

Introduction

Law, empire, and politics in the revolutionary age

In the year 1810, in the midst of the Spanish monarchy's deepest crisis of sovereignty that took place during Napoleon's invasion of the Iberian Peninsula, the slave- and mine-owning elites across New Granada's southwestern Province of Popayán (in present-day Colombia) formed the first insurgent juntas, rejecting Spanish sovereignty. Their slaves who lived in gold-mining camps in the Pacific lowlands rebelled against their owners' rights to keep them in bondage and argued that they, on the contrary, were in favor of the monarchy. The slaves claimed that, up to that point, they had tolerated enslavement because their masters had been vassals of the king, who guaranteed the slaves protection. Unlike their masters who had ceased serving the Spanish Crown, the slaves preferred to remain vassals of the king and enjoy the freedom and rights that other vassals had. Over the next ten years, the slaves sustained a royalist rebellion and defended the Pacific lowlands from incursions by the forces seeking independence. In doing so, they acquired de facto freedom and lived autonomously throughout the decade.

Parallel events developed in the interior Andean highlands of Pasto where Indian communities united with Spanish forces to defend the king and the monarchy. As the monarchical crisis expanded into a long war that engulfed their homeland, the northern Andean Indians around the city of Pasto embraced the opportunity to manifest their loyalty to the Spanish king. Militia service became an avenue of social mobility for some. Collectively they received special concessions in exchange for their military service to the crown, providing a new means of protecting and expanding the Indians' rights in the imperial context.

In a remarkable moment in the history of slavery, the representatives of the Spanish king mobilized slaves against slave owners, and slaves allied

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with and defended the crown, which had historically promoted slavery. At the same time, the descendants of native people who three hundred years earlier had been conquered through force defended their status as tribute-paying vassals of the Spanish Crown. At this unprecedented juncture, people who had been the objects of imperial rule became its defenders.

When in 1822, after declaring independence in Venezuela and northern New Granada, Simón Bolívar arrived with his armies to the royalist bulwark of Popayán, the indigenous people in Pasto and the slaves in the Pacific lowlands rose to wage war against the republican invasion. Their rebellion lasted until 1825. These royalist militias not only threatened the stability of Bolívar's dream of an independent republic of Colombia, they also jeopardized his plans to defeat Spain in the heartland of its South American empire, Peru.

Given its strategic location, this royalist region and its peoples' fight against Bolívar made them legendary in popular and historiographic accounts of Colombian independence. The founding narrative of Colombian independence is José Manuel Restrepo's *Historia de la Revolución de Colombia*, published in Paris in 1827.¹ In Restrepo's tale of beginnings, the royalists were far from marginal characters. They enabled the literary creation of a constitutive antagonism between a morally superior Colombia and a decadent, tyrannical Spain. The *Historia de la Revolución* perfectly illustrates how nineteenth-century Creole nationalism cast the period of Spanish rule as a time of darkness, barbarism, and slavery. The royalists were not only military enemies of the Creole independentists, they also embodied the cultural dangers of centuries of Spanish domination and control. Restrepo portrayed the indigenous people and slaves who were core actors in the rebellion against Bolívar as victims of manipulation,

¹ José Manuel Restrepo, *Historia de la revolución de la República de Colombia en la América meridional* (1827; Besanzon: Imprenta de José Jacquin, 1958). Restrepo was Bolívar's Minister of the Interior and as a participant in and witness of the events in this period, he wrote a diary based on his insights into major turning points of history during the war and the first decades of republican life. Additionally, from his privileged position in the government, Restrepo gathered the most complete collection of documents in existence dealing with the independence wars in Gran Colombia. Known as the "Archivo Restrepo," the collection includes sources from Panama, Venezuela, Ecuador, and Colombia. In the historical writings that were informed by this archive, Restrepo laid the foundations of Colombia's nationalist "myth." See also José Manuel Restrepo, *Diario Político y Militar: Memorias sobre los sucesos importantes de la época para servir a la historia de la revolución de Colombia y de la Nueva Granada, desde 1819 para adelante*, 4 Vols. (Bogotá: Imprenta Nacional, 1854).

