; and María José Martínez Jurico, for her advice and help when setting up the Exhibition.

We would like to thank all our colleagues in the Department of Spanish, Portuguese and Latin American Studies for attending in such numbers and for helping to make an intellectual exchange into much more. Finally, we should like to express our thanks to all the speakers, who together made it such a stimulating and convivial event in the bright March sunshine.



# INTRODUCTION: PUT IT IN WRITING

ADAM SHARMAN AND STEPHEN G.H. ROBERTS

## Conference and Constitutions

“1812 Echoes.” The word *echoes* resonates, simultaneously and unavoidably, as a noun and a verb. The Spanish Constitution of 1812 echoes previous debates, constitutions and declarations of independence. But, by the same token, echoes of the Cadiz charter are to be found elsewhere after 1812, occasionally where one least expects to find them. A past, then, but also a future.

This book is the result of a conference held on 23-25 March 2012, two hundred years (and four days) after the promulgation of the landmark Spanish Constitution of 1812, commonly known by the nickname “La Pepa”, in Cadiz in southern Spain. We say Cadiz, but in fact a good part of the work of the Constitutional Committee had already been done in Seville (see Murphy in this volume). Nonetheless, we follow custom here in adopting the shorthand, the “Cadiz” Constitution. In truth, no writing, much less writing that is as conventional as that of a constitution, is ever written in one place. As Socialist Party deputy and one of the key figures behind the 1978 Spanish Constitution, Alfonso Guerra, says in this book: “No, no, teníamos los textos. Teníamos La Pepa, la del 31, la italiana, la alemana” [No, no, we had the texts. We had La Pepa, the one from 1931, the Italian, the German]. The conference dealt and the book deals with the new Constitution, drafted by Spanish Liberals and others holed up in Cadiz as Napoleon’s troops occupied the surrounding hills. Napoleon’s invasion of the Iberian Peninsula forced the abdication of the Spanish king and prompted Liberals to react by, among other things, penning a constitution. The Constitution, it was hoped by some in Cadiz, would overturn the Bayonne Constitution that Napoleon had foisted on Spain in 1808, and at the same time neuter the Spanish monarchy that had so easily surrendered its crown. However, the Constitution had unintended consequences for Spain and Spanish America, serving to question the legitimacy of Spain’s rule in her American colonies and to turn Creole

demands for autonomy into calls for full independence. The *Constitución política de la Monarquía española* [Political Constitution of the Spanish Monarchy], the world's first "liberal" constitution (though it is precisely not entirely liberal, as the chapters in this volume make clear), is a defining moment in the modern history of the Spanish-speaking world. Marx certainly thought so:

On a closer analysis, then, of the Constitution of 1812, we arrive at the conclusion that, so far from being a servile copy of the French Constitution of 1791, it was a genuine and original offspring of Spanish intellectual life, regenerating the ancient and national institutions, introducing the measures of reform loudly demanded by the most celebrated authors and statesmen of the eighteenth century, making inevitable concessions to popular prejudice.<sup>1</sup>

However, the point of the book, as of the conference, is not solely to mark and reflect on the bicentenary of Cadiz 1812. In keeping with the split temporality of the word *echoes*, the book aims also to shed some light on the present. Its additional objective is to consider other constitutions in the Spanish-speaking world beyond 1812 in the light of 1812 ("teníamos La Pepa..."). While in Latin America constitutions drafted in Enlightenment and Liberal ink are currently being challenged by the emergence of political regimes with indigenous leadership, in a movement that has become known as the Pink Tide, the bicentenary of the 1812 Constitution has been commemorated in Spain, where the original debate between regionalism and centralism is being replayed amid calls for an updating of the post-Franco Constitution of 1978. A year of celebration throughout Spain and, to a lesser degree, Latin America culminated on 16 and 17 November 2012 with the XXII Ibero-American Summit, which brought together the Spanish and Portuguese heads of state and government, twelve Latin American heads of state, one vice-president and six foreign ministers in the Palacio de Congresos in Cadiz, little more than a kilometre away from the Oratorio de San Felipe Neri, the Church where the Cadiz Constitution had been proclaimed in 1812. The first article of the "Declaración de Cádiz" that came out of the Summit proudly declared the common constitutional values that are believed to unite the Ibero-American world: "La Constitución de Cádiz de 1812 marca uno de los hitos históricos fundamentales del acervo constitucional iberoamericano, cuyos principios de libertad individual, democracia, soberanía popular, separación de poderes, legitimidad e igualdad jurídica nos permiten reconocernos como iberoamericanos" [The 1812 Cadiz Constitution represents one of the fundamental historical landmarks of the Ibero-



