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Defining the borders for an interpretation of the Concept of Liberalism in Cadiz's constitutional moment 1810-1812

Importante

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Abstract

Research on the concept of liberalism has pointed out that it turned into a political concept in the 1830's in Europe (Leonhard 2004). Even so authors working on Spanish liberalism have argued that the concept of liberalism as a political concept was coined during Cadiz's Constitutional moment 1809-1812. Some of the previous authors have affirmed that its birth can be actually traced earlier in the Spanish peninsula (Varela 1987: 27). But all of them agree that the Spanish concept of liberalism found its roots in the French revolution. Moreover, they have set that the emergence of the concept gave birth in turn to a 'modernity of rupture' (Guerra 1993: 42-50; Palti 2005: 7). As far as its meaning is concerned, scholars working on the Spanish concept of liberalism affirm that it projected a new political language in Cadiz (Fernández Sebastián and Fuentes 2002: 413-428) related to individual liberty as well as an association between constitutionalism and liberalism (Grases: 1950; Marichal: 1953; Llorens: 1958; and Álvarez de Miranda 2008: 223). Some of these common places have been clarified by stressing the Catholic dimension of the concept of liberty on which Spanish liberalism is underpinned (Portillo 1998). This essay, however, intend to throw new light on the Spanish concept of liberalism exclusively by analyzing the deputies' ideas about the French revolution expressed during the constitutional moment and in so doing to contribute in the delimitation of the borders for its interpretation as a political concept.

Keywords: Liberalism, conceptual history, political concept, historiography, Spain.

Resumen

Investigaciones recientes sobre el concepto de liberalismo han señalado que éste se convirtió en un concepto político en la década de 1830 en Europa (Leonhard 2004). Sin embargo, especialistas del liberalismo español afirman que el concepto de liberalismo como tal fue acuñado durante el periodo constituyente de Cádiz 1809-1812, y algunos de ellos sostienen que su origen puede rastrearse en la península Ibérica incluso antes de este periodo (Varela 1987: 27). Ahora bien, todos concuerdan en que el liberalismo español se cimienta en los principios de la revolución francesa y añaden que el surgimiento del concepto de liberalismo dio origen a una 'modernidad de ruptura' (Guerra 1993: 42-50; Palti 2005: 7). Respecto a su significado, los especialistas afirman que proyectó un nuevo lenguaje en Cádiz (Fernández Sebastián y Fuentes 2002: 413-428) que se relaciona con

libertades individuales y que hay una relación importante entre constitucionalismo y liberalismo (Grases 1950; Marichal 1953; Llorens 1958; y Álvarez de Miranda 2008: 223). Muchos de esos lugares comunes han sido corregidos al estudiar la dimensión católica del concepto de libertad en la se fundamenta el liberalismo español (Portillo 1998). Este ensayo, por su parte, intenta arrojar nueva luz específicamente sobre el concepto de liberalismo analizando las ideas expuestas por los diputados a las cortes gaditanas sobre la revolución francesa durante los debates constituyentes y, al hacer esto, pretende contribuir a trazar los límites para su interpretación como un concepto político.

Palabras clave: Liberalismo, historia conceptual, concepto político, historiografía, España.

Introduction

Current literature has shown that the concept of Liberalism was a pre-political concept until 1815 when the pre-political and political aspects of the concept started to overlap. This literature has also shown that this is the case mainly for Britain, Germany, France and Italy, where the transformations did not occur at the same rhythm. The result of this line of research has stated that liberalism turns into a political concept starting only in the 1830s.¹