participating primarily as cannon fodder and always on disadvantageous terms. They were understood as symbols of backwardness and as obstacles to liberation, further obscuring the memory of the political goals, strategies, and achievements of these sectors of Popayán society.²

Thus, royalists and royalism have been integral to the Colombian nationalist story since the nineteenth century.³ Indeed, the problem with the nationalist perspective inaugurated by Restrepo, which has framed all of the interpretations of the history of Popayán Province during the independence wars, is not a matter of erasure or silencing (see Figure I.1).⁴

Rather than simply including the Popayán royalists in the narrative of Colombian independence, this book corrects core assumptions about the region's isolation and about the royalists' backwardness and naïveté.⁵ It carefully investigates who the royalists were by exploring the politics of indigenous people and slaves in Popayán Province before and during the independence wars. The book further uses royalism as a lens through

² Rebecca Earle, *The Return of the Native: Indians and Mythmaking in Spanish America, 1810–1930* (Durham, NC: Duke University Press, 2007), 26.

³ Maya Jasanoff argues that patriotic portrayals of American independence excluded or “forgot” loyalists. Jasanoff, “The Other Side of Revolution: Loyalists in the British Empire,” *The William and Mary Quarterly* 65, no. 2 (2008), 205–32.

⁴ As Germán Colmenares, pioneer of social history in Colombia, rightly commented in the 1980s: “Since its publication, Restrepo’s oeuvre has become a ‘historiographic prison.’” Colmenares, “La Historia de la Revolución por José Manuel Restrepo: Una prisión historiográfica,” in *La Independencia: Ensayos de Historia Social*, ed. Germán Colmenares, Zamira Díaz de Zuluaga, José Escorcía, and Francisco Zuluaga (Bogotá: Instituto Colombiano de Cultura, 1986), 9–23. For example, Jean Pierre Minaudier stated that during the independence wars in Pasto “*el pueblo* was not intentionally involved in them . . . but obeyed their masters (*a sus amos*).” Minaudier, “Pequeñas patrias en la tormenta: Pasto y Barbacoas a finales de la colonia y en la independencia,” *Historia y Espacio* 3, nos. 11–12 (1987), 159, 163.

⁵ Connecting popular riots and local politics in the Bourbon context with the independence crisis, some scholars have explained popular royalism in Popayán as the result of a regional tradition of resistance to the innovations of Bourbon reformism throughout the eighteenth century. See Sergio Elías Ortiz, *Agustín Agualongo y su Tiempo* (Bogotá: Editorial A.B.C., 1958); Edgar Bastidas Urresty, *Las guerras de Pasto* (Pasto: Ediciones Testimonio, 1979); Emiliano Díaz del Castillo, *El Caudillo: Semblanza de Agualongo* (Pasto: Tipografía y Fotograbado Javier, 1983); Brian Hamnett, “Popular Insurrection and Royalist Reaction: Colombian Regions, 1810–1823,” in *Reform and Insurrection in Bourbon New Granada and Peru*, ed. John Fisher et al. (Baton Rouge: Louisiana University Press, 1990), 292–326; Rebecca Earle, “Indian Rebellion and Bourbon Reform in New Granada: Riots in Pasto, 1780–1800,” *Hispanic American Historical Review* 73, no. 1 (1993), 99–124; and John Lynch, *The Spanish American Revolutions, 1808–1826* (1973; New York: W. W. Norton, 1986), 214, 241.

