

## **Re-imagining Petitioning in Spain (1808-1823)**

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This article examines collective petitioning in metropolitan Spain during the Age of Revolution, focusing on the practices and discourses that framed petitioning as a meaningful form of action. There was a deeply rooted tradition of petitioning in old regime Spain, which was part of the ordinary bureaucratic workings of the crown and also provided a legitimizing framework for rioting in specific contexts. The collective experimentation in popular participation after the 1808 Napoleonic invasion transformed petitioning. Petitioning was first reconceptualized in accordance with the emerging language of rights and popular sovereignty. Activists and commentators had some awareness of the use of public petitioning in Britain, and once the representative Cortes met in Cadiz in 1810, public petition drives on public issues became part of the political culture. At the same time, the need to legitimate unconventional forms of action in the context of a crisis in the state converted petitioning into an all-embracing right. The right to petition, not only encompassed signed protest texts, but legitimated the old tradition of petitioning by riot and further was used to justify provincial rebellions, *juntas* and military *pronunciamientos*. In comparative terms, this article highlights the elasticity of the language of petitioning during the Age of Revolution and cautions against narrowly associating it with one particular form of collective action or historical trajectory.

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Petitions have recently been defined by a social movement scholar as “protest texts which are intended to be signed by a number of persons, at least one of whom has not the opportunity to amend it” (Contamin 2013). Petitioning, moreover, has been presented as a one of the rights of citizens that is ingrained in the history of modern democracy and as a key form of collective action during the transition to the modern, national and cosmopolitan repertoire of contention (Tarrow 2011; Tilly 2004). Studying the relationship between the signed protest text and the right of petitioning enables the formulation of specific historical questions, including identifying the first modern petitioning campaigns in different nations. These are relevant to scholars interested in the comparative history of political development, popular participation and democratization. At the same time, absorbing petitioning into general accounts of political modernization or democratization risks projecting into the past a narrow definition of petitioning that obscures the understanding of how each of the disparate elements – the definition of petitioning as a citizenship right, the gathering of signatures, the collective communication of preferences, the emergence of the idea of popular sovereignty – have autonomous genealogies and have been part of broader processes of delineation of what is and what is not legitimate political participation. It risks obscuring the birth pains of the modern world.

This article focuses on petitioning in metropolitan Spain during the time Eric Hobsbawm (1964) called the Age of Revolution, focusing on the practices and discourses that framed petitioning as a meaningful form of action. Influenced by Sewell's emphasis on the importance of events in shaping political culture, I will argue that to grasp the history of a form of action we have to be attentive to the contexts in which groups shaped and re-imagined its meanings (Sewell 1990; Sewell 2005; Tarrow 1993; Innes and Philp 2013).

### **Representations, Memorials, Expositions**

The 1810 exposition to the Cortes for the freedom of the press, which was endorsed by 102 signatures collected in Cadiz, was described by the indefatigable reactionary Friar Vélez as “the first utilization of this weapon”: the petition. According to him, his mode of petitioning, with “signatures collected in squares and coffeehouses”, soon became a favorite means by which the *liberales* pressed forward their politics “and oppressed the nation” (Vélez 1818: 111). Friar Vélez was right that popular participation developed into new forms during the Spanish liberal revolution. However, despite the well-founded claims to novelty, most elements of modern petitioning had precedents in past experience. Old Regime Spaniards had a long and rich tradition of formal communication of wishes, counsel, personal merit, grievances and complaints. Bottom-up communication was central to imperial bureaucracy, which was idealized as a process of dealing with petitions and rewarding services modelled on the celestial dealing with the prayers of the faithful (Elliott 2006: 133). Petitions for individual favors and patronage were the most common, but at all levels of government – and it is important to remember that there was no separation between administrative and judicial functions – groups and corporate bodies engaged in communication and conflict.

There were no examples of public petitioning campaigns directed at influencing legislation in eighteenth-century Spain. However, the archives of municipalities, provincial *audiencias* (courts) and state councils teem with *memoriales* (memorials), *representaciones* (representations, or remonstrances), *exposiciones* (expositions), *peticiones* and *pedimentos* (both translated as petitions) in which individuals and groups demanded special treatment, asked for authorizations, proposed policies, required the observance of ancient customs or challenged the privileges of third parties. Examples from the municipal archives of Seville provide an impressionistic picture of the variety of activity. In 1715 the ten guilds of the city represented to the king for a reduction in taxation; that same year, a number of sellers of fruit

represented to the municipal council against the formation of a league of concurrent fruit-dealers. In 1746 the gypsies of Seville represented to the municipality that the harsh royal orders should only be applied to wandering gypsies, while in 1778 the ship owners asked the city for the right of hiring more fishermen (Velázquez 1861).

As noted above, *representación*, defined by the Spanish Royal Academy Dictionary in 1780 as “the supplication, or reasoned proposal addressed to the Prince or a superior” (RAE 2013), was the most commonly used term to describe a petitionary or subscriptional document. It was also the term used by the press to report the British mass petitions and remonstrances of the eighteenth century. Sometimes a *representación* implied asking for a favor or privilege, and some others, counselling. For example, the members of the Council of Castile were encouraged to *representar*, offering advice and providing information to the king “helping [him] to make the vassals happy” (*Autos Acordados* n. 165. tit. 4. Lib.2. 1715). The word *petición* (or *pedimento*) shared its roots with the very common verb *pedir* (to request), but it also had technical usages. *Petición* was the term used for the redress of grievances in the medieval representative institutions (*Cortes*), for the formal applications to initiate court action and for the favors requested in religious prayers. The *Cortes* of the kingdom of Navarra – the most alive, in the eighteenth century, of the ancient representative institutions – used the terms *memorial*, *suplicación* and *pedimento* in their dealings with the Crown, but not *representación*. This may indicate that *petición*, *pedimento* and *memorial* belonged to the tradition of the redress of grievances (*agravios*), while *representación* and *exposición* were associated with asking for favors and providing counsel. In practical terms, however, counselling, redressing grievances and requesting favors were frequently mixed up, and the distinction was seldom clear-cut. For the purposes of this text it is important to note that once the right to petition (*derecho de petición*) entered the semantic field, the word

*representación* lost ground. *Petición*, associated with the transnational language of rights, became the standard word in Spain, while in several Latin American countries *peditorio* became the preferred option.