The previous interpretation can be tinged, however, looking at the current studies on Spanish Liberalism that have argued that the emergence of the concept of liberalism as a political concept can be traced back to Cadiz's constitutional moment in the period from 1810 to 1812. Following this line of research some scholars have stressed that Spanish liberalism did not emerge during the constitutional debates but beforehand and that the Constitutional moment provided the Spanish liberals exclusively with the opportunity to shape their political proposal.² This explanation has also affirmed that even if the three political groups identified at the Courts of Cadiz were not officially instituted in political parties they did have a clear political identity. The political groups identified there were mainly, Conservatives, Americans and Liberals. As far as the group of Liberals is concerned, it has been alleged that in spite of the fact that it was the smallest reunited at the Courts, it was the most coherent ideologically speaking. The success of this 'liberal group' has been attributed to their political cohesion, the regular activity of their members, together with their doctrinal unity identified in two components: its nationalism and the defence of liberty. Building on these two elements, it has been also argued that Spanish liberalism was underpinned precisely on the defence of Spain from the French military and cultural invasion.³ Consequently, some scholars have affirmed that a crucial debate on individual liberty and constitutionalism emerged in Cadiz in that time,⁴ whilst others have suggested that the Spanish concept of Liberalism emerged in Cadiz projecting a new political language still valid nowadays.⁵ Yet, the last assumption can be seen as one of the main inconsistencies in the historiography, as scholars have argued that Spanish liberalism emerged as the result of the French cultural invasion, or to be precise, from the ideas of the French revolution that arrived to Spain with Napoleon's troops. What this explanation suggests indeed is that whilst the Spaniards fought fiercely to

¹ Leonhard 2004: 17-21.

² Varela 1987:27; Pedro Grases affirms that the concept of liberalism emerged actually in France before 1810 *cf.* Grases 1961: 541.

³ Varela 1987: 27-109 and Portillo 1998: 139-177.

⁴ Grases: 1950, Marichal 1953, Llorens 1958 and Álvarez de Miranda 2008: 223.

⁵ Fernández Sebastián and Fuentes 2002: 413-428).

resist the French invaders, they peacefully adopted their revolutionary ideology.

Thus this argument about the defence from the military attacks and the dissemination of French ideas is not only a key element for the understanding of the meaning of the concept, but also, one of the most problematic explanations in the literature about Cadiz's liberalism. Regarding the military intervention it has been argued that the Spaniards saw the French army as their main enemy and that during the defence of their country against Napoleon's troops they came together to form the Spanish nation, that later in the written text would be the holder of the sovereignty.⁶

As far the cultural invasion, it has been said that in the period from 1808 to 1814, together with the French army, entered in Spain texts that some authors have denominated 'liberal literature'. This so-called 'liberal literature' has been identified with the French Revolution and as the impulse that transformed the Spanish political culture of that time. It consists mostly of newspapers, pamphlets and journals.

Now this explanation turned to be more problematic when some of its supporters identified the inconsistency in the main hypothesis and questioned which elements moved the Spaniards to carry out an armed movement supposedly inspired by the French revolution at the same time that they expressed their reluctance to its main principles.⁷ Nonetheless, despite of the importance of this matter, this contradiction has not been clarified yet. All the contrary, this interpretation has been reinforced by the influent literature on the Latin American independence revolutions that has confirmed the importance of this 'liberal literature' in the Spanish Peninsula and claimed its crucial role for the Latin American independence movements themselves.⁸ This historiography has pointed out that the ideology of the French revolution produced a cultural mutation at its arrival to America. It has been argued that coming straight from the Spanish peninsula this literature conducted the American kingdoms to their independence. Likewise, it has been affirmed that the French ideology influenced Latin American societies through the 'liberal literature' in a manner that conducted them first and foremost to new forms of sociability and later to the independence revolutions.⁹ And accordingly with this explanation scholars have assumed that this 'revolutionary literature' did not arrive to America surreptitiously, as these newspapers were legally accepted as they were written and printed in Spain.¹⁰

The previous works have had as departing point the hypothesis that Spanish liberals from that time hide their ideas presenting them as followers

⁶ Portillo 1998: 139.

⁷ Guerra 1993: 43.

⁸ See Guerra 1993: 42-50 and Palti 2005: 7.

