There is remarkably little English-language scholarship on the Constitution of Cádiz, Spain’s 1812 project to revivify its new-world empire with a comprehensive, representative governmental structure.¹ Professor Matthew Mirow helps to fill this gap with his scholarly introduction, translation of the Constitution, and reproduction of the original text. Mirow’s prior research makes him the ideal expositor of this foundational source, as he has authored a survey of Spanish American legal institutions as well as several essays on aspects of the Constitution itself.² The book’s organisation and relative brevity suggest that it is intended primarily as a supplement for students of Latin American law and other fields such as history, political science, or borderlands studies. With the work’s pedagogical goal in mind, this review considers the scholarly introduction in detail, indicates some valuable features of the translation, and advances a few possibilities for improvement in future editions.

As a point of entry for his introduction, Mirow describes the obelisk honouring the Cádiz Constitution in the central square of St Augustine, Florida. The document was promulgated in the Spanish province of East Florida on 1 October 1812, and thus became Florida’s first constitution, remaining in force from 1812 to 1815, and again from 1820 to 1821. Promulgation followed a series of events beginning in 1808, when Napoleon Bonaparte occupied Spain and pushed defenders of King Fernando VII south to the trading seaport of Cádiz in Andalucía. Loyalist supporters of the king believed that they could rally resistance to the French by offering colonial representatives coequal status with their counterparts in Spain via governmental reform. The resulting constitution was announced in the king’s name, but the limits it placed on monarchical prerogatives moved Fernando to repudiate it when he returned to power in 1814.

Both in its drafting process through the legislative assemblies, or ‘Cortes’, and in its provisions, the Constitution of Cádiz recognised Spanish American
Colonials were raised to equal standing with peninsulars within the empire through the statement in Article 1 that ‘[t]he Spanish Nation is the reunion of all Spaniards of both hemispheres’ (3). And the nation now replaced the king as sovereign, conceptually shifting the form of governance to a constitutional monarchy. Citizenship in the Spanish empire was defined for the first time, and power was divided among different parts of the government, including the Cortes, the king, the judiciary, and the provinces. However, the drafters were unwilling to override certain traditional social distinctions, excluding from citizenship those without Spanish blood on both sides, as well as blacks.

Next, Mirow zeroes in on the Constitution’s promulgation in St Augustine on 1 October 1812. A royal decree accompanying a copy of the document required public readings, bell-ringing, the firing of weapons, night illumination of houses, masses, and public oaths. According to local City Council records, these formalities embellished multiple recitations of the text before groups of officials and military personnel. The religious celebration included a sermon by a local priest, and the oaths were scrupulously administered by appointees of the Governor of the Province of East Florida.

Following promulgation, St Augustine’s City Council governed the municipality under the Constitution for the following two years, and communicated with its deputy to the Cortes, Gonzalo Herrera, who also represented Havana and West Florida. The square where the document was read was renamed Plaza de la Constitución, and a monument was built, dedicated, and engraved. When Fernando VII repudiated the Constitution in 1814, the City Council terminated its activities, removed the inscribed plaques from the monument for storage, and transferred its authority to the local military commander. Faithfully complying with political shifts in Spain, the Council reactivated itself briefly from 1820, when Fernando was forced to swear allegiance to the Constitution, until the province became part of the United States in 1821 through the Adams-Onís Treaty of 1819.

The introduction culminates with a detailed exposition of the Constitution’s major features. On the one hand, the document was ‘liberal’ in the late eighteenth-century and early nineteenth-century sense: elections were required for representative bodies on a range of levels; power was separated into legislative, executive and judicial branches; and sovereignty resided in the nation rather than the king. Further, freedom of expression and the press without prior permission were protected; public primary education was mandated; the king could not confiscate property for a public purpose without compensating the owner; and the criminally accused were guaranteed a trial, limits on imprisonment and the use of force, the prohibition of torture, and other rights. However, the Constitution was highly traditional in other ways, permitting the practice only of the Roman Catholic faith, and maintaining the institution of
slavery despite strong abolitionist sentiment among some Cádiz delegates. In a helpful contrast with the US Constitution, Mirow emphasises that governing power was centralised in the Cortes, without the individual provinces possessing separate reserved rights. However, he does not point out that the model of legislative supremacy followed in Cádiz was influenced by the cultural and political hegemony of the French Revolution among intellectuals of the day.3

Mirow closes his introduction by discussing the Constitution’s legacy in the sentiment of many Latin Americans that they are ‘culturally, historically, or emotionally tied to Spain and its historical expansion throughout the world’ (14). He also underlines the document’s importance to Florida, because an area comprising part of the present-day state was subject to a pre-US constitutional form of government. The St Augustine City Council recognised the significance of Cádiz by carefully preserving their dedication plaques rather than destroying them when the Constitution fell out of favour. Mirow aptly summarises the introduction’s gist by exhorting readers to ‘appreciate the complexity of the Constitution, the strange historical circumstances that brought it to become the law of Florida for several years, and the very peculiar mix of liberal and traditional ideas found in the document’ (13).