Old Regime collective *representaciones* were usually signed by the head of the guild, fraternity or municipality that put forward the demand, or by an ad-hoc deputy given the responsibility of bringing forward the petition. Illiteracy prevented many from signing. Although in the cities most males were literate by 1800, Spain was an overwhelmingly rural country and only two out of every five adults were able to sign. Yet lists of signatories were not unknown, and trusted witnesses were used to sign in the name of signatories unable to write. In 1746, for example, the syndic of Almagro printed a memorial to the king commending Juan Melgar's record as governor and asking for the renewal of his tenure. The document was circulated and was signed by the heads of the different corporations of the town and other respectable neighbors (Melgar Barrio 1748). In 1762, after a catastrophic flooding in Mondoñedo (Galicia), 48 inhabitants, including 6 widows, handed a memorial against the subsequent engineering project to prevent future inundations, which would have undermined the foundations of their houses. The petitioners were successful, and a more modest scheme was adopted.<sup>1</sup>

Most memorials and representations remained private documents, and only systematic and patient archival work will unearth, class and weight the importance of the different instances of collecting signatures in Old Regime Spain. There are occasional examples, however, of documents being printed, making the representations public and provoking open discussion. For example, in 1690, "the poor neighbors" of Alcalá printed a representation to the bishop of Toledo protesting at the injurious treatment they received from the local nobility (Martín Abad 1999). In 1796, fifty "vassals of Your Majesty of the merchant and

sugar land owner class of Cuba”, asked for the abolition of a recent rum selling privilege bestowed upon the Count of Mompox (1796). They pledged their filial subordination to the wishes of the Crown, but by printing both the exposition and the list of signatories, they also made public the economic losses they believed the privilege would cause, linking a specific governmental decision to the wider, vibrant public debate on political economy (Astigarraga 2015).

### **Collective Petitioning by Riot**

The communication of grievances did not only take written forms. Popular disturbances and more politicized urban riots challenged the authorities to take care of the needs and traditional rights of commoners. Rioters sometimes resorted to direct action, such as wielding weapons to intimidate grain merchants or officials (García Ruipérez 1993: 360-68; Rodríguez 1973). Menacing attitudes, however, did not prevent vociferous crowds from presenting their action as a manifestation of the right to be heard, an act of disobedience forced by the malfunctioning of the communication channels which, had they worked, would have made the authorities display their expected paternal care.

Whenever the authorities caved in to popular protest, they presented their concessions as a paternalistic response to hearing the voice of the people. This happened even in the capital, with the direct involvement of the king. “Pardon me (...), because I had no knowledge of your needs”, Charles II told a riotous crowd in 1699. The multitude kneeled before the king while he conceded cheaper bread and the dismissal of Madrid’s *corregidor* (chief magistrate) (Egido 1980: 263). In 1766, during the Esquilache mutiny, the crowd took control of the city for three days and forced the hand of the king. Charles III saved face in his address to “the people of Madrid” by assuring that “he would have granted the same favors whenever and wherever the cries of the people had reached Him” (Hargreaves-Mawdsley

1973: 135-36). This declaration was followed by more than 60 riots across the country, which prompted a worried councilor Campomanes to argue that “The people are persuaded that the demands on the authorities are valid”. He drew the conclusion that repressive action against the instigators was necessary to “to remove this error from the popular mind” (Lynch 1989: 268; Rodríguez 1975: 292-93).

As a result of these riots, in 1766 the crown set up a new system of local representation and policing at neighborhood and city level, in Madrid and many other localities across the empire, which, they hoped, would control local government, dispel the mistrust regarding bread pricing, channel grievances and prevent new explosions of anger. In theory, neighborhood elections were participatory and open to all resident males, bar the clergy. While we are still lacking a detailed overall picture of these elections, it seems that aside from some references to tumultuous electoral gatherings, low participation, apathy and elite capture of the election process were the norm. After 1789, moreover, the example of the French Revolution created further mistrust regarding popular participation and, by 1801, in some cities the local representatives and magistrates were now nominated by co-option instead of by election (Dominguez Ortiz 2005:160-67).

Despite these new channels for communicating grievances, the culture of rioting survived. In 1802, a terrible harvest led to soaring bread prices. Food-rioters across Castile again pressed local authorities to act. The rioters explained their behavior as “coming together to make public our hunger and request (*pedir*) its redress, and moderated prices” (García Ruipérez 1993: 375).

As well as the dense tradition of *memoriales* and *representaciones* and to what, paraphrasing Hobsbawm (1952: 59), might be called “petitioning by riot”, there was a growing awareness of the British style of public petitioning among the small enlightened elite

who comprised the Spanish reading public of the late eighteenth century. For example, in 1775 the press reported two competing London representations relating to the Crown's American policy (*Gazeta de Madrid*, n. 47, November 1775: 405), while the humanitarian character of the 1788 antislavery petitions was later praised (*Correo de Madrid*, 1788: 822-23; *Mercurio de España*, 1789: II 162).

The translation of foreign examples into Spanish reveals how petitioning was increasingly associated with the emerging language of rights. When discussing the French Revolution, the Spanish press talked about *representaciones* when reporting campaigns and signatures, while the word *petición* appeared in pieces on the constitutional right to petition (*Gazeta de Madrid*, 1 July 1794: 769; *Mercurio de España*, 9, 1799: 30.). The wording “*derecho de representar*” was sometimes used, but, following analogous transformations in France, *derecho de petición* gained ground as the standard term linked to the modern language of rights (Durelle-Marc 2008). Thus, the educated public had some access to information about mass petitioning in France and Britain, and the debates these provoked. These examples, however, would not become influential cultural references until the legitimacy crisis and the reaction against the Napoleonic invasion of 1808 initiated a period of experimentation with the principles of representative government at a national level. In this transformed context, political actors had to make the most of available conceptual resources and ideas to craft and justify ad-hoc solutions to a chain of hitherto unheard challenges (Fernández Sebastián 2011: 242).