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independence era. More broadly speaking, the structural opposition between the revolutionary faction and the royalist camp of course also characterized the earlier Atlantic Revolutions in the Americas – American and Haitian – where the defenders of empire were more commonly known as loyalists. Teleological assumptions about the implicit logic of political action as revolutionary in the eighteenth century have carved a deep conceptual antagonism in the historiographies of these revolutions. While scholarship about the Age of Revolution has expanded tremendously in the past decade, one of the themes from the revolutionary era that still needs to be understood is loyalty.⁶ For example, historians continue to identify royalism as a theme exclusively linked to the colonial

⁶ The recent literature on Latin America in the Age of Revolution includes: Heraclio Bonilla, ed., *Indios, negros y mestizos en la independencia* (Bogotá: Editorial Planeta/Universidad Nacional de Colombia, 2010); Beatriz Bragoni, “Esclavos, libertos y soldados. La cultura política plebeya en tiempo de revolución,” in *¿Y el pueblo dónde está? Contribuciones a la historia popular de la revolución de independencia rioplatense*, ed. Raúl Fradkin (Buenos Aires: Prometeo ediciones, 2008), 107–50; Gabriel Di Meglio, *¡Viva el bajo pueblo! La plebe urbana de Buenos Aires y la política entre la Revolución de Mayo y el Rosismo* (Buenos Aires: Prometeo Libros, 2007); Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, MA: Belknap Press, 2004); Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787–1804* (Chapel Hill: Omohundro Institute of Early American History and Culture/University of North Carolina Press, 2004); Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868–1898* (Chapel Hill: University of North Carolina Press, 1999); Ada Ferrer, *Freedom’s Mirror: Cuba and Haiti in the Age of Revolution* (New York: Cambridge University Press, 2014); Peter F. Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750–1850* (Durham, NC: Duke University Press, 2005); Peter F. Guardino, *Peasants, Politics, and the Formation of Mexico’s National State: Guerrero, 1800–1857* (Stanford, CA: Stanford University Press, 1996); Aline Helg, *Liberty and Equality in Caribbean Colombia, 1770–1835* (Chapel Hill: University of North Carolina Press, 2004); Lyman Johnson, *Workshop of Revolution: Plebeian Buenos Aires and the Atlantic World, 1776–1810* (Durham, NC: Duke University Press, 2011); Marixa Lasso, *Myths of Harmony: Race and Republicanism during the Age of Revolution, Colombia 1795–1831* (Pittsburgh, PA: University of Pittsburgh Press, 2007); Gabriel Paquette, *Imperial Portugal in the Age of Atlantic Revolutions: The Luso-Brazilian World, c. 1770–1850* (New York: Cambridge University Press, 2013); Rigoberto Rueda, “El 20 de Julio de 1810: una lectura en clave social,” in *El Nuevo Reino de Granada y sus Provincias: Crisis de la Independencia y experiencias republicanas*, ed. Aristides Ramos et al. (Bogotá: Editorial Universidad del Rosario, 2009), 165–87; Kirsten Schultz, *Tropical Versailles: Empire, Monarchy, and the Portuguese Royal Court in Rio de Janeiro, 1808–1821* (New York and London: Routledge, 2001); Mimi Sheller, *Democracy after Slavery: Black Publics and Peasant Radicalism in Haiti and Jamaica* (Gainesville: University of Florida Press, 2001); Camilla Townsend, “‘Half My Body Free, the Other Half Enslaved’: The Politics of the Slaves of Guayaquil at the End of the Colonial Era,” *Colonial Latin American Review* 7, no. 1 (1998): 105–28.

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elites.⁷ Popayán's long-lasting multiethnic royalist alliances constitute a particularly fertile ground for analyzing the diversity, complexity, and impact of the politics of Indians and slaves during the Age of Revolution.

The book illustrates why we need to widen our geographic scope to areas beyond the North Atlantic/Caribbean region, where most of the work on the period has focused up to now. The North Andean/Pacific region of Popayán contrasts in important ways with the North Atlantic/Caribbean cases most commonly studied by historians of the Age of Revolution.⁸ This is particularly so because Popayán offers a single frame with which to analyze indigenous and Afro-diasporic politics and reveal

⁷ See, for example, two recent books on the American Revolution: Eric Nelson, *The Royalist Revolution: Monarchy and the American Founding* (Cambridge, MA: Belknap Press, 2014); Andrew Jackson O'Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of Empire* (New Haven, CT: Yale University Press, 2013). One analysis of slave resistance that dismisses loyalism can be found in Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca, NY, and London: Cornell University Press, 1982), 171.