American constitutional heritage, whose principles of individual liberty, democracy, popular sovereignty, separation of powers, legitimacy and equality in the face of the law allow us to recognize ourselves and each other as Ibero-Americans].<sup>2</sup> At the same time, as Rafael Correa and Juan Carlos I made clear, with the Ecuadorian President's reminder to his Spanish hosts of the rights of the evicted and the Spanish king's admission that Spain needs "más Iberoamérica" [more Ibero-America], the Summit did little to hide a growing sense that the centre of gravity as far as constitutional law, and not only economic power, are concerned, may appear increasingly to be crossing the Atlantic, from the Peninsula to its former colonies, from Europe to the Americas.<sup>3</sup>

The events and issues dealt with in this volume include the Peninsular War, imperial rivalry, colonial revolt, new nations, a neo-imperial "Amendment", a Second Republic, a "Transition" to democracy, constitutional reform. They indicate history and politics on the march. And yet they indicate culture on the march too.

We know that news of the 1812 Constitution did not travel well and often did not travel at all. Many in the Peninsula would have been blissfully unaware of the fact of its proclamation and the same goes for those in America. But when the Constitution did travel, it frequently did so along cultural channels, not least those of the Church, as Gregorio Alonso shows in his chapter. And if the Constitution was written—printed on ladies' hand-held fans and hidden away in gentlemen's snuff boxes—it also made its way out to people via theatre, popular song, poetry and painting. As war with the French breaks out, the inhabitants of Cadiz and Madrid experience politics in and through culture. They vote with their feet, turning their backs on French plays and opting instead for the patriotic ones hurriedly penned in response to invasion. In the cold light of day, two years after the events, Goya, himself ambivalent towards the Constitution (see Andrews's chapter) sits down to freeze in oil on canvas images of the events of the time that would be burnt into the collective imaginary in a way that no political treatise, historical tract or constitution ever could. The invasion of Madrid in 1808 and popular resistance to the French troops is remembered through Goya's *El dos de mayo* and *El tres de mayo*. Our memory of history is coloured—yellow, red, touches of green, and the white of innocence. In another register, historian José María Portillo Valdés (2010) reminds us that political and legal debates of the time were the product of what he calls a culture of constitutionalism that, in its reformist variety, had been taking shape since at least the 1770s (in a sense, of course, the debates go much further back than that). That is why we insisted in the conference on politics, history and culture. The terms

and assumptions of the original Enlightenment and liberal political, legal and constitutional debates were cultural to the core. The political decision to exclude women from citizenship, and the ambivalence towards the Indians of the overseas colonies, was underpinned (it is almost too banal to say it) by culture. Could Creole Americans really grant citizenship to those who, like the Indians, did not wear shoes (Portillo Valdés 2006, 211-55)?

Why did the Cortes of Cadiz write a constitution? The deputies of the Cortes repeatedly *spoke* the constitution. They debated tirelessly the precepts of the Project of Constitution that, argued over, amended or agreed, would then settle into a final form. This final form has the appearance of a monologue (“the Spanish Nation shall henceforth...”) only because, like all publications, it is shorn of the dialogue of which it is the product. But why did the Constitutional Committee put it in writing? As we indicated above, Spain already had a constitution. The Bayonne Constitution had been written by Napoleon’s scribes and signed by the abdicating Spanish kings, Charles IV and Ferdinand VII. Bayonne was a Spanish constitution written, literally, in France. Plenty among Spain’s Enlightened reformers, the *afrancesados* (or Frenchified), were content to accept Bayonne, on the not unreasonable grounds that more could be expected of the French by way of necessary modern reform than of the sclerotic Spanish political order. But Spanish Liberals wanted to rewrite Bayonne, to overwrite and disqualify it.