⁹ Guerra 1993: 46.

¹⁰ *Ibidem*.

of the 'Ancient Spanish Constitutionalism' but at the end of the day they truly wanted to imitate the French example.¹¹ The pioneers of this line of research were François Xavier Guerra who following Cristina Diz-Lois, affirmed that Cadiz's Constitution was inspired in the French constitution of 1791, specially in the way it established the rights of men and citizen.¹² For the later scholars, Cadiz's Constitution was the first of its kind in addressing the need to destroy the *Ancien régime* and seeing the French via as preferred for the creation of a new social imaginary to broke with the 'ancient fundamental laws'. In that sense, the new constitution was seen as the foundational pact for a new society aimed to create a new man.¹³ Consequently, this line of investigation has concluded that American elites following the same evolution of their Spanish counterpart tried to be equally represented in the courts and the rupture was the consequent solution. Thus the reason of the Latin American independence movements was the lack of representation in Cadiz. And further on, it has been also affirmed that the Political Constitutions of the new countries were actually inspired formally by the French, English and the American models of liberties that are not the ancient ones but an *ex nihilo* construction elaborated by reason.¹⁴

As it is possible to see, research has settled Cadiz as the epicentre of a phenomenon that later has been seen as the 'Atlantic Cultural Revolution'. This approach considers the peninsula as the ideological centre of modernity and stresses the political modernity started in Spain and Latin America with the Constitution of Cadiz, its laws and the new political practices. At the present still the main problems of this approach applied to Cadiz's early liberalism are that the authors did not clarify what did they imply by 'liberal literature'. By reading the texts above mentions one comes to terms that they might refer to the texts mostly written by Montesquieu, Rousseau, Sieyès and Locke amongst others, which some are presented in these books as 'rational-natural lawyers'.¹⁵ Likewise it has not been spelt out which French influence they are referring to, whether they had in mind the principles of the French revolution of 1789, as some of them have somehow affirmed, or the principles of the French constitution of 1791 or what is more, whether they referred to the group of texts that they have identified as the 'liberal literature'.

To clarify some of these statements, it has been argued that the political concept of liberty in Cadiz was informed by its Catholic foundations, which offered a stable model of social organization in which liberty was grounded on duties determined by a moral law on which there was no room for human laws. Cadiz's conception of liberty was not for the individuals but for the

¹¹ Guerra 1993: 48.

¹² See Cristina Diz-Lois: 1976 in Guerra 1993: 48. See also Hale 1972 and Pantoja 2005.

¹³ Guerra 1993: 48.

¹⁴ Guerra 1993: 48-49.

¹⁵ Varela 1987: 31.

nation in search of the most suitable form of government and as the manifestation of the national identity reacting against the French invasion. A free man in this context, we have been taught, was a social religious being and his liberty was understood as a moral duty as a man, citizen, legislator and philosopher.¹⁶

But important research on the reading of early-modern natural law theorists in Cadiz's deputies' generation and the Latin American kingdoms is still to be done. On the one hand, it is crucial as well to accomplish a great deal of work on the translations into Spanish of the authors that outline the group of the so-called 'liberal literature'; for, as it has been seen in other European contexts, translators 'adapted' the 'revolutionary' ideas of some of these natural law theorists in order to make them acceptable to their audiences. Secondly, and in relation to the assumption that the French revolutionary ideology went to America through Spain and translated into Spanish, research in progress in the archives of the Inquisition has shown so far, that this censor institution released an incredible number of permissions to import books in original language to the kingdom of New Spain. Likewise it has been also possible to see there that most of the time these texts were coming from other European countries and not exclusively from Spain.¹⁷

Putting Hatred into words

The assumption that the deputies to the Courts of Cadiz hide their real opinion about their ideas of the French Revolution deserves undoubtedly a further examination. Contrary to the opinion expressed by the current historiography a careful analysis of the Constitutional debates during the period from 1810 to 1812 unveils the terrible opinion that the deputies hold in relation not only to the ideology of the French Revolution but also, to all the matters related to France. This adverse opinion is that strong that makes it difficult to believe the existence of any sort of affection towards the invaders. On the contrary, the Spanish hatred towards France is so strong and diverse in nature that can assist us to throw light on the inconsistency threw by the current historiography.

