The Penn Program on Democracy, Citizenship and Constitutionalism
Graduate Workshop – December 3, 2009. 4-5:30pm

"'Chimera of the wildest nature': failed revolutions and stillborn constitutions in early nineteenth century America"

Vanessa Mongey (UPenn)

Do not quote, cite, or circulate without the author's permission

This paper examines the political projects of various multinational and multiracial revolutionary expeditions that fought the Spanish empire and attempted to create their own republican states in the Americas during the Age of Revolutions. Articulating philosophical and legal justifications for rebellion and independence, the founders of these cosmopolitan republics had to convince the rest of the world that their authority was legitimate. They therefore created a state apparatus, including constitutions, that revealed how foreigners of different ethnic, cultural and linguistic backgrounds attempted to constitute themselves as an imagined community.

"Of all the rights that can belong to a nation, sovereignty is, doubtless, the most precious"
Emerich Vattel, *The Law of Nations* (book II, chap IV, §54)

The right of colonized people to rebel and assert their independence had been intensely debated during the North War of Independence (1778-1783). In *Answer to the Declaration of the American Congress* (1776) John Lind questioned the legitimacy of North American revolutionaries and insisted that they be treated as rebels. The British pamphleteer noted that if the colonists could call themselves independent citizens of a foreign state, a pirate like Captain Kidd could just as easily declare himself independent and escape prosecution. "Instead of the guilty pirate, he would have become the independent prince," Lind derided, "and taken among the 'maritime' powers -'that separate and equal station, to which'- he too might have discovered- 'the laws of nature and of nature's God entitled him.'" This article explores what happened when men considered "pirates' like Captain Kidd declared themselves to be independent princes, or, in my case, to be independent republicans.

Napoleon's occupation of Spain in 1808 precipitated the collapse of metropolitan power and increased discontent in Spanish American colonies. The Wars of Independence in Hispanic America (1810-1825) were a period of social and political upheaval and created a world in which colonial relationships were being reformed and created the possibilities for an inversion of the existing racial and social orders. In revolutionary years and the first first decade of independence, Hispanic

America experienced a flurry of constitutions, especially in Colombia and Venezuela. Most of the constitutions drafted in Latin America sought to break with the colonial political order, not only by instituting new political regimes based on modern representation but also by introducing liberal principles of political equality and defining civil and political liberties. The region was a fertile ground for the circulation of different ideologies, social theories, and political doctrines.

What historians and other scholars often overlooked was the attempt by "foreign mercenaries," or "pirates," to create their own independent states. Americans were not the only ones fighting in the name of independence and liberty in the American hemisphere. Various foreigners of different nationalities and different colors also flocked to the region, especially the Gulf of Mexico, to fight against Spanish colonial rule. While most of them, principally British and Irish, joined the rebel forces of Spanish American leaders like Simón Bolívar, others acted more or less independently. Armed with letters of marque and commissions given by agents of the Spanish American independents in the United States or in the West Indies, they not only seized Spanish ships but also took possession of Spanish territories. These men tested the meaning of international legal rules when they attempted to conduct their own revolutionary expeditions and establish their own states in the regions they "liberated." In order to assert legitimacy and sovereignty, they deployed a sophisticated legal, intellectual, and political philosophy, drawing their insights from Enlightenment ideas, international law, the discourse on natural rights, and historical precedents like the North-American and French revolutions. They argued that had a natural right to establish new states as well as new governments. To explore these pretensions to independent statehood, this paper looks at two case-studies, the first took place on Amelia island, off the Florida coast, where an expedition led by a French privateer, Louis-Michel Aury, established the República de las Floridas in 1817 before the U.S. army took over the island, charging Aury and his followers with piracy. The second took place a few years later in 1822 when a multinational and multiethnic expedition was launched against the Spanish isle of Puerto Rico with the intention to create a Republic based on

equal rights to all, regardless of birth, race, or religion. An alert was issued in the Antilles; the governor of Puerto Rico and the European governments worked together to capture the leaders of the expedition scattered around the different islands. By the end of the year, the dream of the República Boricua was dead.

When foreigners went "rogue" and attempted to liberate Spanish territories and create their own republican states, they often, but not always, operated in the name of other Spanish Americans republics such as Mexico, Colombia, or Venezuela. More often, they placed their actions within the transatlantic struggle for liberty and independence. Their tenuous connections with Spanish American republics have led contemporary observers and historians alike to dismiss their claims for legitimacy and sovereignty as opportunistic covers for piratical activities. In doing so, they brushed aside how these marginal historical actors understood, interpreted, and refashioned legal, political, and intellectual concepts to serve their own ends.

Foreign revolutionaries seldom declared outright independence for their states because they often operated under the supposed authority of a Spanish-American government. The career of Louis-Michel Aury is a good example of this ambiguity as he worked to export revolution and independence from Texas to Florida and from Providencia to Guatemala. Born in Paris just before the French Revolution broke out, he was merely fifteen when he joined the French Navy and travelled to the Caribbean. Around the time Haiti proclaimed its independence in 1804 and Napoleon was crowned emperor,, Aury deserted and became a privateer.[1] When Colombia started its fight for independence in 1811, he gave his support to the Republic of Cartagena. When this republic failed, he took refuge in Haiti where he clashed with Spanish American leaders and left for the Gulf Coast. In September 1817, he took possession of Amelia island, first in the name of the

1 Technically, privateers were clearly distinguishable from pirates. Privateers possessed the authority to attack the enemy ships of the authorizing state and only operated during wartime through a letter of marque issued by a legitimate government. Pirates engaged in this activity without state authority. Privateers had been part of naval warfare of European nations since roughly the fourteenth century

Mexican Republic, and then, shortly, he proclaimed the island an independent republic.