A second reason for writing a constitution is the fact that that was what others in the same geopolitical sphere of influence had been doing. Whether one liked it or not (and the British did not), written constitutionalism was in the European and American air of the time. There was the American Declaration of Independence (1776), the American Constitution (1789), Toussaint L’Ouverture’s Haitian Constitution of 1801, and the noisier—by turns admired and feared—French Constitution of 1791, along with the *Déclaration des droits de l’homme et du citoyen* (1789). And then there was the British “Constitution”: always hovering in the background like some wise uncle waiting, indeed expecting, to offer counsel. The British did not like written constitutions. Such tracts were full of abstractions and hostages to fortune, pieties and verbiage. The objection is an absolutely serious one, the seriousness of which appears to be lost on the objectors’ descendants, fond as the British currently are—above all in education—for putting things in writing. But the British position amounted nevertheless to a request that Spain slip its moorings from France, sail up through the Bay of Biscay and relocate off the Lizard.

There was, however, a further reason for writing a constitution. Not for writing a *constitution*, but for *writing* a constitution: the *fueros*. The

*fueros*, or traditional laws, governed the great regional, quasi-independent mini-states such as Navarre that continued, in 1812, to operate in near-autonomous fashion within the larger country called Spain. The *fueros* are frequently invoked as the antidote to the Bourbon principle of the centralized nation-state, a peculiarly Spanish regional alternative to an essentially French—imperial—idea. The *fueros* figure as the great challenge to a written constitutional tract that attempts to dictate the terms of the political, administrative, military, financial, and educational life of the entire country. Marx believed that the place of the Cadiz Constitution was, in this regard, very simple: he considered it a combination of the *fueros* and the French Revolution:

The Constitution of 1812 has been accused on the one hand—for instance, by Ferdinand VII himself (see his decree of May 4, 1814)—of being a mere imitation of the French Constitution of 1791, transplanted on the Spanish soil by visionaries, regardless of the historical traditions of Spain. On the other hand, it has been contended—for instance, by the Abbé de Pradt (*De la Révolution actuelle de l'Espagne*)—that the Cortes unreasonably clung to antiquated formulas, borrowed from the ancient *Fueros*, and belonging to feudal times, when the royal authority was checked by the exorbitant privileges of the *grandees*.

The truth is that the Constitution of 1812 is a reproduction of the ancient *Fueros*, but read in the light of the French Revolution, and adapted to the wants of modern society. (Marx 1939: 63)

Marx points to the right of insurrection enshrined in the Jacobin Constitution of 1793 and generally considered to be one of its most radical moves. The same right, he claims, appears in the *fueros* of Sobrarbe, where it is called the *Privilegio de la Unión*, and in the ancient Constitution of Castile. In his reading, restrictions on royal power—the “most striking feature of the Constitution of 1812” (65)—derive their origin from ancient *fueros*. “According to the *Fueros* of Sobrarbe, the King cannot make peace nor declare war, nor conclude treaties, without the previous consent of the Cortes” (63). Likewise, the provincial deputations that the Cadiz Constitution set down were modeled, Marx says, on similar institutions in Navarre, Biscay and Asturias. However, lest we get carried away by the notion that the Cortes and the new Constitution belong to an exclusively Hispanic story, it is worth recalling that he has already stated that such borrowings from the Spanish tradition of the *fueros* have been “adapted to the wants of modern society” (63). In making provision for the municipal government of communes, he says, the Cortes re-established the old municipal system, “while they stripped it of its medieval character” (66). Perhaps this is what is at stake in the Constitution’s relation to the ancient

*fueros*. The Liberals in Cadiz made concessions to the northern *fueros* and acknowledged that they could learn something from them about freedom. But they also *wrote* the new Constitution partly to rewrite the jurisdiction of those same *fueros*.