### **State Crisis**

From 1807 French troops had been traversing Spain and setting up supply depots for the purpose of invading Portugal, but they had exceeded the terms of the agreement by garrisoning Spanish towns and controlling main roads. Amid an atmosphere of suspicion



against the French and hatred towards the Charles IV's all-powerful minister, Manuel Godoy, a riotous palace coup in March 1808 forced the king to abdicate in favor of his son Ferdinand. "[R]ecurring to popular commotions", the father reproached the son, "leads to the most dreadful horrors [...] everything must be done for the people, but nothing by the people" (Cevallos, 1808: 110-112).

The coup against the minister and the king was a new departure in Spanish history that led to the collapse of the state machinery and broke the spell of royal authority. While crowds rejoiced and hopeful reformers justified the coup as the result of "public opinion", regional elites jostled to wrest power from Godoy's regime by proclaiming their support for Ferdinand and seeking French approval. Rising stars, such as the Valencian merchant and financier Vicente Bertrán de Lis, a future liberal leader, mobilized their patronage networks. His family had ascendancy over the commoners of Valencia and he was proud of his ability to decide the election of the people's representatives to the local council. In the aftermath of the coup, he wrote a manifesto embracing the new king and canvassed signatures among the representatives of four districts of the city and the heads of the local guilds and religious institutions. While Bertrán de Lis travelled to Madrid to hand in the manifesto and the signatures, his siblings called on "the people" to take to the streets to recognize the accession of Ferdinand (Bertrán de Lis, 1852: 2).

The signatures endorsing the new king were part of what was to become a never-ending quest for legitimacy. While the municipal council, which preferred to wait for the outcome of the crisis, remained silent, the signatures lent legitimacy to the claim of Bertrán de Lis's manifesto to speak in the name of the people of Valencia. At the same time, this initiative reveals the role of vertical relations of patronage initiating petitioning and crowd action. The degree of autonomy of the Spanish popular classes during the age of revolution is

a contested historiographical issue. Moreover, as manipulation was a trope frequently used by those who wanted to delegitimize any rival popular mobilization, there is abundance of sources pointing to the role of patronage networks, crowds for hire and ignorant fanatics. The practice of collecting signatures (and crosses from illiterates), however, projected the people's will as a powerful referent of legitimacy. The canvassers of signatures were not giving voice to the autonomous will of the people, but rather invoking popular opinion and claiming that they represented it. Although the rhetoric about popular opinion did not match the social reality, it provided a powerful discursive tool and claim for legitimacy, particularly against political opponents.

Ferdinand himself was aware of the need to reinforce his legitimacy. Conscious that the free granting of favor was the basis of royal authority, he proclaimed that his accession would be accompanied by an act of public benevolence. By an April 1808 royal decree he invited all localities to "represent" whatever "they thought convenient for their happiness [...] and that of the universality of my loved vassals".<sup>2</sup> He wanted a speedy process, with provincial magistrates channeling the representations towards the Council of Castile, and the latter reporting to him, thus lubricating the relationships between crown and kingdom. Napoleon, however, aborted these procedures.

The French Emperor, instead of recognizing Ferdinand, made both him and Charles IV prisoners and forced them to abdicate in his favor. He then ceded the crown to his brother Joseph. These events split the Spanish political elite and bureaucracy between the options of collaborating with the French and rebellion, leading to the collapse of the state. In the absence of a legitimate central government, regions and localities in which the French military presence was weak formed sovereign *juntas*: ad-hoc boards in which local religious, administrative and military notables took charge of government and defied the French

(Hocquellet 2008). Crowds played a role in many aspects of local anti-French resistance: for example, by storming local councils protesting against the timidity of some local authorities, forcing the latter to issue declarations of war in the name of “the nation, freedom and religion” and installing trusted notables or patriotic activists in the *juntas* (Fraser 2007). According to Jovellanos, a former minister of Charles III, “the people called on their magistrates to demand the defense of their freedom, and vengeance...” (1811: xxi). Some crowds put forward speakers to address local councils and, following tradition, even violent episodes were legitimized as instances of petitioning in which the commoners exercised their right to be heard. Blanco White witnessed a crowd in Almaraz asking the local council to indict a traitor for them to lynch, as they did not want to seem less committed than the people of other places (Murphy 1989: 48).

The spread of patriotic mobilization was accompanied by a proliferation of political print culture, which was now liberated from functioning censorship. Patriotic writers interpreted mobilization and crowd action as embodiments of the popular will. In this period, the notions of nation and common people (*pueblo*) “acquired a prestige and symbolic power hitherto unheard” (Fuentes 2002). The new *juntas*’ need for legitimacy led them to continuously publicize their actions through edicts, manifestos and proclamations, thereby committing themselves to a process of open communication in which they sought (or sought to claim) the consent of the public (Luis 2012: 55). The old Council of Castile, undermined in its authority because it had not stood against the Bonapartes at the beginning of the revolt, sought to present itself as “the senate of the Spanish Nation” and asserted that “for the vassals” the council had always been “the surest conduct for their representations to reach the King” (*Diario de Madrid*, 14, August 21, 1808: 62). The councilors recognized now the importance of popular opinion, but it was too late: the flood of political communication had

overwhelmed the governmental bodies of the Old Regime and empowered the ad-hoc juntas (Artola 1999: 299-304).

Crowd action could be depicted in many ways, from blind savagery to virtuous patriotism. At the same time, with Spain now part of Napoleonic Europe, the French Empire's techniques for managing consent, such as the convocation of assemblies of notables and the drafting of petitions for integration into the Empire (Fruci 2010) became another focus for contestation. At stake was the meaning of these practices in the quest for legitimacy, as genuine or artificial means of representing the nation and communicating collective preferences. While Napoleon was preparing the second invasion of Spain, the *Semanario Patriótico*, one of the leading titles that emerged at this time, warned against the Emperor's use of bogus signatures. As Napoleon sought the recognition of his brother Joseph as King of Spain, Quintana's newspaper scorned as "despicable and ridiculous" the 1806 coronation ceremony of Louis Bonaparte as King of Holland, which had been preceded by "the bringing in of enormous boxes which were supposed to contain certificated reams of signatures" of Dutch citizens, who had allegedly requested a king from Napoleon's family (October 20, 1808: 129).