After holding general elections (voting was open to every male over 21 on the island, military personnel excepted), Aury appointed the elected committee in charge of drafting a constitution for the new republic. Proclaiming the sovereignty of the people and dissolving the political relation between the colonies and Spain were the first steps towards a new state: a revolution set the stage for a republic. But the founders of these republics, like Aury, had to convince the rest of the world that their authority to create new republican states was legitimate and that their claims had legal force. Articulating philosophical and juridical justifications for rebellion and independence, foreign revolutionaries shared their contemporaries' interest in constitutional governments and were convinced that written laws ensured popular sovereignty and progress.[2] In *The Rights of Man* (1752), Thomas Paine defined a constitution as "not the act of a Government, but of a people constituting a Government; and Government without a Constitution is power without a right."[3] As Peter Onuf has argued, new allegiances came into being with the drafting of constitutions. The prevailing understanding of state sovereignty required that people seeking statehood had to evidence that they were integral territorial communities, with the rights the political autonomy entailed.[4] A constitution was antecedent to a government, and represented the basic structure of any organized society. Foreigners attempted to form the rules and principles of their imagined republican governments through provisional constitutions or informal lists of "articles" or "ordinances," laying the groundwork to create an independent polity.

Constitutions were not only written. They were also publicized through print, targeting both a local audience thanks to small printing presses and a wider audience of newspapers throughout the Americas. Even if the rights of man derived from human nature, they still had to be clearly

2 John Johnson, *A hemisphere apart : the foundations of United States policy toward Latin America* (Baltimore: Johns Hopkins University, 1990), 93. There was a flurry of constitutions in the Americas in the early nineteenth century (state constitutions in the cas of United States), they were adopted, amended, rejected, and then replaced constantly

3 Thomas Paine, *The Rights of Man* (E.P. Dutton & Co., 1951), 182

4 See Peter Onuf, "State-Making in Revolutionary America: Independent Vermont as a Case Study," *The Journal of American History*, Vol. 67, No. 4 (1981), 797-815

articulated in a printed document. When a constitution for a provisional government for the *República de las Floridas* was adopted in December 1817, it was printed, along with such other documents as the proclamation of martial law and the invitations to join the Republic, in the *Aurora* (Philadelphia), the *Niles' Weekly Register* (Baltimore) and the *Correo del Orinoco* (Angostura).

According to this constitution, the provisional government was going to be "Democratic Republican" and was divided into executive, legislative, and judicial branches — with "the military subordinate and obedient in all cases to the civil authority." An unicameral legislature was adopted and every district of Florida that would join the Republic would be entitled to send two representatives. It cited Alexander Hamilton's Federalist No 70 to justify a single executive. The judicial authority was vested in a supreme court of four members, inferior courts, and justices of peace. Serious crimes would be tried by judges and a jury. Two additional articles guaranteed freedom of the press and freedom of conscience "as one of the natural rights of the people of Floridas."[5] The liberties of expression, press, and religion were some of the liberal principles present in the U.S. Constitution and the French Declaration of the Rights of Man in 1789. They were also present in the Haitian constitutions of 1806 and 1816.[6] Several revolutionaries who surrounded Aury also had some personal attachment to the liberty of the press. One of the drafters of the Constitution, Vicente Pazos, was a former editorialist from Buenos Aires, who became editor of Amelia's newspaper, *El Telegrafo de las Floridas.* Another of Aury's collaborators, Severe Courtois, sent a printing press to his brother who was a journalist in Haiti. The *República de las Floridas* was the first Spanish-American constitution to mention the liberty of conscience so explicitly. The various constitutions published in Spanish America between 1810 and 1817 proclaimed Catholicism as the sole religion and limited the freedom of the press.[7]

5 *Report of the Committee Appointed to frame the plan of provisional government for the Republic of Floridas. P. Gual, V. Pazos, M. Murden. Fernandina: Dec 9, 1817 , first of the independence of Floridas* (Evanston, Illinois, 1942)

6 Freedom of the press was also proclaimed by the Cadíz constitution in 1812, and appears in most constitutions of Hispanic American republics, censorship being one of the grievances against the crown.

7 Glen Dealy, "Prolegomena on the Spanish American Political Tradition" *Hispanic American Historical Review,* vol.

This state apparatus designed to gain and claim legitimacy failed to achieve its purposes. In the United States, the proximity of Aury's establishment in Florida was a cause for concern. The *República de las Florida*s, in particular, seemed to contain the seeds for radicalism. A letter by a resident of Saint Mary's published in the *Savannah Daily Gazette* described the government in Amelia as "a convention similar to that of the early days of the French Revolution ... and we expect daily to see a guillotine erected in Washington square, Fernandina, and some Mexican chief holding up the reeking head of an American citizen, exclaiming, 'behold the head of a traitor.'"[8]

The growing hostility towards the *República* was not only political but also social and racial. Aury's reliance on Haitian troops was disconcerting for U.S. public opinion. Local papers reflected on the potential effect of the proximity of armed blacks on slaves of the neighboring U.S. territories. In a series of letters presented to the House of Representatives by Secretary of State James Monroe, this fear was repeatedly articulated. Witnesses in neighboring Georgia claimed that Aury was dependent on "about one hundred and thirty brigand negroes –a set of desperate bloody dogs." Another account explained that Aury's multiethnic forces made "their neighborhood extremely dangerous." The witness added that, "It is said that they have declared that if they are in danger of being overpowered, they will call to their aid every negro within their reach. Indeed I am told that the language of the slaves in Florida is already as such as extremely alarming."[9] When the U.S. commanding officer took possession of Amelia island, he immediately ordered all of Aury's black soldiers to be embarked on one of the ships in the port, physically separating them from the rest of the troops. He decided to keep his force on the island until "this band of negroes and privateersmen" had all departed.[10]