First of all it should be said that Cadiz's deputies' despise to France is not exclusive of the conservative group but expands to all of them including the renowned liberal faction. Secondly, even if Cadiz's deputies' hatred against France can be classified in several components, for the sake of this paper we considered here only three types in a chronological order: a general hatred against France, against the French Revolution and against Napoleon.

¹⁶ Portillo 1998: 151.

¹⁷ The first part on my research about the texts allowed by the Inquisition in New Spain will be publish next year.

In what we have called the general hatred to France we found the Spanish deputies considering the French people as inhuman, disturbers of the order, barbarians, diabolic people, vandals way worse than the Moorish.¹⁸ In that same line of despise we found other deputies referring to the French invaders as libertines, false sages and selfish beings.¹⁹ As the reader can corroborate the latter comments are directed to attack principally the common idea that France was the enlightened nation *par excellence*, as their cruelty has been considered as barbarian, i.e., proper from uncivilized people.

Explaining the precarious situation in which the Spanish Monarchy was after the French invasion, the deputies made parallels between their ancestors' wars against the Moorish and their own battles against Napoleon's troops. And in so doing, they questioned their fellow deputies whether they were in worse condition fighting against the evil French or their ancestors fighting against the Moorish. As we read several times in the memories of the Constitutional debates Cadiz' deputies considered the French people in general worse enemies than their historically fearsome opponents the Moorish.²⁰

Looking for an explanation of such a bad opinion of France at that time a number of elements came out. Cadiz' deputies spoke several times about the freedom of speech as one of the causes of the misery of this nation. The previous opinion is indeed shared by the liberal deputy Antonio Oliveros, who affirms that the printing press introduced the despotism in France, corrupted the religion and jeopardized the Gallic State. Likewise, Oliveros argued that this was actually the principal cause of discord in France, for the printing press had driven the French people to lose their good principles driving them to fight with one another.²¹

¹⁸ 'Sr. García Herreros... Si aquellos pelearon con bárbaros árabes, nosotros peleamos con vándalos franceses, mucho más bárbaros que aquellos. Restablezcamos, pues, como nuestros mayores las Monarquías, las leyes con que la fundaron subsisten aún, á pesar de las trasgresiones y atentados del despotismo; uno mismo es su espíritu; la Monarquía no es absoluta, como no lo habia [sic] sido antes; en las leyes con que la fundaron se restringe el ejercicio del poder soberano á limites muy estrechos, según que la experiencia les habia hecho conocer que convenia para evitar los males que acarrea el despotismo...' *Diario de Sesiones Cortes Generales y Extraordinarias*, 30 de diciembre 1810, p. 264 and *Diario de Sesiones Cortes Generales y Extraordinarias*, 2 de enero 1811, p. 287.

¹⁹ 'El sr. Oliveros [liberal]... Redoblará su saña, se arrojará sobre los opresores del que reina en su corazon [sic], lo arrancará de las garras del águila imperial, del ave de rapiña de la Francia. Señor, el manifiesto es muy necesario para desengaño de los fasos sábios, de los indiferentes y egoistas: es preciso hacer ver las intenciones de la Francia, que no son otras que hacer á España una de sus provincias.' *Diario de Sesiones Cortes Generales y Extraordinarias*, 29 de diciembre 1810, p. 257-260 and *Diario de Sesiones Cortes Generales y Extraordinarias*, 11 de enero 1811, p. 350.