⁸ In their works, scholars such as Maya Jasanoff, Jane Landers, and David Sartorius have pointed to the key relevance of exploring how loyalty was expressed and experienced by people in the popular classes. Landers has highlighted the porous frontiers between revolution and counterrevolution in the Caribbean empires and proven that royalism was a strategy for mobility among people of African descent. Looking at the American and French Revolutions, Jasanoff noted that "the social extent and diversity of loyalism" are still rarely appreciated because of widespread stereotypes that loyalists were "socially elite, politically reactionary and essentially ... conservatives." Maya Jasanoff, "Revolutionary Exiles: The American Loyalist and French Émigré Diasporas," in *The Age of Revolutions in Global Context, c. 1760–1840*, ed. David Armitage and Sanjay Subrahmanyam (New York: Palgrave, 2010), 39; Jane Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge, MA: Harvard University Press, 2010); David Sartorius, *Ever Faithful: Race, Loyalty, and the Ends of Empire in Spanish Cuba* (Durham, NC: Duke University Press, 2013). For British North America, see also Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Knopf/Harper Press, 2011); Ruma Chopra, *Unnatural Rebellion: Loyalists in New York City during the Revolution* (Charlottesville: University of Virginia Press, 2011), which deals with slave loyalists in New York City; and the classic study of Indian peoples who sided with the British in revolutionary North America, Colin Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (New York: Cambridge University Press, 1995). Among recent works on popular royalism in Latin America are Peter Blanchard, *Under the Flags of Freedom: Slave Soldiers and the Wars of Independence in Spanish South America* (Pittsburgh, PA: University of Pittsburgh Press, 2008); Jairo Gutiérrez, *Los indios de Pasto contra la República (1809–1824)* (Bogotá: Instituto Colombiano de Antropología e Historia, 2007); Armando Martínez and Daniel Gutiérrez, *La contrarrevolución de los pueblos de las Sabanas de Tolú y el Sinú (1812)* (Bucaramanga: Universidad Industrial de Santander, 2010); Cecilia Méndez, *The Plebeian Republic: The Huanta Rebellion and the Making of the Peruvian State, 1820–1850* (Durham, NC: Duke University Press, 2005); Gene E. Ogle, "The Trans-Atlantic King and Imperial Public Spheres: Everyday Politics in Pre-Revolutionary Saint-Domingue," in *The World of*

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previously unexplored parallels and connections between the legal identities and political challenges of Indians and slaves in a territory under royalist control during a time of revolutionary change.

Indeed, Popayán is an ideal case study for bringing together the historiographies of indigenous people and people of African origin and descent, which are generally separated in historical studies. The indigenous society of Pasto, the second largest in New Granada, had not been part of the Inca Empire. Thus the northern Andean region provides a different perspective on the Andes than does Peru. Seen in the broader context of slavery in the Americas and the African diaspora, the two defining features of Popayán's slave society were the absence of plantations and the coexistence of enslaved Africans with indigenous people. At the same time that slavery was a legal identity that framed enslaved peoples' political options, these people also constructed their visions of freedom by drawing from the example that Indianness, as a legal status, represented.

While there were Indians and slaves all across the province, the indigenous population was concentrated in the highlands, around the city of Pasto, and the enslaved were especially important for gold extraction in the Pacific lowlands. Thus I study these two settings separately – the Andean highlands and the Pacific lowlands – while putting the indigenous people and the enslaved in the same analytical, political, and historical frame. I inquire into the ways in which legal definitions of Indianness and slavery were foundational to the individual and collective political identities of Indians and enslaved Afro-descendants. Most importantly, I explore what made each of these identities distinctive – in spite of the fact that we may be tempted to put them in a single category of subaltern or oppressed people – and show why a historical reconstruction of the