Was the new Constitution a “liberal” document? A consensus of sorts has emerged around the idea that Spanish liberalism of the time was a Catholic liberalism. Which is to say, a liberalism profoundly shaped by Spanish culture and, in particular, by Catholic religious belief. It is a matter of historical record that those who compiled and debated the articles of the new charter included many members of the clergy, and that the promulgation of the Constitution on 19 March 1812 was marked at every step by Church ceremony and rite. Roman Catholicism is famously written into the Constitution as the sole and only true religion of the new nation. It remains an open question, however, as to whether the new *Political Constitution of the Spanish Monarchy* is a constitutional vehicle for Catholicism or Catholicism a vehicle for the new Constitution. Or both things at once and inseparably. What we do know with greater certainty is that this version of liberalism made constitutional room for ideas and political and social measures that dangled radical change before the eyes of inhabitants of the Hispanic world. Cadiz 1812 proposed to give citizenship to American Indians. But we know, too, of the limits of peninsular liberalism, especially vis-à-vis the colonies. Once the new document had decreed that all eligible voters should be entitled to vote in elections, the Cortes was, understandably, forced to row back on the terms of representation to ensure that Spain was not outvoted by the American colonies, now called provinces of the Spanish nation. Similarly, although American Indians were offered voting rights by virtue of their accession to citizenship, black slaves and even free blacks were flatly excluded from citizenship. The Cadiz charter is still in part, despite its incorporation of the American colonies into the new “Nación española”, an imperial tract. Surrounded by French “imperial” troops they may have been, but Spain’s forces were no less imperial. The Spain that fought against Napoleon was an imperial power in its own right—once much mightier than its French counterpart.

## The Chapters

We have organized the volume in three parts. The first part sketches out the background story to 1812. It addresses the context in which the new Constitution emerged and looks at aspects of the document itself, before moving to consider responses to it, both in and beyond the

Peninsula. The section begins with John Fisher's overview of the Peninsular War and ensuing constitutional crisis triggered by the Napoleonic invasion that led to the creation of the Cortes of Cadiz, the first parliamentary body ever to bring together—unevenly for sure—representatives of the metropolis and the colonies. Fisher tracks the tangled highways and byways that the crisis took on both sides of the Atlantic in those seemingly compressed few years. It is a story of trade, of war, of dynasties and empires, of vacillating viceroys and patriotic priests. A king falls, regencies, central juntas, supreme councils and parliaments come and go in quick succession, and even a constitution is proclaimed. Fisher shows how the speed of the disintegration of central government control in Spain is matched only by the slowness with which news travelled. The Constitution is promulgated in March; it reaches Lima in September. Cusco rebels in Peru demand the Constitution be implemented in full, unaware it had been annulled three months earlier. It was never absolutely clear that the Hispanic world was experiencing quite the same crisis. The section then moves to explore one of the most important aspects of Spanish political and cultural life in the run up to 1812: the *Inquisición*. Philip Deacon narrates the tentacular reach and extraordinary powers of the Spanish Inquisition, which had shaped intellectual life in Spain—not without opposition—for the best part of three centuries. When the Constitution decrees that individuals shall have the right to the freedom of expression and to publish without fear of censorship or persecution, we are, momentarily, in a new world. Deacon shows, however, what the old world looked like: how the Inquisition's restrictions operated in practice, how it suppressed outstanding cultural products and persecuted individuals, and how it relied for its eyes and ears on ordinary people with an appetite for denouncing their fellow citizens. The next chapter, by Gregorio Alonso, takes up the question of the determining role of Catholicism in the constitution of the Constitution. The Cortes that incubated the new charter remained, in Alonso's view, an overwhelmingly Catholic forum, and the document that finally emerged, similarly Catholic in many important respects. This was because leaders of the Spain in which the Constitution was forged perceived the country's past glories and any of its possible futures as essentially, dogmatically and exclusively Catholic. Indeed, Alonso questions the extent to which the praise of Spanish liberalism as the motor of Hispanic modernity in fact overlooks this liberalism's profound kinship with the doctrinal intolerance of a Catholicism that continued to mark Spanish life.