²⁰ 'El Sr. Estéban... pues si entre nuestro padres se procuraba redimir á los que tenian [sic] la desgracia de quedar cautivos de los moros, ¿quiénes son más cautivos que los desgraciados españoles, que defendiendo su Pátria caen en poder de los franceses, peores que los moros?'

²¹ 'El sr. Oliveros habló largamente sobre que eran vanos los temores que proponían: que era indispensable que la opinión (sic) designase por medio de la imprenta los sujetos que no tengan Buenos principios, por cuya falta se corrompió la religion en Francia, se introdujo el despotismo y se perdió el Estado, haciendo esta mudanza la centésima parte de la Francia contra las otras noventa y nueve partes de ella.' *Diario de Sesiones Cortes Generales y Extraordinarias*, 17 de octubre de 1810.

Following up this idea and going deeper into the deputies' expressed hatred, it is possible to see that the previous assertions were actually part of a core set of extreme dislike against France that likely started with the conviction that France became rich by accumulating the gold from America. Other deputies corroborated later the common place that Spain was only a channel for the American goods that ended up in France.²²

Together with the previous elements, the deputies expressed their terrible opinion about the taxation system created before the French revolution. The deputy Esteban criticized at length for example, the division in municipalities, departments and districts, which he considered inhuman. His explanation is that such an administrative system drove people into a great number of difficulties in order to accomplish their payments.²³

As far as the deputies' judgment of the French revolution is concerned, after reviewing the historiography that strongly asserts the influence of the French revolution principles in the early Spanish liberalism, it is not a minimal finding to read Cadiz's deputies' declarations of terror in relation to the revolutionary movement of 1789.²⁴ It is fascinating to read the deputies' claim for the intervention of a 'Christian Robespierre' to save their Spanish homeland from the hands of the enemies. In their discourses the deputies insisted in the aversion to France and in the fact that they did not want under any circumstances to be or to adopt any French principle.²⁵

The final example of this set of hatred presented here is the deputies' opinion about Napoleon. The reader will be surprised to know that Cadiz's deputies considered him nothing less but a monstrous and criticized him on different issues, mainly, the invasion and control of other European kingdoms, what the deputies called his endless thirst of gold and control, amongst others. To put in their own words, the deputy Capmany refers to Napoleon's political agenda as infernal and a persecution instrument created by him to subjugate not only the Spanish nation but also, the whole Europe.²⁶ For the liberal deputy Antonio Oliveros, Napoleon was not satisfied with the gold

²² *Diario de Sesiones Cortes Generales y Extraordinarias*, 29 de diciembre 1810.

²³ 'Cuando la Francia incurrió en la grande debilidad de la division [sic] de municipalidades, departamentos y distritos, dándole al pueblo una exclusiva influencia, se complacieron los hombres revolucionarios en ver agitados los espíritus de muchos millones de hombres, muy ansiosos todos de concurrir á estas parciales Asambleas. El mismo pueblo, aunque tarde, de desengañó de los amargos frutos de la rivalidad y competencia de unos con otros, y consumida que fué toda la sustancia en los mismos departamentos y distritos, la pagó despues y paga con inhumanas exacciones...'. *Diario de Sesiones Cortes Generales y Extraordinarias*, 16 de diciembre 1810.

²⁴ *Diario de Sesiones Cortes Generales y Extraordinarias*, 29 de diciembre 1810.

²⁵ 'Sr. González... Es preciso tomar otras medidas. Es menester aplicar otros cáusticos. Necesitamos otro Robespierre cristiano para salvar la Pátria. No nos andemos con paños calientes. El pueblo español jamás quiere ser francés. Yo tengo noticias por una persona de mi confianza, que en ciertas provincias no desean otra cosa sino que vayan algunas tropas para reunirse á ellas y levantarse en masa. Estas son las esperanzas que puede tener Napoleon de dominar á los españoles...'. *Diario de Sesiones Cortes Generales y Extraordinarias*, 17 de enero de 1811, 392.

