Continuity and Change in the Post-Colonial Period for Spanish and English-speaking New World Countries

Ning Xi
Tulane University, New Orleans, Louisiana, USA

Abstract

Despite the word revolution being used colloquially as a synonym for change, it is just as crucial to examine which elements of a pre-revolutionary government and society managed to remain largely intact. This paper will specifically examine the status and rights of the indigenous people and women in two New World societies in their earlier days of independence: the former Spanish colonies of Central and South America and the Thirteen Colonies of British North America that later became the United States. Contrary to popular stereotypes of traditionalist Catholics and open-minded Anglophones, a careful reading and analysis of primary and secondary sources supports the assertion that Spanish-societies, despite retaining racial hierarchies and gender roles, tended to grant more legal rights and chances for assimilation into and participation in society to women and Native Peoples than their English-speaking counterparts.

Every revolution and independence movement, no matter the time or place, has the goal of throwing off and replacing the unfit and broken system of government in hopes of creating a better and fairer one for the people. However, it is equally important to recognize and analyze the ways that post-independence societies remained the same even after so much change and upheaval. This is especially true for the various New World settler colonies who had their predominant religions, languages, and institutions directly imported from the European countries (British, French, and Iberian) that conquered and ruled them. It would be impossible to clear all of that away and completely start anew. Paradoxically, in the aftermath of a revolution, societies

may actually have a greater inclination to revert to old ways out of fear of potential instability and chaos. An area worth paying particular attention to is the roles of Native Peoples and women in both struggles for independence and the newly independent nation-states. The colonizers often had varying approaches to dealing with Native Peoples that ranged from attempts at assimilation, productive yet distant relationships built on mutual trading of goods, strategic alliances against common rivals, and full-blown violent conflict and removal over land and resources. During the time of colonial rule, women did not have many rights and privileges because. Women were under laws similar to those of their mother countries, which were based on a patriarchal understanding of women as property belonging to their fathers before marriage and to their husbands after being married. The treatment of Native Peoples and women was complicated by the success of the independence movements because they both often played prominent roles in support of the revolutionaries. These groups realized the dissonance between proclamations of natural rights and self-governance and their continued subjugation at the hands of the new rulers. By comparing the Iberian and British post-independence societies, one easily concludes that while neither could appropriately be called egalitarian, the Spanish-speaking countries were far more tolerant and accepting of Native Peoples and women had more rights in contrast to their English-speaking counterparts.

Starting in the days of colonial rule, the goal of the Spanish regarding the Native Peoples was their eventual assimilation into mainstream society through learning the Spanish language, converting to Roman Catholicism, and finding employment. This is not to say that the assimilated indigenous people would be seen as equal to the Creoles of European descent or the Spanish in continental Europe (the castas or organized system of racial hierarchy was a part of everyday life), but it is true that the Iberians generally did not see race and ethnicity in the same binary and fixed terms that the British or French did. The goal of assimilation persisted after independence, along with all of its benefits and detriments for the indigenous people. As Aline Helg wrote in the article "Simon Bolivar and the Spectre of Pardocracia," New Granada, roughly corresponding with the territories of modern-day Colombia and Panama, went from "a colonial caste society ruled by a distant Spanish

monarch to a multiracial republic," first as a member of the union of Gran Colombia and then as an independent country.[1] In his series of Decrees on Indian Rights, Land, and Tribute, Simon Bolivar, the man commonly called the Liberator and the George Washington of South America for his instrumental role in the independence and establishment of many South American republics, asserts that equality under the law is the basis of Colombia's constitution. According to Bolivar, the constitution's purpose was to stop the exploitation of indigenous peoples for labor, restore allotted lands to the Indians, establish a more efficient and fair system of taxation, grant them a default exemption from military service, establish schools for the education of children that they should attend as frequently as they can, and to ensure equal access and representation in the court system. The downside of the Spanish assimilationist approach is that the indigenous people were left with basically two possible choices: be accepted as a normal citizen with rights and privileges, which came at the price of leaving behind much of their beloved culture, or remain within the autonomous communities that enabled them to preserve their customs and traditions but excluded them from citizenship and social mobility. The reason why the Spanish chose assimilation, which gave the indigenous people the chance of acceptance and integration with many strings attached, has a lot to do with the demographics. Although the Creoles held most of the political power and wealth, they recognized a significant percentage of the population was indigenous. Also, intermarriage between those of Spanish descent and non-white people was not as frowned upon as it was in the places colonized by the British and French. That is why there are specific Spanish terms for people of European and indigenous descent (mestizo) and people of European and African heritage (mulatto), which relates back to castas and nuances in Spanish racial categories. Therefore, the ruling class, colonial and independent, knew that it would be impractical to completely exclude and alienate every non-white person and have a functioning society. However, the Creoles were not willing to completely give up their position at the apex of their societies, even though they strongly disliked the Spanish for their unrepresentative and distant rule, so they decided to continue with the policy

1 Aline Helg, "Simon and the Spectre of Pardocracia," *Journal of Latin American Studies* 35:3 (Aug. 2003): 447-471.

of assimilation that placed themselves as the default and superior while still dangling the possibility of everyone else joining them.