However, the criticisms of the legitimacy of orchestrated collections of signatures did not affect Napoleon's plans. When the Emperor arrived at the gates of Madrid in December 1808, at the head of his army, the capital meekly surrendered. A deputation from the corporations of the city thanked Napoleon for the terms of the capitulation and accepted his brother Joseph as king (*Gazeta de Madrid*, December 10, 1808: 1600). This was insufficient for the Emperor, who made explicit his "right of conquest", and asked all the heads of household to declare their "sentiments and their fidelity":

Let the 30,000 citizens assemble in the churches; let them, in the presence of the

holy sacrament, take an oath, not only with their mouths, but also with their hearts, and without any Jesuitical equivocation, that they promise support, attachment, and fidelity to their King. (*The Scots Magazine and Edinburgh Literary Miscellany*, Vol. 71, Part 1, January 1809: 219-221)

The pledge not only symbolized the submission of the city, but in line with a battery of decrees aimed at undoing the Spanish old regime, it also shattered the traditional system of corporate and composite representation in Madrid. Instead, a new body, the citizenry, would directly sign a social compact with the new ruler. Registers were opened in 64 quarters, and 27,500 *madrilenos* signed. The signatures were bound, and the book was handed to Joseph Bonaparte in Valladolid, on January 16 1809 (*Gazeta de Madrid*, January 19, 1809). Six days later he entered Madrid. The volume of signatures swearing loyalty was a new political device that would be reproduced in many localities that changed hands between patriotic and pro-French forces during the ensuing five years of war. In areas under Joseph Bonaparte's government, all citizens were pressed to sign a pledge of "fidelity and obedience to the king, constitution and law". A book was open in the council houses for eight days for the inhabitants to sign; illiterates had to give their name to a municipal scribe and council workers visited the homes of the old and infirm to get their adhesions. Anyone who refused to sign had to be reported. The coercive component did not preclude some space for negotiation. In 1810, for example, forty-two representatives of the province of Santander cited their land having been the first to declare their fidelity to Joseph in a petition asking him for a reduction in the war contributions.<sup>3</sup> In contrast, the pledges of allegiance to the patriotic side, not devoid of coercion in themselves, usually took the form of collective religious ceremonies.

### **Patriotic Revolution**

Between 1808 and 1814 many Spaniards, especially among the enlightened administrative elite, collaborated with Joseph Bonaparte. Meanwhile, patriotic Spain was in revolution. Many juntas defended the popular origin of their power, but the demands of war required further coordination in the form of a Central Junta. In May 1809 the Central Junta requested the corporate bodies of the monarchy, regional juntas and “intelligent and enlightened persons”, to draft recommendations on “the best method of organizing the government”. Through this process “the Junta inadvertently moved from traditional practices towards modern politics” (Rodriguez O 1998: 76). Artola compares this consultation to the French *cahiers de doléances* of 1789 and we may agree in that both sets of documents can be classed, following Shapiro and Markoff (2001), as “officially solicited petitions”. However, the 150 responses to the Spanish call reveal a lower level of participation compared to that which produced the 40,000 French *cahiers*. After the consultation process, the provisional regency convoked an Extraordinary Cortes to convene in Cadiz in 1810, which would eventually issue a new liberal constitution in 1812.

As was noted above, collective demands of crowds and bottom-up communication channeled through the *juntas* had been a key element of the revolt against the French, and these diverse forms of collective action drew on and adapted the traditional language of petitioning as part of their claim for legitimacy. With the enshrinement of national sovereignty and the establishment of new representative institutions, the idea of petitioning as the best means for enabling an open dialog between citizens and government gained increased currency.

Despite the proliferation of political communication, the right to petition was not central to the constitutional discussion. Only Blanco White, who was self-exiled in London, wrote on the importance of petitioning as part of a formalized, institutional representative

system in which the citizenry, between elections, retained “the right (...) to require the higher official of any circumscription to call a meeting of the *vecinos* in order to prepare *representaciones* on public interest issues.” (*El Español*, December 30, 1810: 198)

The constitution of 1812, due to the attempt on the part of the fathers of the constitution to avoid any association with the French Revolution, did not have an explicit declaration of rights, so petitioning was not listed as a citizenship right. Only article 373, relating to the observance of the constitution, indicated that “all Spaniards” had “the right to *representar* to King and *Cortes* in case the fundamental law was violated” (Lorente 1988). The lack of a codified right to petition was noted as a shortcoming by contemporaries. *El Imparcial*, a Cadiz newspaper, lamented the omission and noted that the very useful constitutional catechisms forgot to teach the right to *represent*, now understood as the participation in an open dialogue between citizens and representatives (cited in *El Conciso* October 19, 1812: 7). Even so, after the constitution was approved, 390 congratulatory addresses were sent to the Cortes from across the Spanish empire, including from town councils, *juntas*, learned societies and commercial bodies, which praised the new system of civil equality and expressed their wishes (La Parra Lopez 2012: 19). Some of the addresses reinforced their value with the addition of the signatures of the *vecinos* (neighbors).