Tomás Albaladejo then examines the Cortes and the Constitution. The Cortes dealt with the abstractions of constitutionalism but also with the

regulation of aspects of everyday life such as port and trade affairs in Cadiz at the time. Similarly, the Constitution is not a monument at one with itself, carved out of a single piece of legislative granite, but rather is a heterogeneous living language act. In his exegesis of the Constitutional Commission's dialogues that play across the surface of the final text, Albaladejo notes that the final object is in point of fact a more fissiparous—and certainly ideologically unstable—form, the product of ideological battles, compromises, and fudges. The object is, in reality, the portal for a galaxy of discourses that jostle for supremacy. The word in language, as Bakhtin says, is always half someone else's. For his part, Adam Sharman explores the claim that the Cadiz charter ushers in a centralizing regime of which eighteenth-century Bourbon reformers would have approved. He considers the view that such centralization contradicts, and neutralizes, the “rebellion of the provinces” that had earlier led the resistance to Napoleon. Such a reading of history, he maintains, romanticizes the provinces and only functions thanks to a dubious, pre-Hegelian understanding of the nation-state. The picture, he suggests, is, as ever, more complex. While loyalties to religion and local clergy appear to suggest that people's affective energies are channelled towards the provinces, those energies are as likely to be directed towards Rome, or at any rate towards a powerful parallel order of things called the republic of Catholics. Next, Catherine Davies considers the reporting of events in Spain in the British press. She analyzes the many and varied contemporary accounts of Cadiz 1812 and the wider crisis that were published in the British press by establishment and anti-establishment figures alike. Britain had supported Spain against the French in the Peninsular War and sat in the years that followed, quietly waiting in the wings but never silent, reading and writing about Spain. In *Trewman's Exeter Flying Post or Plymouth and Cornish Advertiser*. Britain welcomed Spanish émigrés from the conflict, was broadly well-disposed towards the Liberal cause, and only changed its tune during the violent turn of Spanish politics in the 1830s. Martin Murphy takes up the story of British involvement. He details the personal and intellectual relationship between Lord Holland and Blanco White, both of whom had been in Cadiz (and in Seville, where the Cortes began) in the months leading up to March 1812. Out of that relationship there emerged influential criticisms of the Cadiz text that would be sent across the Atlantic to the New World from London. Britain as postmaster general. Blanco White, Murphy shows, was at first an ardent supporter of the possibilities latent in the exercise of popular sovereignty; but Cadiz 1812, and Cadiz 1812 viewed through London eyes, changed all that. Blanco White joined Lord Holland in his opposition to the abstractions and

idealistic but unworkable principles enshrined in constitution-speak. The section ends with a historical portrait of Barcelona during the Liberal Triennium of 1820-23, the brief period during which the Constitution of 1812 was restored. Jordi Roca Vernet focuses on the newly-formed political juntas and patriotic societies that worked to weave political concerns of ordinary men and women into the fabric of everyday life. Such societies sprang up as “exalted” Liberals strove to wrest the political process from conventional institutional channels and from moderate Liberal hands. Instead, Barcelona would witness the staging of revolutionary “happenings” designed to take power back into popular ownership and instruct the people in the art of leading the political life. All this was accompanied by violence and executions. Spain had its Jacobin moment.