The administration of President James Monroe tended to side with the opponents of Aury. In

48, No1 (1968), 37-58

8 D*aily National Intelligenc*e, March 14, 1818; S*avannah Daily Gazette*, Sec 1, 1817

9 McIntosh to Crawford, The Refuge, near Jefferson, Camden County, Oct 30, 1817 in *Message from the President of the US communication information of the proceeding of certain persons who took possession of Amelia island and of Galveston*, Dec 15, 1817 (Washington: E. de Kraft, 1817),

10 Bankhead to Secretary of War, Fernandina, Dec 24, 1817, in *Message from the President Communicating Information of the Troops Having Taken Possession of Amelia Island, Jan 13, 1818* (Washington: De Krafft, 1818), 16-17

1794, because of the campaign by Citizen Genêt, the minister of the French Republic, to incite western Americans and Indians to conquer Spanish Louisiana for France, the United States Congress passed a Neutrality Act.[11] The United States decided to send a squadron to dislodge Aury, "the persons who have lately taken possession thereof, and, as it is understood and believed, without authority from the Colonies, or any organized Government, whatever, and to the great annoyance of the United States."[12] The U.S. government had three main grievances: first, these revolutionaries were challenging the U.S. territorial sovereignty by smuggling slaves despite the 1808 prohibition of the slave trade; they were also challenging the racial U.S. structure by putting arms and military responsibilities in the hands of free men of color. Secondly, if U.S. public opinion and foreign policy were relatively supportive of the Latin American independence movements for ideological and commercial reasons, the attachment of foreigners to a region that was not "theirs" was highly questioned, if not ridiculed. Their letters of marque were not recognized as legitimate, and their emotional and political attachment to the republican cause was mocked.

The legitimacy of these foreigners came under heavy fire. One informant wrote that "The patriots of Amelia are a most heterogeneous set, consisting of all countries and languages, except Spanish Americans. Amongst them can be found Americans, French, Irish, Scotch, English, Dutch, Germans, Haytians, Petions, etc all come ostensibly to aid the cause of the patriots of South America but their real motive is, no doubt, to prey upon whom they can."[13] The third challenge for these foreign revolutionaries was that they chose locations that were highly desirable to other powers.[14] When they attacked places like Cuba and Puerto Rico, the United States was joined by European powers present in the region who did not want a republic led by foreigners and free men of color in their vicinity.[15]

11 Act of June 5, 1794; Robert E. May, *Manifest Destiny's Underworld, Filibustering in Antebellum America (*Chapel Hill: University of North Carolina Press, 2003)

12 Charles H. Bowman, "Vicente Pazos and the Amelia Island Affair, 1817," *Florida Historical Quarterly*, Vol. 53, No. 3 (1975), 275-295

13 *Message from the President,* extracts of a letter from Thomas Wayne, esquire, to Benjamin Homan, on board the US's brig *Saranac*, St Mary's river, Sep 27, 1817

14 *Ibid*. Extracts of a letter from Beverly Chew, esquire, collector at New Orleans, to Mr Crawford, Aug 1, 1817, 8

15 Under Aury's rule, Providencia was said to have prize goods for sale worth a quarter million dollars, in James

While the republicans on Amelia were still working on the fundamental rules for their new government, Monroe informed the Congress that the intervention of the United States was needed. Seizing this territory was made necessary by U.S. adherence to international law. Amelia was a "piratical" establishment, as evidenced by its "itinerant nature" that disrespected the rights of property and laws of nations. On Amelia, the proclamation of a Republic was a political farce, **"**where the venerable forms, by which a free people constitute a frame of government for themselves," Monroe argued," are prostituted by a horde of foreign freebooters for purposes of plunder." The activities of these men were "reprobated by laws of nations, which recognize them only under the denomination of pirates.[16] The U.S. government positioned itself as a defender of the Law of Nations and denied international legitimacy to the *República de las Florida*s. Aury and his troops had committed a crime, not only according to U.S. legislation (smuggling slaves), but also according to the law of nations (piracy). They had also disrespected the law of nations by making a farce of the right to sever ties with a despotic power and proclaim independence.

This hostility did not prevent the revolutionaries from putting up a legal fight. When Aury received the message on December 22, 1817, that a U.S. squadron was directed to take possession of the island, he called into question the legality of this decision and confessed his surprise that this decision came from a government and a people who no doubt sympathized "with their southern brethren in the struggle for liberty and independence in which they are engaged, as were the United States forty years ago," especially since the United States had no jurisdictional authority on the territory of Florida and had no right to interfere in "[their] internal concerns." He therefore argued that, "the only law you can adduce in your favor, is that of force, which is always repugnant to republican governments, and to the principles of a just and impartial nation."[17]

Some of Aury's followers noted the disparity between U.S. rhetorical emphasis on

Parsons, *San Andres and Providencia: English-speaking Islands in the Western Caribbean* (University of California Press, 1956), 20

16 *The Debates and Proceedings in the Congress of the United States: With an Appendix Containing Important State Papers and Public Documents, and All the Laws of a Public Nature; with a Copious Index; Compiled from Authentic Material*s (1854), 646-7 and 646-8