Despite the omission of an explicit constitutional right to petition, commentators agreed that this did not mean that there was not a basic right to communicate grievances and proposals. On the contrary, it was argued that such a basic right was so self-evident that nobody had thought about an explicit declaration. For example, one liberal deputy defended the sacredness of the freedom of the press itself as it being a reinforcement of the “representations of the people” (*El Español*, November 30, 1810: 154). The Cortes’ plenary sessions, moreover, often opened with the reading of a flurry of representations and

congratulatory addresses from “localities, corporations and public servants”, which show the central importance of the new representative institutions. Deputy Caneja complained that the reading of petitions and representations took up too much time, slowing legislative debate, but the assembly decided that this was the “best way to get knowledge of the will and the general feelings of the nation” (*Diario de Sesiones*, September 29, 1812: 3758). It was also a way for the new representative institutions to claim popular legitimacy. Another liberal newspaper from Cadiz understood the right to *represent* as part of the benign communication of expectations, and a vehicle for channelling popular aspirations, which made government responsive and therefore prevented revolution:

(...) under despotic governments, subjects have no alternative but to suffer or to conspire; under a constitutional government, such as ours, the unhappy oppressed, and every true patriot, have the holy and very useful right to represent (*La Abeja Española*, 82, December 9, 1812: 13-17)

Liberal newspapers agreed with Friar Vélez, the reactionary cited at the beginning of this article, that petitions to representative bodies on issues of general interest backed by a number of signatures were a fundamentally new form of participation. *El Conciso*, the most influential liberal title, thought that this method would enrich the Spaniards’ experience of citizenship:

In Spain, only in one odd instance this right has been exercised: we have only seen *representaciones* by individuals, similar to the ancient ones, to judicial courts and ministers, most of them regarding private matters. However, we all have the right to represent to King and Cortes, not just about individual issues, but also about general matters (*El Conciso*, October 19, 1812: 7).



The 102 signatures contained in the petition for the freedom of the press of October 1810 were therefore unique and ground-breaking in a number of ways. First, the issue was not about a sectorial grievance or about who had the right to govern, but about legislation of general interest; second, it was public and addressed to the representatives of the nation, thus legitimising their legislative role; and third, the gathering of signatures among the public allowed the promoters to claim that the petition was backed by “public opinion”, “the people” or “the nation”. The opponents of some petitions of this type did, of course, contest this last claim. By focusing on the defects of the indiscriminate canvassing in squares and coffeehouses, however, they also reinforced the idea that a well-conducted campaign would be politically meaningful.

The difference between traditional *representaciones* and modern *peticiones* was further underlined by Argüelles, one of the most influential members of the commission that drafted the constitution. In March 1811, he took the floor to proclaim that “every corporation or citizen (had) the right to communicate his Majesty whatever he would think good for the Fatherland” and he argued that these *representaciones* regarding the common good should always be protected. “In England”, he explained, this “was called right to petition (*derecho de petición*) ... the Englishmen jealously defend it, and they address the government claims with 20 and 30,000 signatures” (*Diario de las Cortes*, Vol. 4, March, 2, 1811: 96). The differences between Spain’s traditional *representaciones* and British petitioning also struck the anglophile Blanco White, who even coined the transliteration *petición* (stress in the í, italics in the original) when translating petition from the English Bill of Rights. Blanco did not explain why a new word was needed, but his effort demonstrates that he felt that important shades of meaning were lost in the common translations *representación* and *petición* (*El Español*, December 30, 1810).<sup>4</sup>

Argüelles and the liberal press, as seen above, encouraged British-style collective petitioning on issues of general interest. The first example of this new type of petitioning developing into a sustained campaign was the struggle over the abolition of the Inquisition. The reformist bloc in the Cortes proposed the definitive abolition of the Holy Office. In response, more traditionalist deputies attacked the proposal at every turn and 22 bishops and 32 cathedral chapters petitioned the Cortes for a restoration (Callahan 1984: 96-99). In order to highlight the value of their position, the bishops appealed to their religious authority, but also to “the votes of the loyal and heroic people” (Representación 1812: 2). Learning quickly from what in time they would call “the weapons of our enemies”, in May 1812 the defenders of the traditional church collected signatures in Cadiz for the maintenance of the Inquisition. In July, 50 army officers sent a collective representation for the same purpose (Castro 1913, I: 477).

The debate on the Inquisition established the general frame in which subsequent campaigns of signatures were to be discussed. Both liberals and traditionalists tried to discredit the value of the signatures of their rivals: “Bringing claims from faraway lands and collecting signatures from various particular bodies to make believe that the Spanish people is united backing the Holy Office” protested one deputy, was “a shameful ploy” that “proved by itself the lack of arguments” of the pro-Inquisition partisans (Cortes 1813: 553). In addition, both sides dismissed the pretensions of the rival petitioners to speak in any collective name – “what do represent 400 signatures for the Inquisition in a city of 50,000 souls?” scolded a correspondent from Malaga (*El Procurador...*, February 22, 1813: 5). The abolitionists counter-petitioned. In addition to representations sent by constituted bodies, such as *juntas*, *cabildos* and town councils, they collected signatures among the public in Cadiz, Palma de Mallorca, Galicia and Malaga. Deputy Zorroquin claimed that 6,000

signatures from Madrid supported the abolition but had not been sent to Cadiz due to the arrival of French troops (*Diario de las Cortes*, Vol. 18, January 29, 1813: 75). This was the first example of competing mass political mobilizations in Spanish history and a newspaper calculated that 20,000 signatures had backed each side (*Abeja Española*, October 13, 1812: 4). Finally, on January 22, 1813, the Cortes passed the abolition decree by 90 votes to 60. The flow of jubilant addresses from town councils and other constituted bodies that followed, some of them reinforced by signatures from the public, strengthened the claim that the measure was popular (*Diario de Palma*, May 9, 1813: 3). Of course, there is no way to measure what the majority of Spaniards thought. Nevertheless, even though both sides highlighted the formal defects in their adversaries' petitions, the discussion furthered an understanding of what constituted a legitimate and well-conducted petition drive, which further facilitated the future use of this form of action.