The second part of the book deals with literary and artistic responses to Cadiz 1812. The section begins on a bibliographical note with Nigel Glendinning’s thoughts on a collection of documents from the time of the constitutional crisis on display in an exhibition that accompanied the March 2012 conference. Catechisms, political speeches, plays and poems: the Constitution echoes the politics, philosophy and religion of the time, as it in turn resonates in the wider sphere of the republic—and monarchy—of letters. The written word articulates the nation, in different registers, and Glendinning allows us simply to read. Power and law, the lines of a hitherto unpublished poem say, should not be about “los caprichos ... la pasión de un hombre variable” [The whims ... the passion of a changeable man]. Jean Andrews explores Goya’s painterly response to the unfolding events. Crisis there may have been, but the years immediately after 1810 were good years for Goya, who had been an *afrancesado* before the Napoleonic invasion and found himself with divided allegiances—and conflicting commissions—after it. Goya had to tread carefully and paint no less watchfully. For every Allegory of the Constitution he painted, there would be a Portrait of an Anticonstitutionalist, usually wearing a crown. Occasionally the two paintings would occupy the same canvas. One such canvas began life as a portrait of Joseph I, Napoleon’s brother installed on the Spanish throne by the emperor, was then overpainted with a scene that included the word “Constitution”, before being overpainted a second time, now with a portrait of Ferdinand VII in the wake of his return to the throne. In his contribution to the analysis of the moment, David Gies examines representations of “La Pepa” in the political theatre of the day and the parading of popular patriotic sentiment on the proscenium. Full of anti-French jibes and caricatures of Napoleon, theatre does its bit for the war effort. Patriotic speeches ring out, theatre joins in the political catechism by explaining what a constitution is, and conservative characters

opposed to the new Constitution end up being saved (on stage) from the clutches of ancien régime justice through the Constitution's decree that no one shall any longer suffer imprisonment on the mere say-so of another. All this via the spoken written word, in a language peppered with a popular speech that allows the audience to hear itself on stage. Stephen Roberts then examines the way in which Cadiz 1812 and, more to the point, popular responses in Cadiz to events at the time have been narrated in two different cultural forms: a play from the mid-1930s by later Franco supporter José María Pemán and a novel from the mid-1870s by the then conservative liberal Benito Pérez Galdós. At different moments, and in very different political circumstances, dramatist and novelist look back to Cadiz. But, as each man does so, he fashions a Cadiz for his own time and in his own image, carefully creating his own time's precursors and setting down the genealogy of the nation that rises up in the south of Spain. What we see in Pemán is a popular, Catholic, anti-French people united in their traditional values and portrayed as a collective, cultural entity threatened only by the treacherous views and interests of some of their own politicians; in Galdós, a more heterogeneous and potentially divisive community seen trying to understand and come to terms with the momentous political changes taking place around them. Galdós as a true "political anthropologist". The section closes with Geraldine Lawless's exploration of quirky science fictional representations of worlds beyond constitutions in two late nineteenth-century Spanish writers, Juan Bautista Amorós and Camilo Millán. Their literary work explores the two great challenges facing nineteenth-century Spain: the question of how to order the polis and the issue of coming to terms with the loss of empire. One of the two novels that Lawless examines in depth contemplates the failure for Spain of the century that ended in 1876, another year of Constitution, while the other work postulates an alternative ending, the watershed year of 1898 when Spain loses its remaining overseas territories. The two novelists imagine new worlds in the future, worlds that incorporate reconfigurations of empire. But these new worlds bear the stigmata of Spain's "short" nineteenth century, with its unfinished social—and constitutional—business.

The third and final section of the book is called "Later Constitutions in the Hispanic World". It deals with echoes of Cadiz 1812 in Spain and Latin America in the nineteenth, twentieth and, finally, twenty-first centuries. If there are echoes and palimpsests, there are also, and inevitably, rewritings, distortions and other constitutions that plain ignore Cadiz—or think they have ignored it. This part of the book begins with a rare find. Matthew Brown discovers, contrary to what had hitherto been