²⁶ 'La infernal política de Bonaparte y el sistema de asechanzas que tal vez maquina el mónstruo de malignidad para sorprender á la Nacion española, y alucinar á la miserable Europa...'. *Diario de Sesiones Cortes Generales y Extraordinarias*, 9 de diciembre de 1810.

arrived from America that the French have monopolized and the hidden control that they have exerted over Spain during the last century. In Oliveros opinion, Napoleon wanted to accomplish Louis's XVI project of facilitating the merchants of Bordeaux the commerce with America.²⁷

On the other hand, in a long intervention during the debates, the liberal deputy Argüelles stated that it was not only impossible to think about a reconciliation between the Spanish Monarchy and the tyrant Napoleon in the present time, but that it would be impossible in the future as well to think about such an event. For the liberal Argüelles France was the mother that conceived the startles and transmitted to the foetus all the horror of which she was possessed. And what is more, to his eyes France has increased the effect of the horror of the revolution of 1789 and has transmitted it through educational programmes to the next generations.²⁸ Besides for Argüelles in spite of the fact that Napoleon's army was stronger, the Spaniards had no choice but keep fighting, as they had sworn to surrender neither to Bonaparte nor to that 'miserable nation' that tried to slave Europe since the time of the League of Cambrai.²⁹ Following this line of argument, the Latin American deputies, on their part, corroborated that America did not want to have any business with the French enemies. On behalf of the American representatives spoke the deputy Leyva who transmitted their feelings that Bonaparte was considered in America an unreliable fibber on whom they could not trust.³⁰

Consequently with Cadiz's deputies' disdain to Napoleon and in order to protect the Spanish monarchy from him, the deputies voted to declare null and void and without any effect all the acts and agreements executed by the Kings of Spain under the power of the French enemies.³¹ And in particular any marriage arrangements performed by the king of Spain without the consent of the Constitutional Courts reunited in Cadiz.³²

²⁷ '... Llega Napoleon [sic], y no se contenta con este dominio simulado: declara expresamente que quier dar complemento al proyecto de Luis XIV: asegura á los comerciantes de Burdeos cuando venia á representar la farsa de Bayona, que en adelante podrian hacer el comercio de América como los españoles. Este pensamiento no es suyo; es del Senado que le dirige y que le ha elevado á Emperador como el instrumento más apto para dominar universalmente. Le han amenazado con la muerte si con paso firme no se dirige á este blanco. Así le habló un trémulo viejo con un cuchillo en la mano. De aquí nace el coronar y destronar a sus hermanos según lo exigen las circunstancias...' *Diario de Sesiones Cortes Generales y Extraordinarias*, 29 de diciembre de 1810, p. 257.

²⁸ 'No solo [sic] la edad presente es irreconciliable con el tirano, sino que lo sera igualmente la venidera. La madre que concibió en el sobresalto, trasmitió al feto todo el horror de que estaba poseida, y éste, aumentado con la educación, pasará á todas las generaciones. España se halla en el mismo caso en que se vió en la invasion de los árabes'. *Diario de Sesiones Cortes Generales y Extraordinarias*, 29 de diciembre de 1810, p. 248.

²⁹ *Ibidem*.

³⁰ *Diario de Sesiones Cortes Generales y Extraordinarias*, 30 de diciembre 1810, p. 268.

³¹ 'El Sr. Argüelles [liberal deputy]... Bonaparte, ese monstruo infernal, oprobio de la especie humana. Es notorio que aspira á formar nuevas asechanzas á V.M., y tender nuevos lazos á la Nacion [sic]. Yo no necesito de otras pruebas más que el conocimiento de su sanguinaria política para creer que intenta convertir en su utilidad la sencillez de este Príncipe para esclavizar á una Nacion que en vano ha querido sujetar con las armas.' Sesión 94 del 29 diciembre 1810, *Diario de Sesiones Cortes Generales y Extraordinarias*, p. 248.