The abolitionist and pro-Inquisition campaigns provided the first rehearsal for a series of debates about the collective participation of the citizenry, the expression of the will of a putative majority and the value of the adding up of signatures. In comparison with Britain, where antislavery campaigns gathered hundreds of thousands of signatures a year, the level of participation had been relatively low, but the debate was highly significant. The campaigns, which occurred during a time of war and occupation, had lasted almost two years and had mobilized very different constituencies. Furthermore, the campaigns had been extensively debated in press and parliament, providing a first experience of modern petitioning in many parts of Spain. Some *liberales* were encouraged and celebrated the tolerance of the authorities, which had thus imbedded this new form of participation into the body politic:

No question that the composition of the addresses and the gathering of the signatures have not been furtive; and for sure too that dozens of military men have

taken part. May all the Spaniards recognize the fact: the representations were not only permitted, but celebrated. (*La Abeja Española*, 82, December 9, 1812: 13-17)

Against a Spanish political culture shattered by invasion, revolution, the emerging language of rights and popular mobilization, the right to petition seemed to work as a minimum common denominator, a basic and non-contested prerogative of citizenship, traditional and modern at the same time, upon which every political position could legitimize their political initiatives. While the idea of petitioning was widely accepted, its *form* and *function* remained contentious. The debate on petitioning thereby contributed to discussions about the nature of representative government, citizenship and participation. For example, conservatives questioned petitions on political decisions that encroached upon the sovereign rights of the Crown, while radicals responded that these were normal in a constitutional monarchy, citing the City of London's petitions against the British cabinet as example (*La Abeja Española*, 82, December 9, 1812: 13-17).

Once the Duke of Wellington secured the liberation of most of Spain, a new trend of public petitioning by interest groups developed. Madrid's merchants, for example, printed and made public their petitions to the Cortes and the King. They were making use of an open public sphere and presented themselves as "free citizens" in healthy dialog with their representatives (Comercio de Madrid 1814).

The open public sphere, however, did not last. In spring 1814, Ferdinand VII returned to Spain after six years in captivity. Sixty-nine deputies invited him to discard the liberal constitution and the monarch duly obliged, proclaiming the restoration of absolutism. This was jubilantly celebrated in many cities of Spain by royalist crowds, which destroyed constitutional symbols and monuments and harassed the liberal elite. Although absolutism was restored, the revolutionary years had been transformative. No coherent autonomous

popular movement had appeared (Lawrence 2008) and *representaciones* and *memoriales* were still the most common names used to refer to protest texts. Traditional protest practices and the new method of gathering signatures, however, were linked by and to the idea of the *right to petition*. Furthermore, the language of petitioning had been widely used to legitimate politics during a period when the state had collapsed. The local and provincial juntas, which recast the privileges of Old Regime bodies into the language of collective natural rights (Pro 2014), were also perceived as foci for the organization of petitioning. When a liberal newspaper wrote a recapitulation of recent history, it read backwards the process that led to the convocation of the Cortes in 1810 as the triumphant march of “public opinion” distilled through public petitioning:

Such was the strength of public opinion: representations signed by a great number of citizens, representations of the provincial juntas; the uniform cry of the illustrious people of Cadiz; the uninterrupted clamor of those who abandoned their families, wealth and comfort to fight for the common wealth - all of them anxiously petitioning for the convocation of Cortes (*La Abeja Madrileña*, 1, 16 January 1814: 1).

The restoration of absolutism (1814-1820) implied the closure of most newspapers, the repression of the *liberales* and the firm control of opinion (Álvarez Junco and Fuente Monge 2009: 247-60). At the same time, the restoration did not resolve the state crisis. Spanish territories in America fought for independence, draining resources and eroding the main financial assets held by the Crown; the state was understaffed because most of the administrative elite had gone into exile because of their collaboration with the French; and the restoration of privilege was resented by the officers who had risen from the ranks during the war.

### **The Liberal Triennium (1820–23)**

Discontent led to a new liberal breakthrough in 1820 that resurrected the 1812 constitution. This volte-face was the result of colonel Riego's *pronunciamiento*, a defining event that established a precedent and pattern for military intervention in Spanish politics (Alonso Baquer 1979). Military *pronunciamientos* – declarative rebellions of some units asking the Crown to dismiss the government, or to change the constitution – were not direct assaults on power. They combined, instead, like Madrid's 1699 and 1766 riots, the display and the (limited) use of force with the recognition of the superior and paternal role of the Crown. They were based on the expectation that the loss of control over a part of the army would unveil the eyes of the king and allow him to ascertain the alleged needs and hopes of the nation, after which he would act according to the rebels' petition. In 1820, following the face-saving tradition of his ancestors, Ferdinand VII accepted the liberal constitution as a "paternal answer to the People's supplications". His manifesto also explained his previous embrace of absolutism as the result of his mistaken impression of the people's wishes in 1814 (Ferdinand VII 1973).

With constitutional rights restored, activists took advantage to promote an explosion of political participation. Addresses and representations flooded the provisional regency, first, and then the new Cortes, which in June 1821 decided to establish a petitions committee (*comisión de peticiones*) to deal with them. Many *liberales* believed that the right to petition – and *derecho de petición* was now an established concept – was crucial for the correct functioning of representative government. Ramón Salas, an influential constitutional law professor, was seduced by the transparency and clarity that the counting of signatures would bring to political debate. He fully embraced the word *petición* to refer to *representaciones* on issues of general interest subscribed by a large number of citizens:

(It) is sometimes very difficult to discover amidst so many different positions of the newspapers, the true opinion of the largest number of members of society ...

Petitions, in contrast, are the surest mean: because when a lot of citizens sign petitions that express the same opinion, nobody can have doubts about what they think, and the number of signatories helps to calculate where the majority stands (Salas 1821).

However, the practice of petitioning followed pathways at odds with the peaceful signing of documents commended by Salas. As conservative and reactionary groups gathered strength, newly organized liberal political clubs styling themselves as “patriotic societies” urged the government to act against real and imaginary conspiracies. At the end of March 1820, the patriots meeting in the Lorencini coffeehouse of Madrid drafted and printed a representation, and urgently collected signatures in the *cafés* of the vicinity, to demand the creation of the National Guard (*Milicia Nacional*). One week later, the same group petitioned for the dismissal of all public servants “which had shown their hatred to liberty” during absolutism. In June 1820, the club at La Fontana de Oro coffeehouse sought a more coordinated national campaign and invited patriotic societies all over Spain to send their representations to Cortes asking for the punishment of absolutists (Gil Novales 1975).