the Haitian Revolution, ed. David Geggus and Norman Fiering (Bloomington and Indianapolis: Indiana University Press, 2009), 79–96; Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006); Jaime Rodríguez, “Las primeras elecciones constitucionales en el Reino de Quito, 1809–1814 y 1821–1822,” *Revista Procesos* 14 (1999): 13–52; Steinar Saether, *Identidades e independencia en Santa Marta y Riohacha, 1750–1850* (Bogotá: Instituto Colombiano de Antropología e Historia, 2005); Simon Schama, *Rough Crossings: Britain, the Slaves, and the American Revolution* (New York: Harper, 2006); James Sidbury, *Becoming African in America: Race and Nation in the Early Black Atlantic* (New York: Oxford University Press, 2007); Tomás Straka, *La voz de los vencidos: Ideas del partido realista de Caracas, 1810–1821* (Caracas: Facultad de Humanidades y Educación-Universidad Central de Venezuela, 2000); Eric Van Young, *The Other Rebellion: Popular Violence, Ideology, and Struggle for Independence* (Stanford, CA: Stanford University Press, 2001).

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politics of indigenous people or slaves needs to pay close attention to the imperial shifts in legislation.

Although generally ignored in recent revolution-centered versions of the Latin American independence processes, the royalist Indians and slaves engaged with the ideas of the age, such as citizenship and freedom. Their story is an essential part of the history of the period, as this book will show. Placing the royalist Indians and slaves at the center of the narrative stresses the dynamism, creativity, and change intrinsic to monarchical political culture. It dismantles previous assumptions that the royalists were struggling to restore an old, static, conservative order. Royalist territories such as Popayán were theaters of deep political transformations, which were brought about by military dynamics and other liberal institutional innovations, such as the application of the 1812 Constitution conceived and promulgated in Cádiz.⁹ In a time marked by antagonisms, uncertainty, disorder, and improvisation, political opportunities arose for all colonial subjects. Royalist Indians and slaves in Popayán championed imperial relations that would benefit them, and their military and political engagement with royalism had consequences for political relations in Popayán. That is to say, they were pivotal to the course of the war and shaped the range of changes brought about by independence. The negotiations that favored royalist Indians and slaves during the last twenty years of Spanish rule clearly set conditions and limits for the process of republican state formation after 1825, when Simón Bolívar and José de San Martín finally overcame the Pacific royalist forces.

The book draws a picture of the royalist region of Popayán that reveals deep chronological layers and multiple social and spatial textures. Tracing the historical meanings of royalism and understanding these multiethnic alliances outside their usual characterization as counterrevolutionary and antirepublican (or specifically anti-Bolivarian) requires reframing this story of the Indian and slave royalists in temporal and spatial contexts of broader proportions. Indeed, the royalist alliances involving Indians and slaves in Popayán cannot be understood at all from within the limited spatial and chronological boundaries of Colombian national history.

Empire is the framework for studying politics during the period, as it played a crucial role in shaping the strategies of Indians and slaves in the Province of Popayán leading up to the confrontation between the royalists and the Bolivarian Army in 1822. At the same time, it was in the cities and

⁹ Which King Fernando VII overturned in favor of a repressive strand of absolutism when he returned to the throne in 1814.

rural areas, through the local events that were framed within the imperial crisis, that changes in the political structure and logic of the monarchy took place. In other words, it is important to acknowledge that the crisis in Spain, along with the diplomatic and constitutional efforts undertaken by the deputies in Cádiz to overcome it, had important consequences for the American territories. Yet it is equally fundamental to reconstruct the process whereby the people in the Americas produced and molded Spanish sovereignty at this moment of crisis. Thus, tracing the fluctuating rule of Spain in the Province of Popayán simultaneously produces a history of this region – encompassing the highlands and the mining frontier as well as the broader dynamics of the viceroyalties of Peru and New Granada – and a story of the imperial and interimperial dynamics involving Cádiz and France.