17 *Message from the President.* Aury to Henley and Bankhead, Fernandina, Dec 22, 1817, 8-9

republicanism and the unlawful invasion of Amelia; in his memoirs, one of them compared the despotic and ambitious U.S. regime to the "bastard son of the English government, but his genuine heir when it comes to take and keep."[18] Aury commissioned Vincente Pazos, a former newspaper editor from Buenos Aires, to defend his cause to the U.S. government. Pazos' protest to the House of Representatives interestingly brought up the precedent of the mission of Benjamin Franklin in Europe to justify the legitimacy of insurgent governments to issue commissions and authorize acts of war against other nations. To which the secretary of state replied that "the commissions issued by the diplomatic agents of the United States in France, during our revolutionary war, were granted with the knowledge and consent of the French government" while Simón Bolívar had informed the U.S. agent in Angostura that he had never authorized Aury's expedition against Florida.[19] The U.S. agent was Baptist Irvine who would, in 1822, be part of the Ducoudray-Jeannet expedition against Puerto Rico. Aury and his followers continued their revolutionary enterprise and took over the island of Providencia in July 1818, in the western Caribbean. From there, they launched several attacks against neighboring Guatemala and Honduras before joining officially the Republic of Colombia in 1822.

Foreigners were fully aware that states perceived as less legitimate had an unstable status and were more likely to be taken over by a more powerful state. Their strategy was to form international alliances or treaties, or to use these attempted international cooperations as a legal buffer when their legitimacy cam under fire. When St Domingue native Sévère Courtois succeeded Aury as the commander in chief of Providencia, his legitimacy as head of that state was contested by the Colombian government. Aury's legitimacy in taking over Providencia in the first place, two

18 Maurice Persat, *Mémoires du commandant Persat, 1806-184*4, Gustave Schlumberger, ed (Paris: Plon, 1910), 27

19 "Report of the Secretary of State – Department of State, Washington, 28 jan 1819" *Anales historicos de la revolución de la American Latina*, Carlos Calvo ed, (Bezançon: Jacquin, 1867), vol 5 , 180. Bolivar's statement can be found in the correspondence of Baptist Irvine: "the government of Venezuela had never authorized the expedition of General MacGregor not any other enterprise against Florida or Amelia." Irvine to Adams, Angostura, July 2, 1818, Record Group 59, vol 8, National Archives, Washington DC. Bolivar had not personally authorized the expedition, the agents of the insurgent government in the United States did. Through this argumentation, the United States recognized the legitimacy of the government of Venezuela but not the legitimacy of its agents and ministers who worked in the United States.

years earlier in 1818, had already been the object of contention among Colombian officials. Spanish American officials distrusted privateers like Aury and Courtois who claimed to fight the Spanish crown on their behalf but often followed their own agenda. As they were seeking international recognition themselves, Spanish American independents distanced themselves from the activities of these "rogue" revolutionaries. These foreign revolutionaries, like Courtois and Aury, had worked directly with Spanish American leaders in the early years of the revolutionary wars but grew dissatisfied with what they perceived as the despotic and xenophobic attitudes of leaders like Bolívar. They particularly resented the fact that Spanish American leaders had rescinded on their promise to give equal rights to all, natives and foreigners alike, whites and free blacks alike.[20]

Courtois argued that Aury's authority in taking possession of Providencia was legitimate, basing his argument on the Amelia incident. "During the transactions of Amelia island, the government of the United States treated Aury as the leader of a division that belonged to a legally recognized government."[21] Courtois re-interpreted the Amelia incident: by interacting with Aury and by asking him to leave Amelia island, Courtois argued, the United States had legitimized his presence and his mission there. By criminalizing Aury according to U.S. laws, the United States legitimized Aury on the international scene. But, while Courtois's argumentation demonstrates the ways with which men at the margins of the centers of power manipulated and interpreted Atlantic legal principles, it ultimately prove insufficient. After all, what mattered was not being legally right, but having the military and geopolitical power to be right. By failing to rally local populations, itinerant patriots like Aury and Courtois did not have the military power sufficient to sustain independent republics.

Not only did other states, such as the United States, refuse to confer international legitimacy to some aspiring state actors, they also stripped foreign revolutionaries of their legitimacy. When

20 The execution of mulatto leader Manuel Piar, in October 1817, falsely accused a planning a black republic in Venezuela, was a cause for outrage among foreigners with whom Piar was very popular, see Persat, *Memoires*, 43; HLV Ducoudray-Holstein, *Histoire de Bolivar* (Paris: Bechet l'aine, 1825), vol. 1, 69

21 "Acusación documentada que hizo al tribunal de censura el dia 26 abril de 1823, Severo Courtois del articulo firmado El Censor... " (Cartagena: imprenta del gobierno, 1823), Archivo Historico José Manuel Restrepo, fondo II, vol 51, fol 106-7

president Monroe ordered the military takeover of Amelia island in 1817, he derided the *República de las Floridas*'s "pretending to sovereignty," and "exercising its highest offices, particularly in granting commissions to privateers." As foreign revolutionaries proudly called themselves corsairs and assumed the right to issues letters of marque in the name of men's natural rights like liberty and independence, the U.S. government rhetorically associated privateers and pirates, ridiculing their claims for sovereignty.[22] In order to exist, survive, and thrive, independent republics had to be recognized by other states. This international recognition was the crux of the matter for the cosmopolitan republican projects envisioned by foreign revolutionaries; the failure to achieve it was partly why these projects failed. As they were setting up a state apparatus (sometimes with the support of the local communities, sometimes without), they were reaching out to other states, either the United States, or the European powers. Foreign revolutionaries occupied a position of subalternity in relation to other states within an interstate system and their legitimacy was challenged, sometimes by the local populations, and always by other states.