A new element that made these petitions problematic was that signatories took to the street to accompany the petitions on their way to be presented. The authorities feared the potential violence of these marches. During the spring of 1820, crowds filled the streets of Madrid several times and marched towards the town council, or the provisional government’s seat, awaiting an immediate answer to their requests. The capital’s patriotic societies brought together people from different social origins. Educated professionals, civil servants and artisans living in the central area of the city dominated the clubs. By contrast, journeymen

from the outskirts of Madrid identified their hardships with the ascendancy of the liberals and backed the royalist mobilizations (París, 2015). The patriotic societies collected only between 80 and 500 signatures for each “urgent” petition, but they behaved as alternative forums of political discussion that presented themselves as the “healthier elements” (*sanior pars*) of the nation (Elatin et al 1820). They self-identified with the liberal constitution and framed their petitions as non-negotiable demands, claiming a legitimacy that rivaled that of the authorities themselves (Fernández Sarasola 2006). Conservative reformists, caught between royalist hardliners and radicals, were appalled:

Riotous assemblies are not the constitutional, legitimate and useful manner to make the government aware of its bad decisions – if there are so – and to expose the needs, the volitions and the opinion of the true people. Is not the press free? Is not the right to petition available? ... but do not go to present the petition carrying a paper on one hand and a sword on the other. Have 20, 30 or one thousand citizens agreed to write an exposition to the authorities? Have they signed it? Let then two or three deputies hand it respectfully ... not riotously in mass and with menacing gestures ... (1821: 7)

Appropriately for a political situation that originated in sectional rebellion, ad-hoc local *juntas*, constitutional town councils and National Guard units all presented themselves as repositories of popular sovereignty, disobeying central government when they disagreed with it and thus multiplying the deinstitutionalization of state power. They claimed that, following article 373, they were petitioning for the observance of the constitution. This general insubordination also applied to the ranks of the army. Officers were politically divided, but many units printed and signed collective expositions contesting decisions about promotions,



penalties and changes of destination made by the authorities, presenting themselves as “citizens with rights” who could not be trampled on by “despots” (Ejército 1820).

In December 1821, Corunna, Cadiz and Seville rebelled against Madrid-appointed authorities, and formed *juntas*. Seville’s rebels, in their tug of war with the cabinet, presented their *junta* as the result of a popular petition, and cited the “huge number [of] representations addressed from all corners of the (Iberian) Peninsula, not one making an apology of the ministers” as a proof of public support (Miraflores 1834). Seville’s *junta*’s first representation was only signed by its twenty members, including officers of the local garrison, heads of the National Guard, municipal authorities and representatives of the chambers of commerce. After the harsh rejection of the petition, a second one was placed on a table in a square and was signed by the same elite and a “huge number” of inhabitants of the city, with the illiterate encouraged to say their names and sign with a cross (*El Imparcial*, November 27, 1821). A message from the Cortes to the King made the connection between petitioning and rebellion clear: “we have seen people of all classes petitioning the king [for] the dismissal of the cabinet, and from petitioning they went to disrespect, and from this to disobedience” (cited in *El Censor*, December 22, 1821). Riots, disturbances, military *pronunciamentos*, municipal and military disobedience were all justified under the umbrella of being forms of exercising the “sacred right to petition”. Deputy Martínez de la Rosa called it “anarchy” (*Diario de Sesiones*, February 2, 1821: 32).

The dynamic of political radicalization, with clubs politicizing the urban middle and lower classes, a divided Cortes, *juntas* rebelling and the King plotting with counter-revolutionary elements and foreign powers, has led many historians to interpret the triennium as a small-scale re-enactment of the French revolution. In face of all this agitation, the Cortes passed two petitioning statutes in February 1822. These were partially inspired by the French

discussions of 1791 and Le Chapelier law, and drew a distinction between lawful petitions signed collectively by any number of citizens and unlawful ones signed under a collective name. However, they also demonstrate how the idea of the right to petition had expanded in Spain to comprise a constellation of different forms of disruptive collective action. The first act regulated the use of the right to petition by the military, who could only petition as individual citizens and were forbidden to support any civilian petition backed by riotous means. Revealingly, the military were prevented from arguing, as some units had hitherto done, that they would not suppress a disturbance because that would mean trampling over the right to petition of the citizens' taking part on it.

The second act was named "On the just limits of the right to petition". It began stating the individual right all Spanish citizens had to petition parliament, king or any other authority. As the count of Toreno, one of the sponsors of the bill, highlighted, this made explicit "a right that no law had hitherto enshrined, and which has to be quite ample in a free country" (*Diario de Sesiones*, 9 February 1821: 18). Secondly, the act forbade any number of petitioners to "speak in the name of the people, or of any corporation, society or class". Following this, the act explained that any printed petition had to abide to the press law, that every signatory was responsible of the veracity of the statements of the petition and that the first five signatories were, in addition, responsible for the veracity of the rest of the signatures. According to Toreno, "hitherto we have seen expositions with unknown signatories, or in which one signs in the name of many, abuses which only serve to destroy freedom" (*ibid*: 19).

The legislators, however, thought of protest documents and signatures as just one of the forms the right to petition had taken. Thus, the last two articles of the act were devoted to

the forming regional *juntas*, which were encompassed under a very elastic definition of petitioning:

It is illegal to convene juntas gathering together different authorities to present petitions or take decisions relating to businesses that do not belong to them.

Petitions and acclamations ... cannot be used to appoint public officers. Those who accept an office in such a way will be barred for life from public office.

*Juntas*, first formed in 1808, were becoming the classic form of the Spanish revolution, and would figure prominently again in the revolutions of 1835-36, 1840, 1843, 1854 and 1868 (Moliner Prada 1997). In the vacuum created in 1808 by elite splits, invasion, war and popular mobilization, *juntas* had been the ad-hoc mechanism that broke the legal tradition of tribunals, the cities, and other corporations of the Old Regime acting as the legitimate depositaries of sovereignty in times of crisis. In the absence of a well-founded legal precedent, the rationale for the legitimacy of the juntas had been based upon the right to petition, and this justification was revived in every new revolutionary episode, and made apparent again in the parliamentary debates on petitioning of the 1830s and 1840s (*Diario de Sesiones de Cortes, Senado* 1838: 831; 1840: 711).