³² *Diario de Sesiones Cortes Generales y Extraordinarias*, 29 de diciembre 1810.

Yet the most important matter in relation to the French hatred is that all these feelings were translated into an article of the Constitutional text that denied the access to politics to any descendant of a French citizen or married to a French woman, as her influence should be both feared and controlled. In December 1810 it was discussed and voted that any Spanish descendant from French naturals should hold any political duty. In the discussion of the access to the executive power one of the deputies suggested to denied the access to French descendants even to the fourth degree. To be sure that any French could have access to politics, the deputies agreed that it was compulsory for the candidates to present the proofs of their Spanish origin. The main argument for this resolution was that a French man could never by any means forget his origin. And in the opinion of Cadiz's deputies French were the worst enemies of mankind and especially of Spaniards. For that reason the deputies decided that all the possible measures taken to deny the access to the French to participate in politics in the Spanish Monarchy would be enough. In this debate we read the opinions of a great number of deputies mainly Traver, Ostolza, Peregrin, Capmany, Castelló, Borrul, Parada and the liberal deputy Gallego amongst others.³³

The Concept of Liberty

But the development of a sense of hatred against a nation that has invaded and subjugated a third nation should not be a surprise, neither the parallel development of a particular love for liberty that naturally turns to be the most precious good. In fact these arguments are at very core of the debates on Liberty from Machiavelli onwards. In that sense the Spanish people were not the exception. Reading Cadiz's deputies' debates during the Constitutional moment one comes to terms with their thoughts about their subjugated condition as well as the possible ways to get their liberty back. Amongst the possibilities one of the deputies even spoke about the opportunity of having their king back from France proclaiming their liberty and independence under Napoleon's protection. To this possibility the deputies answered that the integrity of the Monarchy was their maximum aspiration and that they would never accept the liberty offered by Napoleon without the complete withdrawal of the French troops from the Spanish peninsula and Portugal. At that point, they affirmed that the nation should resist with all their strength the French tyrant and subjugation.³⁴

In the words of Cadiz's deputies, as far as there were Spaniards in the world, there will always be one ready to fight for their liberty against the

³³ '...El Sr. Gallego: Señor, no necesitamos con las palabras dar muestras de ódio [sic] á los franceses: las hemos dado con las obras. Y si las palabras fueran las muestras, seguramente eran bien débiles...' *Diario de Sesiones Cortes Generales y Extraordinarias*, 17 de diciembre de 1810, pp. 175-184.

³⁴ *Diario de Sesiones Cortes Generales y Extraordinarias*, 30 de diciembre de 1810, p. 269.

French tyrant. The deputies have in mind the fact that their parents as well as all their ancestors have fought for the Spanish liberty and that they could not do anything else but continue with their historical struggle. For them it would not be enough to liberate merely one of the Spanish provinces, given that they have already elaborated the idea of liberated the whole peninsula. At that point the deputies there reunited expressed their extreme intention to evacuate the peninsula, on the grounds that every single man should only desire to be independent and free.³⁵

Later on the deputy Leyva manifested his idea of firmly resist to the French threatens and exhorted the President of the Constitutional Courts to establish the fundamental principles of the Constitution and to defend the king. And at his point he emphasized his trust on the fact that the defence of the liberty of the Spaniards would drive them to a Liberal Constitution that would protect the nation from the arbitraries of everybody else including the king himself.³⁶

And finally the conception of liberty, as we have seen in the declarations of the deputies, in Cadiz in that time is related as well with a deep sense of honour. The fight for the liberty of the Spanish monarchy in the decade of 1810's is of course related to their current condition, but what is more important, it was related to the image of them that the posterity will have of their honour. This interpretation can be illustrated by deputy's Fernandez Leyva affirmation that the French delinquents would never be able to prevent the Spanish people from receiving the applause and the admiration that they deserved by contemporary Spaniards on their performance.³⁷

³⁵ 'Sr. Huerta... pues primero es ser libre que ser español. El nombre sea cualquiera; mas la libertad, la independencia, esto es lo único que el hombre debe apetecer...'