held as true by historians of Gran Colombia, that the avowedly republican Cúcuta Constitution of 1821 was based in large measure—in certain articles, literally verbatim—on the 1812 Spanish text. Brown lays out the evidence before us. However, he argues that the profound linguistic and conceptual similarities between the two charters should not obfuscate the fact that the Cúcuta treatise is written at a different moment, in a different place and with a different intent. The scribes of the Gran Colombia text lay their tracing paper over the Spanish document and faithfully reproduce its organization and phrasing. But they also, and deliberately, rewrite the original document, downplaying the role of Catholicism in the fledgling nation and substituting republic for monarchy. In his chapter, Charles Jones explores the question: How does one constitute a nation? His case is that of nineteenth-century Argentina. In order to answer the question, he traces the history of a land that was part of the Viceroyalty of Peru and later became the Spanish Viceroyalty of the River Plate. Unstable borders, shifting imperial politics, and fierce internal rivalries between centralist unitarians and their federalist opponents characterize the faltering and uncertain journey towards the constitution—and the Constitution—of an entity called the Republic of Argentina. From Argentina we then go to Mexico. Guy Thomson deals with the legacies of the 1812 Constitution in the provincial life of Spain and Mexico in mid- and late century. The 1812 document called upon the populace to do its duty by the nation, but asked of the nation that it create spaces for popular participation in political life. As the years pass, an institutionalized liberalism increasingly asks Mexicans and Spaniards to forget 1810-12 and fall in behind centralized rule by the elite. They did not always oblige. Thomson charts, instead, the persistence of rural subaltern groups' cultures of sociability and their attendant traditions of protest. Provincial Mexicans and Spaniards, often aided by Liberal and republican leaders who appropriated the hieratic power of the clergy, continued with their communal land use, collective labour practices and corporate religious sociability. The section continues with an analysis of the perennial odd man out, Cuba, though Antoni Kapcia's point will be that an exceptional case such as Cuba can still teach generally applicable lessons about the nature of constitutions. Kapcia's focus is the Cuban Constitution of 1901. But before reaching 1901, he stops to ponder the question of just what a constitution is. Constitutions, he suggests, do various things: they have a vital legitimation-function, they establish the rules of the new game, and they serve also as a species of sacred foundation stone that incarnates all that is good about the nation (or all that has been lost from it). Kapcia then traces the history of Cuban constitutions from 1812 onwards, before turning to the hinge-Constitution

of 1901. Drafted at a time when the models available to constitution-makers were very different from the options on the table in 1812, the 1901 text nonetheless puts together nineteenth-century liberalism with a twentieth-century awareness of the state's social responsibilities. But 1901 is a hinge-text in another way. Deep in its innards was to be found the infamous Platt Amendment that gave the US an effective veto over key aspects of Cuban policy. 1901 was a reprise of the island's colonial history, but, in the very unease surrounding the begrudging acceptance of Platt, an anticipation of 1959.

And back to Spain. The final four chapters turn to Spain in the twentieth and twenty-first centuries. We know the dates: 1931, 1978. But then there is 2011... This part of the book begins with Gareth Stockey's analysis of the 1931 Spanish Constitution passed during the Second Republic. Despite Alfonso Guerra's recognition of the importance of the 1931 text ("Teníamos La Pepa, la del 31"), it remains generally "unloved". Spaniards see the later 1978 Constitution as the one that founded a stable democratic Spain, because citizens and politicians alike could, for all their objections, be involved in the system that emerged. 1931, in contrast, enjoys no such bipartisan loyalty. On the contrary, it has been held up as a catalyst of the Civil War catastrophe. Stockey charts and documents the vilification of the charter, a process that has been renewed with zeal following the outbreak of what he calls the recent "memory wars". 1931 is the hinge-charter. Drawing on European and other national constitutions, it also looks back to 1812 at the same time as it cannot but anticipate, from the vantage-point of a later period, the stakes of the attempt to reconstitute Spain after Franco's death. The following chapter is an interview conducted in October 2012 by María José Martínez Jurico and Stephen Roberts with Spanish politician Alfonso Guerra, one of the men behind the 1978 Spanish Constitution. In the interview, Guerra looks back at 1978, but also further back, to 1812. He speaks of those things he considers the triumphs of 1978, above all rights and freedoms and the sense of citizenship. He cites dates, places, names and the most important precursor constitutions (the 1931, above all). He puts the record straight and then reminds us that history never happens in a straight line. Why would one insist on putting to the vote the possibility that Spain become a republic, knowing full well that such a vote would stir up old antagonisms and, in any case, stand not the slightest chance of producing the desired result? Because the desired result was that Spain's representatives in 1978 vote for the system they wanted; that Spain's monarchical system, if such was to be the outcome of the vote, be a Spanish monarchical system, not inherited but rather consciously chosen. In this process and after, Guerra