By the time French troops invaded Spain again in April 1823, this time under the banner of the Holy Alliance, to restore Ferdinand VII's authority, the right to petition had become a supple idea that encompassed almost any form of individual and collective intervention in politics. It promised transparent communication between the citizenry and their representatives but, as the statutes on petitioning of 1822 showed, it was also used to legitimize active resistance from all kinds of new and old political bodies that did not recognize the pre-eminence of national state authorities.

As in 1814, the restoration of absolutism was greeted by various sectors of society. Many military officers, civil servants and local councilors printed their names in expositions that avowed their loyalty towards the king. Dozens of manifestos from different corners of Spain requested the return of the Inquisition, one of them signed in Madrid by more than one hundred “reputable” names. The hardline royalists, now pushing forward a program that went well beyond the king’s own authoritarian inclinations, mobilized across Spain. They organized a rowdy royalist militia and sent *representaciones* publicized by the press in which presented themselves as “vassals humbly approaching the foot of the throne”. In addition to the reinstatement of the Inquisition, these petitioners sought “special protection for the Jesuits”, the “rejection of any innovations in the form of government”, and the purging of the administration “to free it from the constitutionalists’ influence”. In 1824, a manifesto nominally supported by the 1,400 men enlisted in Zaragoza’s Royalist Volunteers even requested the repudiation of the public debt incurred by the liberals, (*El Restaurador*, January 18, 1824). The crown, now pressurized from the right, disavowed these “untimely petitions” (*peticiones intempestivas*) for their “indiscrete zeal” that interfered on the workings of government, and subsequently banned the printing of *representaciones* (*Gazeta de Madrid*, March 13, 1824: 140)

In 1825 Ferdinand VII’s government finally issued their own decree on petitioning. This time, true to the traditionalist spirit of absolutism, the wording carefully avoided the word *petición* and the language of rights. As individuals, the “vassals of the King” were “authorized (*facultados*) to represent to the King and other magistrates”. These *representaciones*, however, had to conform to the traditional models. Public meetings, collective representations and the gathering of signatures were banned:

the laws of Spain have always forbidden the pretensions and messages of the

multitude that do not conform to subordination to public authority ... Perfidious men involve the unwary people, whom they seduce by promising good things, making them represent under hallucination, and about matters they do not understand, with the true purpose of paralyzing the very important action of my government. This law does not aim at punishing the people in such way seduced, but very often Justice does not find whom to make responsible for a representation, because the signatures ... are either unknown, because disorderly collected or forged, or are not recognized as true by the people who bear the names. (*Gazeta de Madrid* 109, September 8, 1825: 433)

Although decree was part of a successful curb on collective petitioning, it clearly demonstrates how this form of action had become pervasive and how reactionaries attempted to reverse the progress of the language of rights in Spanish political culture.

Petitioning remained a contested issue after the death of Ferdinand VII in 1833. The very conservative constitutional charter of 1834 limited the right to petitioning the king to elected representatives only. In contrast, the short-lived progressive constitution of 1837, born out of a rebellion of provincial *juntas*, listed the “right to address written petitions to King and Cortes” as one of the most important of citizens’ rights, second only to the freedom of the press.

## **Conclusion**

The first three decades of the nineteenth century left a double legacy in the understanding of the right and the practice of petitioning in Spain. The term “*derecho de petición*” entered the political vocabulary and the traditional word *representación* was progressively replaced by *petición*. Even if the number of signatures was small in comparison with Britain, or even France, which reflected lower levels of literacy and political mobilization, the protest text

endorsed by signatures and intervening in a public discussion became part of the repertoire of contention deployed by Spaniards. The rival campaigns over the abolition of the Inquisition (1810-1812) fixed the frame in which this form of action was discussed in the future. During the following decades, and especially after the definitive triumph of liberalism over absolutism and the consolidation of parliamentary government, collective petitions were mostly used to defend local and sectional interests, but also for promoting some general policy demands (Palacios Cerezales 2014). On the other hand, the state crisis of 1808 and the subsequent deinstitutionalization of the state expanded the set of practices that invoked the language of petitioning to cement their legitimacy, including *riots*, *juntas* and *pronunciamientos*, all of which remained current into the 1870s. Old understandings of rioting were mixed in with a new language of rights and popular will to transform the concept and practice of petitioning in Spain. Similar to Sewell's (2005) claims about the idea of revolution in 1789 France, in Spain the idea of the right to petition was hinged to practices and modes of activity to which it was previously unconnected, providing a link between these practices and political and philosophical claims about sovereignty, the nation's will and citizens' rights.

Existing historical analyses of petitioning in Spain have not encompassed *juntas* and *pronunciamientos* (Cillán García de Iturrospe 1983; García Cuadrado 1991). The shortcomings of such a retrospective and normative approach to petitioning become evident in their inability to address the actual contents of the 1822 laws which, for the first time, explicitly addressed petitioning as a political right that could be exercised collectively. In comparative perspective, this case study highlights the elasticity of the language of petitioning during the age of revolution and cautions against narrowly associating it with the canvassing of signatures only. As making claims is what politics is about, in a revolutionary

context in which different contenders discussed the meaning and value of popular will, representative government and political rights, the language of petitioning could be hinged to almost any form of collective contention.

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<sup>1</sup> *Archivo del Ayuntamiento de Mondoñedo*, copy of the dossier on the 1761 floods facilitated by Antonio Muñoz (¡Gracias!).

<sup>2</sup> *Archivo Histórico Nacional/PARES*. AHN, Consejos 1398, exp 108.

<sup>3</sup> *Archivo Histórico Nacional/PARES*. Testimonios de juramento de fidelidad a José Bonaparte AHN, Estado 28079. Santander in AHN, Estado 3003, Exp.72.

<sup>4</sup> Stress punctuation norms were not yet fixed in 1800s Spanish orthography, thus both *peticion* and *petición* were common spellings, but never *petición*.