³⁶ 'Sr. Leyva... Cuando se presente entre nosotros [el rey] verá V.M. cómo llena de aplausos á este Congreso por haber sostenido sus derechos y los de la Nación; pues solo [sic] un Rey es respetable cuando reina sobre un pueblo libre. Propongo á V.M. que establezcan los principios fundamentales de la Constitución. Esta es una medida que evita las arbitrariedades de los Reyes cuando está formada por principios liberales, y no suceda que los ecos de nuestra libertad se queden en los límites de este corto recinto sin que pasen á las provincias. Hágase una Constitución buena y que ponga trabas á las voluntariedades del Rey, y entonces el más cruel de los hombres no podrá hacernos infelices.' *Diario de Sesiones Cortes Generales y Extraordinarias*, 30 de diciembre de 1810, p. 268. The stress in mine.

³⁷ 'Sr. Fernandez Leyva... Su conducta jamás podrá neutralizar el honor español. Esos delinquentes no podrán impedir que los esfuerzos de esta Nacion [sic] ilustre sean aplaudidos, admirados por la generacion presente, y transmitidos á la posteridad para perpétua memoria.' *Diario de Sesiones Cortes Generales y Extraordinarias*, 16 de enero de 1811, p. 386.

Conclusions

The first thing that should be said before closing is that the concept of liberalism as such did not appear neither in the Constitutional debates from 1810 to 1812, nor in the Constitution of Cadiz promulgated in 1812. Now what we found there was a crucial shift in the concept of liberty essential for the European but also, for the Latin American conceptual history. For this reason a word should be said about the concept of liberty. Antonio Rivera García in his work on the concept of liberty has affirmed the existence of two conceptions of liberty in Cadiz's Constitution; one revolutionary conception of liberty and a later one that he labeled as Catholic and conservative. Rivera's interpretation assumes that the latter conservative emerged subsequently to the revolutionary concept. On the other hand, he argued that the 'Spanish liberalism' was inspired by the French Constitutional texts from 1789 and 1793.

Now Rivera's interpretation can be improved by remembering that Spanish Catholic natural law theorists coined prominent conceptions of liberty. Therefore it would be more accurate to say 'conservative' conception(s) of liberty came first, but at this point the anachronism contained in the proposition become so obvious that invalidates the use of the adjective conservative for Catholic conceptions of liberty. In that sense, it should also be mentioned that Catholicism could never be considered an obstacle for liberty, as it supposed to be precisely the means to reach men's freedom in the Western world, at least when Augustinian conceptions of human nature stressed man's fallen condition were dominant. What is true is that Cadiz's concept of liberty was debated intensively in a rather short period of time carrying out the distinctive early Spanish liberalism. An early Spanish liberalism that, as we have seen, was also concerned with giving a Constitutional text to the Spanish nation to protect their liberty, and this is the most significant proposal, not only from the foreign invaders, but also, from the action of their own king.

As far as the hidden affection to the ideology of the French Revolution and Rivera's ideas that Cadiz's revolutionary conception of liberty came from the French constitutional texts from 1789 and 1793 is concerned, this paper has shown the difficulties to hold such a hypothesis during the Constitutional moment 1810-1812. And the difficulty comes precisely from the absence of accurate studies on this matter. In other words, the presence in Cadiz of arguments on liberty, civil liberty and constitutional liberty, on which Rivera's and the other interpretations here examined are built, does not necessary imply that Cadiz's deputies got them exclusively from France, as we can find discussions on these same matters all around Europe. Yet the story of the

concept of liberalism among other crucial matters from the Cadiz's Constitutional moment is still to be told.

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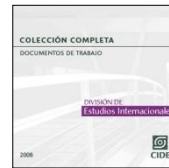
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