says, the Constitution was to be the *baluarte*, the bastion, the stronghold, the mainstay. The status of the 1978 Constitution is revisited also in the penultimate chapter. There, Álvaro J. Vidal Bouzon asks the question: Is there a right to lie? Do the founding fathers of the 1978 Spanish Constitution have the right to lie? In the Constitution itself? Despite its “rupturist” tendencies, the 1978 charter establishes profound continuities with the Francoist apparatus of the state, down to and including the role of the armed forces *in politics*. Politics? It’s all Greek to... us. The classical Greek idea of democracy is concentrated in the empty space at the heart of the *polis* reserved for dialogue. Such is the Greek definition of citizenship—that empty space where all are equal. The Spanish Constitution of 1978 tries to recreate that space, and that citizenship, for modern times. “Spain” already exists; the Constitution’s mission is to give it a new (democratic) form. The Constitution will articulate the geography of the land (the coast and the interior, the mountains and the plains) as a political territory, a national, and democratic, territory. A territory to which everyone, as a citizen, has equal access. Except that the Constitution proposes to fill the empty space with specific, and specifically restrictive, rules on succession, religion and language. Is lying, then, a form of telling the truth, because it is the *reasonable* thing to do? The final chapter of the book brings the Spanish constitutional story up to date, or at least it brings it as far as the year 2011. Paul Kennedy examines the first change to the Spanish Constitution of 1978 since 1978. He shows how successive governments in Spain had promised reform of the Senate in their electoral manifestos but had never managed to amend the 1978 text. Then, in 2011, in the wake and in the midst of the maelstrom of the financial crisis, and while many of their countrymen and women were on holiday, Socialist Prime Minister Rodríguez Zapatero, with the full support of the Conservative opposition party Partido Popular, rushes through a radical change to the Constitution. Henceforth, the Constitution of a sovereign nation includes the words “Unión Europea” (European Union), along with stipulations about prioritizing the repayment of debt. The sovereignty of the nation is compromised by someone else’s (metal) sovereigns.

## §

A final word about academic matters. It will rapidly become apparent that we have opted to quote from original Spanish sources wherever possible. English translations are supplied in square brackets, in the case of short quotations, and in quotation marks in the endnotes, in the case of

the longer, indented original pieces of Spanish. We have adopted the practice, where it seemed appropriate to do so, of providing English equivalents in square brackets of some of the common terms or short phrases that designate very Spanish or Spanish American people and things, but of not trying the reader's patience by doing so every time the word is repeated. Finally, we have elected to leave the interview with Alfonso Guerra, in chapter nineteen, in the original (transcribed) Spanish, with some notes in English by way of explanation of some of the names or events. A complete English translation of the interview is included in the Appendix.

## §

As we were correcting the proofs of this volume, we learnt of the death of Professor Nigel Glendinning on 23 February 2013. Professor Glendinning, a leading authority on Goya and the Spanish eighteenth century, very kindly loaned us the material that made up the Exhibition entitled "The 1812 Spanish Constitution Drawn up by the Cortes in Cadiz" held in Nottingham to accompany the Conference on which this volume is based. We hope that this book will stand as a tribute to an outstanding scholar and an excellent colleague.

## Notes

<sup>1</sup> Marx (1939: 68). This is article VI, published 24 November 1854, of a series that Marx wrote about the Spanish crisis. They were published, between 9 September and 2 December 1854, in the *New York Daily Tribune*. The whole series, which includes in article VI a close analysis of the 1812 Constitution, repays attention. Roberto Breña (2006, 473) cites the passage from Marx in Spanish.

<sup>2</sup> The full text of the "Declaración de Cádiz" can be found on the website of the Secretaría General Iberoamericana (<http://segib.org/>).

<sup>3</sup> The Inaugural Meeting of the XXII Ibero-American Summit, which included speeches by the heads of state, heads of government or foreign ministers of 21 Ibero-American countries, was broadcast live by *El País* (Madrid) on the morning of Saturday 17 November 2012. King Juan Carlos I's comments were reported by Miguel González in the article entitled "El Rey pide ayuda a Iberoamérica para superar la crisis económica" (*El País*, 16 November 2012).

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