***

Pioneered by the United States in 1776, formal declarations of independence purported to shatter a common subjecthood; as David Armitage has shown, the U.S. Declaration of Independence was as much a declaration of rights as a declaration of independent statehood.[23] Declarations of Independence served –or attempted to serve— as birth certificates for new countries. Foreign revolutionaries were in the strange position of demanding their independence from an empire that was not theirs. Yet, this ambiguous status did not deter them. Territorial independence was of enormous consequence in international law. Independence meant that a state could manage its own domestic affairs without interference and organize its government, constitution, and laws as it saw fit. In the international legal sense, independence was defined as "the capacity to enter into relations with other states."[24] Another measure of sovereignty came when

22 *Message from the President,* Monroe to Senate and House of Representatives, Jan 13, 1818, 3
23 David Armitage, T*he declaration of independence: a global histor*y (Harvard University Press, 2007)
24 Ian Browlie, *Principles of Public International Law,* 5th ed (Oxford: Clarendon Press, 1998), 71

an independent state gained the capacity to enter into relations with other states, conduct its foreign relations, and sign international agreements and treaties with foreign powers. Sovereignty and independence became criteria for statehood.

The importance of formally declaring independence appears in a document produced by the multinational and multiethnic expedition conducted against the Spanish colony of Puerto Rico in 1822 and engineered by D.H Ducoudray-Holstein (a former French general who had worked with Bolívar in Venezuela and Colombia who described himself as "a soldier, who has fought for the rights of man in the old world and the new"[25]), Georges-Nicolas Jeannet (who served as governor of Guyana and Guadeloupe under the French revolutionary government until Napoleon came into power), and Baptist Irvine (a U.S. journalist who worked as a U.S. agent in Venezuela in 1817-1818). These men intended to revolutionize the island and to proclaim the *República Boricua* (alternatively spelt *República de Boricuén*). Boricua derived from the Taíno word Boriken, used by the original population to refer to the island of Puerto Rico before the arrival of the Spanish. A general alert was issued in the West Indies, and they were detained by authorities in Curaçoa. The expedition never even reached the vicinity of Puerto Rico. Yet, Ducoudray, Jeannet, and Irvine had imagined what the new republic would look like. Among many other documents found in their possession was a "Solemn act of the Declaration of Independence" in which the authors listed their grievances against the Spanish crown. "The Spanish government," the authors declared, "has given us the most forcible proofs of its tyranny, its bad faith, and of its incapacity to protect and to govern us." In a nod to the U.S. Declaration of Independence, they blamed the Spanish king for treating "us a subjects, as slaves; it has been deaf to our just and lawful remonstrances," before finally stating that, "Fully impressed with these truths, we declare solemnly before the Almighty God, before the whole Universe, that we are resolved to suffer a similar tyranny no longer. A free, independent, and wise Government will give us happiness, strength, and consistency." The Declaration then appointed the general-in-chief of the expedition (that would be Ducoudray-Holstein) president and

25 Ducoudray, *Histoire de Bolivar* (Paris: Alphonse Levasseur, 1831), vol 1, 195

provisional civil, political, and military chief until a National Congress could be assembled to discuss the project of a constitution and the installation of legislative, judicial, and executive powers.[26]

The anonymity of the document and the use of the pronoun "we" show how the leaders of the expedition ventriloquized the voices of Hispanic Americans. This desire for independence would read as if it emanated from Puerto Ricans themselves. This ventriloquizing pushed the logic behind declarations of independence to its limits: a small number of individuals asserted an authoritarian voice and an authoritarian position; they claimed to speak, and to act, on behalf of an entire community. What made independence successful was popular support and international recognition. Sovereignty had to be build both from the inside and from the outside. The failure to obtain these supports account for the failure of the republics imagined by foreign revolutionaries.

How local populations would fit into the political projects of these itinerant patriots was ill-defined. While local populations sometimes welcomed certain "liberation" expeditions, such as when Aury took possession of Amelia island, others ended up being indifferent or hostile to these foreigners coming to liberate them. Revolutionaries nevertheless worked to win the support of the local populations, flooding them with revolutionary propaganda. Often to no avail. An interesting document found in possession of Ducoudray-Holstein was a series of Instructions given to foreign officers serving in the army of the Republic.[27] The purpose was simple, Ducoudray argued, "to *cause the inhabitants to forget that you are strangers*."[28] In order to achieve this goal, Ducoudray offered to act as a "medium" between Americans and foreigners thanks to his past services to the independent cause as well as his marriage with an American women. Ducoudray presented himself as a man bridging both worlds and both cultures, "I am an American and a foreigner at the same time." He insisted that foreign soldiers and officers strive to learn Spanish, uphold virtue above all (no drinking, no gambling, no swearing) and always treat the "natives of the country" with the

26 A translation of the Declaration can be found in 17 U.S. Congress, 2 Session II, No 540, 1035
27 I*bid*.
28 Emphasis in original

utmost respect. Ducoudray and his followers saw themselves as a new race of people born out of the Age of Revolutions: they thought of themselves as members of the same republican community —regardless of their place of birth or residence or their skin color— who were fighting to create a republic conform to their political ideals. They shared an attachment or a bond that was not connected to a particular land; it just required a land, any land, to blossom.