As in Restrepo's damning depiction, the term "royalism" was central to the political lexicon of the nineteenth century, signifying a primary pole of the ideological, military, and political spectrum in Spanish America after Napoleon invaded the Iberian Peninsula. In that critical context after 1808, the term "royalist" denoted the defenders and supporters of the King Fernando VII, who had been deposed by Napoleon. During his absence a widespread cult surrounded Fernando, known as "el deseado" (the beloved), which gave royalism the significant connotation of rejection of French rule and oppression. Over the course of the independence wars, however, royalism changed. It also began to imply the defense of the monarchy in opposition to the independence projects that were emerging across Spanish America. And because the source of Spanish sovereignty in the peninsula changed during the years 1808–14, when the king was absent, royalism became profoundly enmeshed with the Cádiz liberal experiment that instituted a constitutional monarchy to govern in the name of the absent king. These transformations, when seen from the perspective of the northern Andean royalist regions in the Pacific, reveal that the Age of Revolution cannot be understood on the basis of simplistic dichotomies such as revolutionary and reactionary, traditional and modern, or liberal and conservative. Rather, during the "revolutionary era," from the mid-eighteenth to the mid-nineteenth century, liberalism and monarchism were not necessarily antithetical and reform and revolution were deeply connected in the Spanish world.¹⁰

¹⁰ This implies that the history of liberalism in Latin America starts earlier than it is traditionally thought to begin, in the early nineteenth century and within the Spanish Empire, and not later, with the creation of independent republics. There obviously were

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Focusing on the micropolitics of the rural areas that the indigenous people and enslaved Afro-descendants inhabited, the book emphasizes long-term patterns (1780–1825) and broadens the geographic scope in order to reconstruct the ways in which the politics of Indians and slaves were articulated with the changes taking place in the Spanish Empire – from Bourbon reformism to the liberal revolution and then back to absolutism, though these transitions were never linear or complete given the upheavals brought by the war.

My first methodological strategy consists of looking at the political history of the region going back to 1780 and linking the reformist and revolutionary contexts in a single temporal frame. (In conventional historiographic terms these contexts would be called the late colonial period and the independence wars, respectively.) The Bourbon King Philip V came to the throne in 1700 aiming to restructure the Spanish Empire, and during the eighteenth century the Spanish monarchy went through deep reforms carried out by Philip's son Fernando VI (1746–59) and Charles III (1759–88). Following the 1808 Napoleonic invasion of the Iberian Peninsula, the crisis of the monarchy led to the rise of autonomist projects and to war in Spanish America, beginning in 1809. I look at these processes both together and from a broader Atlantic angle, seen as part of the revolutionary age.¹¹

Between 1780 and 1825, at the same time that people in the northern Andean province of Popayán were experiencing the cycles of reform and revolution that characterized the entire period, they were also shaping the outcomes of reform and revolution. Here Popayán, Pasto, and the Pacific lowlands are not seen as backwaters that sought to remain outside broader processes of reform and change in the eighteenth century but instead

differences between these “liberalisms” through time. See, for example, Roberto Breña, *El primer liberalismo español y los procesos de emancipación de América, 1808–1824* (Mexico: Colegio de México, 2006).

¹¹ I agree with recent historical revisions of the period that have shown why we need to move away from an understanding of the Latin American *independence wars* that has stressed discontinuity with the late colonial years and has generally produced nationally bounded histories, which ignore the imperial dimension of such processes. See Jeremy Adelman, *Sovereignty and Revolution in the Iberian Atlantic* (Princeton, NJ, and Oxford: Princeton University Press, 2006); François-Xavier Guerra, *Modernidad e independencias: Ensayos sobre las revoluciones hispánicas* (México, D.F.: Editorial MAPFRE-Fondo de Cultura Económica, 1992); José María Portillo, *Crisis atlántica: Autonomía e independencia en la crisis de la monarquía hispánica* (Madrid: Marcial Pons, 2006); Jaime Rodríguez, *La independencia de la América española* (1996; México, D.F.: Fondo de Cultura Económica, 2008).