The remainder of the book consists of Mirow’s English translation of the Constitution, based on the edition in the Biblioteca Virtual Miguel de Cervantes and cross-checked with two other versions. This is a significant accomplishment, given the highly technical nature of colonial Spanish palaeography and terminology, and of the original text itself.4 Capitalisation of title and chapter headings lends some of the flavour of the era by duplicating early nineteenth-century typesetting practices. Particularly helpful is the inclusion in parentheses of many Spanish terms following their English renderings, such as ‘avecindados’ for ‘legal residents’, ‘padres ingenuos’ for ‘free parents’, and ‘compromisarios’ for ‘commissioners’, enabling the reader to access the language’s meaning beyond its mere literal translation. Another useful feature Mirow includes is the list of deputies who signed in Cádiz and the locations they represented in Spain or the colonies, illustrating the comprehensive geographical reach of the Cortes. Appending the 1812 Spanish text provides a service for those who wish to obtain a more direct experience of how it appeared to contemporaries.

Relatively few critiques can be made regarding this well presented and innovative book. But one problem is that by focusing only on the experience of a single province, East Florida, Mirow emphasises the vertical relationship between Spain and its colonies rather than the horizontal connections

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3 See Francois-Xavier Guerra, Modernidad e independencias: ensayos sobre las revoluciones hispánicas (Fondo de Cultura Económica, 3rd edn 2000) 15–16.
4 See eg J Villasana Haggard, Handbook for Translators of Spanish Historical Documents (University of Texas Press, 1941).
between provinces or their internal development into the nation states they would become. As can be seen from the delegate list at the end of the text, representatives assembled in Cádiz from all parts of the empire, and debated the constitutional drafts together. The document was thus a joint project, and established a common governmental structure linking many diverse colonies. For US readers, discussions of New Mexico’s deputy Pedro Bautista Pino, and of Miguel Ramos Arizpe, who represented New Spain’s northeastern province of Coahuila (both of whom reported on their regions to the Cortes), would elucidate the role of areas later forming part of the Southwest and borderlands.5 Ramos Arizpe, in particular, was instrumental in convincing the Cortes to establish provincial deputations as regional representative bodies; afterwards, as a drafter of the 1824 Mexican Constitution he moved to convert these entities into states within a federated republic.6 In addition, a brief examination of the participation of other regions in the Cortes would help explain the current resonance of Cádiz throughout Latin America, and why issues of federalism continue to dominate political agendas there.

Given the pedagogical focus of this edition, it is perhaps not petty to quibble with the scope of its bibliography. Despite his demonstrated familiarity with many Spanish-language sources on the Constitution, Mirow includes only references in English here.7 My own experience of teaching Latin American legal history and US-Mexico border studies in various institutions has revealed that at least a half to two-thirds of the students in such courses have a reading knowledge of Spanish and are thus able to access a wide range of the scholarly literature. For example, the 2010 issue of the *Anuario Mexicano de Historia de Derecho* is dedicated to the Constitution of Cádiz, containing articles on aspects such as Church-State relations, Italian influences, the Zacatecas deputy’s correspondence, the concepts of ‘provincias’ and ‘pueblos’, and repercussions in Cuba.8 An ambitious theoretical work which places the Constitution in a Latin America-wide cultural and political context, Francois-Xavier Guerra’s *Modernooidad e independencias* credits the French revolutionary model for the legislative supremacy mentioned earlier, and also explores the key role of literacy and the press in preparing the population for independence—a trend various provisions of the Constitution advanced.9 Directing students to such Spanish-

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5 Adrian Bustamante and Marc Simmons (eds), *The Exposition on the Province of New Mexico, 1812* (University of New Mexico Press, 1995); W Michael Mathes (ed), *D Miguel Ramos Arizpe, Memoria* (Ayuntamiento de Guadalajara, 1991).
7 See the bibliography in Mirow, ‘Visions’ (n 2) 87–88.
8 XXII *Anuario Mexicano de Historia de Derecho* (UNAM, 2010) 1.
9 Guerra (n 3) 15–16, 275–318.
language sources would avoid creating the impression that research on Cádiz is thinner than it really is.

In sum, Mirow provides an excellent introduction to the Constitution of Cádiz, viewing it from one province’s perspective and making the text of the Constitution itself available in English. He explains the document’s historical importance and prepares readers for more complex investigations. Teachers will be in a position to use the book as a jumping-off point to explore issues Mirow leaves out, such as the experience of other Latin American regions and themes from Spanish-language sources. Notwithstanding his minor omissions, Professor Mirow has rendered a valuable service to all those who are interested in Latin American legal history in general and, more specifically, in constitutionalism during the transition from the colonial to independence eras.

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