Ducoudray's dream of forming one big happy republican family in which natives and foreigners will be brothers with equal rights obliterates the existence of women in this new republic. His wife is only mentioned as a rhetorical ploy: she represents his most tangible connection to the Americas. A Pocahontas or Malinche figure, she was the native-born archetype acting as an intermediary and helping a foreign man to move easily between two cultures and two worlds. Interestingly, Ducoudray's wife (Maria del Carmen) was Colombian and her actual knowledge of Puerto Rico must have been limited at best. Her role in Ducoudray's propaganda was purely rhetorical, she symbolized the archetypal American, erasing regional differences in the hemisphere the same way her husband promised to erase national differences not only between natives and foreigners but also among foreigners themselves, “I speak to you as a kind father of a family who loves his children,” Ducoudray allegorized, “I shall know among you neither French, Germans, nor English, nor Poles, nor Danes, nor foreigners in any nation; you are in my eyes the children of the country, its defenders, and its citizens, as the natives who are, who serve with you our common country.” Ducoudray assigned political significance to this intense and polymorphous male bonding and ascribed revolutionary values to this experience. These male-centered affiliations articulated new models of family and new models of social organization grounded in fraternalism –regardless of birth, religion, or race— and filled with revolutionary political potential.

As a rule however, itinerant patriots had limited trust in local populations and preferred to appeal to other foreigners to replenish their ranks. When the papers Pierre Dubois, a free man of color native of Guadeloupe and living in Puerto Rico, were seized by Spanish authorities, a

document authored by Ducoudray and intended for people of color was found. In this address, Ducoudray stressed that thousands of foreigners "of every class and every color" had served an important role in the Spanish American revolutions, but had been betrayed by the American governments, forcing them into an "errant life, beneath their intellectual abilities." The new republic in Puerto Rico, Ducoudray promised, was going to offer them full citizenship, equality of rights and duties, regardless of "their skin color, their religion, and their birth place." Foreigners and Americans, Whites and Blacks, were going to form one single republican family. Puerto Rico was fertile and large enough to welcome, Ducoudray argued, "thousands of foreigners." Ducoudray asked the carrier of the missive to pass the invitation to their friends and acquaintances, who, he guaranteed, would immediately receive a position in the new republic.[29] Ducoudray's disappointment with the Colombian Republic was well publicized as he repeatedly complained about what he perceived as a betrayal of the principles that initiated the revolutions: freedom of expression and freedom of religion notably. He also resented the American leaders' treatment of the foreigners and people of color who had joined the independent cause. This resentment fueled his desire to create a new republican state, which was more conform to his ideals.

The attachment to freedom of religion present in the República de las Floridas also appeared in the proclamations of the Republic of Puerto Rico in 1822, another example of political *bricolage*; it was also another example of state fantasy since the revolutionary expedition never reached the Spanish colony. In two series of articles, these proclamations laid the groundwork for a future constitution. Two months after this constitution was issued, it was reproduced in the *New York Gazette*.[30] The República Boricua were ostensibly open to anyone as long as they could demonstrate their devotion to the republican cause. The first article instituted the political equality of the citizens of the new republic who could vote and obtain a political or military position regardless of birth,

29 Attached to a proclamation by the captain general of Puerto Rico, nd, Affaires Diverses Politiques, Etats Unis, vol 2, dossier 9, Archives des Affaires Etrangères [AAE] (Paris)

30 The *New York Gazette* itself was then collected by French authorities and send as an attached document to the French ambassador in Washington D.C. who then forwarded them to authorities in Guadeloupe and Martinique and in France, Correspondance consulaire, Philadelphie, v. 12, f. 225, AAE

religion, or race, stressing the republican principle that,"[t]hey will endeavor to place each according to his merit, his conduct, his experience, and abilities." For Ducoudray, republicanism was synonymous with freedom of religion. He was dismayed when he realized that Catholicism was declared the state religion in Colombia: "The prohibition of all religions, except the Catholic religion, is not only an impolitic measure, it is also pernicious. It is an abhorrence in the history of nations that such an article found its way in the constitution of a people that claimed to be the friend of liberty." Ducoudray predicted, "Just this fact makes me fear that liberty will never be founded on solid grounds in South America."[31]

The proclamation therefore opened its doors to all and invited all those who had "useful" skills to come to the Republic de Boriguén. iI also offered protection and support to Puerto Ricans if they decided to switch to their side —manual laborers like soldiers, doctors, surgeons, apothecaries, farmers, manufacturers, cobblers, tailors, but also intellectual workers like artists, men of letters, teachers. In addition to full citizenship for all, the Republic promised to open its ports and have low custom fees. Ducoudray's declaration ended with a promise that the new republic would offer to all "equality of rights, asylum, protection, and happiness," a spin on both the inalienable rights promised by the U.S. declaration of 1776 (life, liberty, and the pursuit of happiness) and by the French Revolution (liberty, equality, fraternity). Interestingly, in the translations of the document sent to U.S. authorities and the U.S. Congress, the last principle, "happiness" ("bonheur" in the French text) was translated into "comfort," perhaps to further distance the United States from Ducoudray and Irvine's enterprise.[32] The promise of asylum was not only a way to attract and recruit more followers but also a desire to create a truly cosmopolitan republic: "The main object of this proclamation is, to endeavor to ameliorate the unhappy condition of thousands of foreigners, passing a miserable life, unmerited, and beneath their intellectual facilities." During his experience with in the Americas, notably with Simón Bolivar, Ducoudray, like many other foreigners, had been

31 HLV Ducoudray, *Histoire de Bolivar* (Paris: Alphonse Levasseur, 1831), vol. 1, xlj
32 17 Congress, 2 Session II, No 540 (1823), 1037

the victim of heightened xenophobia.[33]