Concerning the possibility of non-Creoles earning their place, women in the ex-Iberian colonies did not have any chance to earn the rights of citizenship and had to wait until the laws were amended. Despite being a patriarchal society and the stereotypes of Catholics as very traditional and keen on gender roles, women in the Iberian regions were in an enviable position compared to women living in the French or English-speaking New World countries. A similarity across all the societies in the New World was the importance of a woman's virtue. Virtue for women was defined as a state of chastity and abstinence prior to marriage and complete martial fidelity. In contrast, male virtue and honor actively encouraged men, married and unmarried, to have various sexual dalliances with women because to demonstrate their strength and virility. Interestingly enough, it was more important for people to believe that a woman was behaving properly rather than actually being chaste. So, theoretically, a woman could get away with being promiscuous if she managed to keep this behavior out of sight. Conversely, a truly virtuous woman could be stigmatized for being promiscuous based on the lies of her peers. All of these gendered stereotypes aside, women were given relatively fair access to the court system, and they had the possibility of divorcing their husbands if they were being treated poorly in marriage. In the article "Gender conflicts in the courts of the early Venezuelan republic, Caracas, 1811-1840," Arlene Diaz documents how males "perceived marriage as a sacrament, an unbreakable bond in which the power relationship between husband and wife was inherently unequal," but women, despite their very real "subordinate social and legal position, …contested male dominance both in the household and in the courts, seeking a relationship in which both genders carried equal responsibilities within the family." [2] In terms of numerical data, "in 43.3 percent of the cases women acted as plaintiffs" and "51 percent of all the claims were brought to court by women themselves." [3] This

2 Arlene J. Diaz, "Gender conflicts in the courts of the early Venezuelan republic, Caracas, 1811-1840," *Criminal justice history in Latin America* 2:2 (1998): 35-52.

3 Diaz, "Gender conflicts," 42-43.

statistic cannot be reconciled with the popular image of women as passive figures who were completely subordinated, especially when considering how married women were allowed to go to court solely to accuse their husbands in criminal and civil cases, defend themselves against criminal charges, or to write their wills. For every other type of legal complaint, women needed permission from their husbands. During the revolutions, women played important roles as spies, informants, and soldiers in combat and were victims of violence and assault. As much as the male-dominated ruling class wished for a patriarchal system built upon the model of a traditionally male-dominated family, this proved impossible because women challenged gender roles during the much-praised revolutions for independence and were able to utilize the limited opportunities and rights accorded to them by the law to stand their ground.

Despite the United States being nicknamed "The Land of the Free," the indigenous populations likely had the least freedom and suffered the most mistreatment and oppression in the entire New World. In contrast to the inclusive yet patronizing Spanish model of assimilation, the US saw the indigenous peoples as uncivilized savages that had no claims either to self-governance in their designated autonomous territories or inclusion in mainstream American society and gaining of citizenship. A similarity between the indigenous people living in Iberian societies and those in Anglophone countries is that both wanted to be treated as equal citizens and to have their autonomy recognized. However, the relative well-treatment and acceptance of the indigenous people in the Spanish New World allowed them to be concerned with matters like fair payment for their labor, while the indigenous people living in the US staked their hopes on being treated as independent nations. Assimilation was never an option.

The situation for women in the independent United States was not much better. As Linda Kerber wrote in "From the Declaration of Independence to the Declaration of Sentiments: The Legal Status of Women in the Early Republic 1776-1848," "with the single exception of New Jersey, whose state constitution briefly permitted all free inhabitants to vote, The Revolution had no direct impact on the theoretical legal status of

women."[4] There were a few women, such as Abigail Adams with her famous remark to remember the ladies, who spoke up for the inclusion and rights of women, but they were largely ignored or mocked. The subjugation of women "was said to be justified by women's economic dependence on their fathers; a subordination that was implied by English common law and continued by American practice."[5] This stemmed from the Lockean conception of equating ownership of property with having a voice in the affairs of the community. According to this logic, since a married woman ceded control of her property to her spouse, she also left behind any role in the realm of politics and ceased to exist as an independent legal entity apart from that of her husband. While the laws of divorce varied from state to state, it was generally obtainable only in the most extreme circumstances. Some states like South Carolina had a complete ban on divorce. The continued subordination of women in the United States after the Revolutionary War lends credit to the assertion that the American Revolution was not the amazing liberating event we were taught it was back in elementary school.

When studying revolutions, it is as important to understand and acknowledge the continuities from the old regime as well as the changes. While we may associate the word revolution with liberation and freedom, the reality is much less clear-cut. For example, the Creole leaders certainly hated being ruled by distant kings who were out of touch with their needs and interests, but they were willing to replicate the disenfranchisement and subjection to women and people of non-European descent. Also, it helps to look beyond stereotypes and not be clouded by the lens of exceptionalism. One of the best examples is how the countries formerly colonized by Spain, a Catholic country commonly perceived as conservative and absolutist, were, by any measure, far more inclusive and fairer to the indigenous people and women than the former British colonies who, especially the United States, pride themselves on the ideals of freedom, tolerance, and openness to change and innovation.

4 Linda K. Kerber, "From the Declaration of Independence to the Declaration of Sentiments: The Legal Status of Women in the Early Republic 1776-1848," *Human Rights* 6:2 (Winter 1977): 115-124.

5 Kerber, "From the Declaration of Independence," 118.

Acknowledgements

I am grateful to Prof. Justin Wolfe and Prof. Elisabeth McMahon of the Department of History for their guidance and mentorship throughout my research process. I would also like to thank Newcomb-Tulane College for the grant support for my research. I also extend my appreciation to Mr. Andrew Squitiro from the Office of Undergraduate Research for his generous support and help during my research and manuscript preparation.

Bibliography

Diaz, Arlene J. "Gender conflicts in the courts of the early Venezuelan republic, Caracas, 1811-1840," *Criminal justice history in Latin America* 2:2 (1998), 35-52.

Helg, Aline. "Simon and the Spectre of Pardocracia," *Journal of Latin American Studies* 35:3 (Aug. 2003), 447-471.

Kerber Linda K. "From the Declaration of Independence to the Declaration of Sentiments: The Legal Status of Women in the Early Republic 1776-1848," *Human Rights* 6:2 (Winter 1977), 115-124.