A second proclamation signed by Ducoudray-Holstein was also printed and sent around the West Indian islands, often through people of color who worked as traders and sailors and were therefore very mobile. This proclamation was composed of nineteen articles and concerned the political organization of the Republic. Municipal councils were to each send a deputy to the council; state prisoners accused of wrong political opinions under Spanish regime were to be released; slaves would not be emancipated "otherwise, the country would be ruined, and the greatest disorders would take place." The government was going to be liberal and, as soon as possible, a Congress and a more fleshed-out constitution were going to be adopted, and the three powers were going to be separated. Intriguingly, this proclamation was circulated in Puerto Rico itself not by revolutionary agents but by the Spanish government itself. The captain-general of the island decided to reprint the proclamation in order to show the fallacies of these "adventurers without *patria*, without nation, essentially pirates and exempt from the law of nations."[34] The document's "contradictory promises" would create a military government in the hands of only one man despite the proclaimed attachment to liberal principles.[35] Spanish authorities could manipulate different modes of expression and communication as expertly as revolutionaries themselves.

The Jeannet-Ducoudray expedition coincided with the discovery of a plotted slave rebellion in Puerto Rico, projected for the end of September 1822 in Guayama, on the southern coast, where Ducoudray had planned to land. The government suspected that the slave conspiracy was connection with the activities of free Guadeloupeans of color Pierre Binet and Pierre Dubois on the island. In his study of the trial records, Guillermo Baralt noted that, despite the prompting of the Spanish authorities, the slaves never disclosed if they had any connection with the expedition. Furthermore, the constitution of the República de Boricuen clearly stated that slavery was not going

33 Ducoudray, *Histoire,* vol. 2, 3. The right of asylum was also a provision of of Pétion's 1816 Haitian constitution – on the controversy about this provision, see David Nicholls, *From Dessaline to Duvalier: Race, Colour, and National Independence in Haiti* (New Brunswick: Rutgers University Press, 1979), 47

34 Attached to "Rapport sur l'expedition des aventuriers qui devaient agir contre Ile de Puerto Rico"December 17, 1822, Dossier 9, Affaires Politiques Diverses, États-Unis, v. 2, AAE

35 I*bid.*

to be abolished. In any case, Pierre Dubois was sentenced to death for conspiring with foreigners. He was executed on October 12 with the conspiring slaves.[36] The connections between the projected República de Boricuen and the projected slave rebellion were tenuous. It is possible that Binet and Dubois encouraged the rebellion and concealed Ducoudray's rejection of emancipation, hoping that the slave uprising would facilitate the invasion of the island. Similarly, the slaves perhaps wanted to take advantage of the confusion the invasion would have triggered to put their plans into action. However tenuous, the coincidence of the two projects is one of the few occurrences when a slave rebellion was connected to a project for political independence.

The reluctance to proclaim abolition may appear at odds with the pasts of some of the white revolutionaries as well as with the presence of Afro-Caribbean men of color in position of political authority and military power in these expeditions. However, egalitarianism might have been the very reason for the absence of abolitionist principles. Multiracial and multinational revolutionary expeditions already appeared subversive to imperial and local authorities, so leaders had to tread very carefully with sensitive issues like emancipation. White and black revolutionaries needed to appear respectable enough to appeal to local populations.

While Aury and his collaborators continued their struggle for liberty and independence in the Caribbean after the failure of the República de las Floridas, Ducoudray, Jeannet, and Irvine found themselves in a more contentious position. Their arrest in Curaçao by Dutch authorities provoked a jurisdictional entanglement. Since Puerto Rico was the objective of the expedition, the governor of Puerto Rico asked Dutch authorities to turn in the conspirators, these "men who belong to no recognized government, not even those newly established … I am demanding these pirates who wanted to bring war to these populations," the governor insisting once again on the statelessness of "these miscreants who belong to no nation."[37] The governor of Curaçao denied these requests, arguing instead of the principle of *ubi te invenio ubi te juridico*, the criminals had to

36 Guillermo A. Baralt, *Esclavos rebeldes: conpiraciones y sublevaciones de esclavos en Puerto Rico* (Puerto Rico: Ed Huracan, 1985), 55-56

37 Miguel Latorre, October 6, 1822, APD, dossier 9, AAE

be judged where they were arrested. Furthermore, since the expedition was not apparently commissioned by any government, these men had to be tried as pirates.[38] French authorities, while keeping a close eye on the proceedings, decided to maintain their neutrality and not interfere on behalf of their nationals. The United States adopted the same posture even if the expedition had been armed and organized in their ports. French authorities strongly suspected the United States to use this expedition as a pretext to send naval forces into the Caribbean, their ultimate goal, they argued, was to take possession of Cuba, and maybe Puerto Rico –the French consul in the United States compared this incident to the Amelia incident in 1817 when the United States used Aury's establishment as a pretext to take over Florida.[39] The United States posed themselves as guardians of law and order in the tumultuous and unstable Americas and used these revolutionary expeditions as pretexts to assert their extraterritorial authority in the Caribbean basin.[40] The French consul sarcastically compared this positioning as a "comedy" and "an American silliness."

The comedic aspects of this international incident must have escaped the accused pirates. Dubois was executed by Puerto Rican authorities and Ducoudray, Jeannet, and Irvine were condemned by Dutch authorities to work in salt mines for 30 years.[41] Irvine appealed to the U.S. Congress, arguing that Ducoudray and himself had just responded to a request by Puerto Rican independents to give them a hand. Irvine quoted Vattel's defense of civil war "from he popular movement against despotism would result *a civil wa*r … that would produce in the nation two independent parties who consider each other as enemies, and *acknowledge no common judg*e."[42] Irvine also reminded the Congress that this right had been articulated in the U.S. Declaration of Independence and the Revolution. Ducoudray and others were not pirates, they were patriots, helping a people to achieve the most fundamental rights of free men across the world: liberty and

38 *Ibid*. Cantzlaar, October 25, 1822
39 *Ibi*d. See correspondence between the French consul in the United States and the Ministre des Affaires Etrangeres, notably, fol 247 and 279
40 In December 1822, the U.S. Congress voted to send an anti-piratical naval expedition in the vicinity of Cuba, Dec 13, 1822
41 *Niles' Weekly Registe*r, July , 1823
42 *Niles Weekly Register,* March 222, 1823. Irvine quoted Vattel, book III, chap 18

independence. I the end, the U.S. and French authorities acted behind the scene and Ducoudray, Jeannet, and Irvine were liberated and took refuge in the United States where they kept themselves out of trouble. Subsequent independence movements failed and Puerto Rico remained a Spanish colony until the Spanish-American War of 1898 when it fell into the hands of the United States, just like the French consul had predicted back in 1822.

Like the *República de las Florid*as, the *República de Boriguén* remained an imaginary polity whose constitutional principles were never put into practice. These constitutions should therefore not be analyzed as a legal and political realities, but what Sybille Fisher in her study of Haitian constitutions called "fantasies of statehood" and "expressions of aspirations and desires that went beyond any given political and social reality."[43]These documents are indicators of wider political culture and ideological currents and drew up a sophisticated political system adapted from other constitutions. The ultimate failure of these republics did not derive from over-simplistic political projects but from a failure to secure international recognition.

Conclusion: If references to free trade in revolutionary propaganda had often been seen as evidence of the revolutionaries' love for gold and dreams of fortune, the right to form commercial alliances with foreign nations was of crucial importance: it was a tenet of Independence in contrast to the constraints of colonial economies. Dismissing the claims made during these revolutionary expeditions as mere opportunism negates how historical actors at the margins of the centers of power understood and manipulated the legal and political systems of the Atlantic world. It also negates how more established states like the United States, France, or the Latin American republics, undermined the claims for legitimacy made by these foreigners by associating them with disorder, piracy, and illegality; and how they used this language to assert political and social control over marginal groups within their territorial boundaries as well as towards other weaker states, and to

43 Sybille Fisher, *Modernity Disavowed: Haiti and the Cultures of Slavery in the Age of Revolution* (Durham and London, 2004), 229

eventually consolidate their place on the international scene.

This paper has examined the pains these foreign revolutionaries took to legalize their territorial possessions and to secure their sovereignty in the Atlantic world. Historians' focus on more successful "ceremonies of possession" as the means by which various European imperial powers created political authority over the Americas or the ways different national projects unfolded on the ground has led us to believe that imperial and national projects were the only sources of authority and sovereignty in the Americas.[44] Even the scholarship probing the resistance to these imperial or national projects by indigenous and local communities take this framework for granted.[45] The Atlantic world, viewed from the perspective of foreign revolutionaries as well as other marginal actors, revealed itself to be much more cacophonous and polyphonic than this framework suggests.[46] As Jeremy Adelman has argued, such examples "raise the prospect of an altered historical sequelae, the possibility of inversions and backslidings, historic starts that went nowhere."[47] Even if the republics attempted by these itinerant patriots eventually failed, they were active protagonists in making, changing, and interpreting the law – and, by extension, in shaping the international order. They deployed symbolically significant words, documents, rituals, and gestures in tandem with military conquests.

---

44 David Armitage, ed, *Theories of Empire, 1450-180*0 (Brookfield: Ashgate, 1998) ; Patricia Seed, *Ceremonies of possession in Europe's conquest of the New World, 1492-164*0 (New York : Cambridge University Press, 1995; Stephen Grenblatt, *Marvelous Possessions: the wonder of the New World* (Chicago: University of Chicago Press, 1991)

45 Among many others, Benedict Anderson, *Imagined communities: reflections on the origin and spread of nationalism*(2nd ed, London; New York: Verso, 1991); David Brading, *The first America: the Spanish monarchy, Creole patriots, and the liberal state 1492-1867* (Cambridge: Cambridge University Press, 1991); David Bell, *The cult of the nation in France: inventing nationalism, 1680-1800* (Cambridge: Harvard University Press, 2001); Peter Guardino, *Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800-1857* (Stanford University Press, 1996); Eric Van Young, *The other rebellion: popular violence, ideology, and the Mexican struggle for independence,* 1810-1821 (Stanford University Press, 2001); Alan Taylor, *William Cooper's town: power and persuasion on the frontier of the early American republic* (New York : Alfred A. Knopf, 1995); Peter Kastor, *The nation's crucible: the Louisiana Purchase and the creation of Americ*a (New Haven : Yale University Press, 2004)

46 Exceptions are legal scholars like Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, (Cambridge University Press, 2002) and Eliga Gould "Entangled Histories, Entangled Worlds: The English-Speaking Atlantic as a Spanish Periphery," *AHiR,* vol 122 (2007): 764-786, but they sustain that this plural legal culture came to an end in the early nineteenth century, during the Age of Revolution. On the process of re-ordering that took place in the 19th century, see Janice Thomson, *Mercenaries, pirates, and sovereigns: state-building and extraterritorial violence in early modern Europe*, (Princeton University Press, 1994). I believe that this plural legal culture persisted into the nineteenth century under a different form.

47 Jeremy Adelman, "An Age of Imperial Revolutions" *American Historical Review* (2008), 420