Cartas Orientales: Letter Writing and Legal Experimentation in Santiago de Cuba, 1801-1809

In 1808, the people of Santiago, Cuba wrote a letter to Cuba’s Eastern Department governor, Sebastián Kindelán y O’Regan. The letter was a reaction to Spain’s declaration of war on Napoleonic France, and to the presence in Cuba of French exiles from the former French colony of Saint Domingue. The representatives asked Kindelán to intercede on their behalf and to petition Havana and Spain’s Supreme Central and Governing Junta of the Kingdom, in Seville, to expel the Saint Dominguan exiles. The letter’s signatories charged these refugees from Haiti’s revolution with various acts of treason—mostly smuggling, piracy, and public disloyalty. This paper will argue that letters like these were representative of Cubans’ willingness to contest colonial authority, by pitting officials representing competing jurisdictions within Spain’s colonial structure against one another and building arguments on dual pillars of Spain’s long casuistic legal tradition and new Enlightenment concepts like felicidad publica, or public happiness.

The eighteenth century’s Age of Enlightenment gave rise to the Republic of Letters, a transnational and democratized polity within which bourgeois intellectuals exchanged politically discursive and—most importantly—public correspondence. Letters became, for the middle class, a mechanism for acquiring power, while simultaneously denying power to other groups.

---

1 Ministry of Education, Culture, and Sports; *El pueblo de Santiago de Cuba por medio de unos individuos que actuan como representantes solicitan la expulsion de los franceses de la isla de Cuba por considerarlos traidores al rey. Santiago, 12/28/1808. ES.28079.ANH/1.1.19/ESTADO, 59, A; N.32; images 164-169* (accessed 2/10/17). In the interest of brevity, henceforth the letter is cited as *El Pueblo de Santiago to Kindelán*.


Letter writing, together with print media and salon culture, also produced a public realm within which citizens of the Republic of Letters engaged in political discourse and put pressure on their respective state authorities to respond to public demands. Government officials across Europe and the Americas answered public debates by enacting policies to promote public happiness and maintain stability. In this way, letter writing defused power within a democratized framework and empowered the rising middle class to seek justice and promote administrative experimentation. Spanish America provided testing grounds for Spanish authorities to implement Enlightened reforms, and Cuba in particular—because of its place on the colonial periphery and its unique function as an imperial military stronghold—served as the ideal laboratory for assessing the efficacy of new colonial policies and administrative practices.4

Throughout the eighteenth century, Spain’s Bourbon Dynasty monarchs—Charles III and Charles IV—responded to military defeat and public demands by calling for a series of military and economic reforms meant to maintain felicidad publica. The Santiagans wrote their letters to, and about, Kindelán as this period of Bourbon reforms came to a close. Likewise, Saint Dominguan exiles arrived in eastern Cuba amidst Haiti’s revolution, and the relative international chaos precipitated by Napoleon’s European military campaigns. In 1808, Spain found itself in turmoil and switched sides of Europe’s Peninsular War. Spain’s Bourbon king, Charles IV, originally allied with Napoleon against neighboring Portugal. King Charles IV and his favorite minister, Manuel Godoy, negotiated the Treaty of Fontainebleau which removed Portugal from the French emperor’s official list of nations, and agreed to the partition of Portugal. Many in Spain, and throughout the empire, suspected Godoy controlled the levers of government. Godoy’s unpopularity reached a boiling point in early 1808, and Prince Ferdinand

---

VII—son of King Charles IV—persuaded the king to abdicate his throne and live in exile with Godoy. When they wrote to the king and his officials, the people of Santiago used Godoy’s name in their letter to curry favor, and as early as 1807 suggested they pursued their anti-French agenda “with… the favor of Don Manuel Godoy.” After Charles IV’s abdication, Ferdinand attempted to negotiate a new treaty with France, but Napoleon imprisoned the young Bourbon king and installed his brother, Joseph Bonaparte, as King Jose I of Spain and the Indies. Following Ferdinand’s imprisonment, Bourbon authorities remained loyal to Ferdinand and quickly moved to form juntas, including the Supreme Junta in Seville. Most of Spain’s American possessions also remained nominally loyal to the Bourbon dynasty and answered to the loyalist juntas and cortes. Most Spanish subjects in the Americas were Bourbon loyalists and accused French exiles in Cuba of working against Bourbon interests in favor of Bonapartist Spain and France.

The turmoil in Europe spilled over to the Americas, and the Caribbean was a central theater for European political battles. The slave revolt on Saint Domingue, eventually became the Haitian Revolution, and represented one front in a multi-front French war effort. White French planters from the former French colony of Saint Domingue fanned out across the Caribbean in search of safe harbor. Because France and England were at war, French exiles were unwelcome in Jamaica and other British possessions, so Cuba served as a refuge for some of

---

5 Ministry of Education, Culture, and Sports; Gobernador Habana sobre preteccióon a emigrados franceses, 2/12/1807; ES.41091.AGI/21.1.14//ESTADO, 12.N.39; images 164 (accessed 3/1/17). In the interest of brevity, henceforth the letter is cited as El Pueblo de Santiago to Someruelos.

these French exiles. At that time, Spain considered Cuba a colonial backwater, but its relatively small slave population and economy dependent on Spanish military spending received a boost with the arrival of the Saint Dominguan planters. Cuba’s coffee and sugar production increased in the years following Haiti’s revolution, but much of the success eluded native-born Cubans. Anti-French sentiment built throughout the first decade of the nineteenth century until Spanish authorities declared war on France and in March 1809. And in that year, Spain issued a decree ordering the expulsion of all foreigners from Spanish territories. Ultimately, Saint Dominguean refugees, now exiled from Cuba, found their way to the United States and entered through the port of New Orleans, a city the United States acquired less than a decade earlier from the cash-strapped French government. The French presence in Cuba during the opening decade of the nineteenth century remade the Cuban economy, and while an economic lull followed the French exodus, by mid-century Cuba emerged as a major participant in the Caribbean slave trade and world’s premier producer of sugarcane. The French presence in Cuba prompted the large-scale transition to a lucrative sugar-based economy, but as inequalities grew between the French exiles and their hosts, Cuban creoles manipulated the colonial systems and spoke in terms of felicidad publica to deny the French legal rights and status.

The letter from Santiago to Kindelán was one of many written by Eastern Cubans (or Orientales) to various representatives of Spain’s colonial apparatus. Santiago’s representatives also wrote to the Governor of Havana, and Kindelán’s superior within the colonial hierarchy, the Marquis de Someruelos. In their 1808 letter to Someruelos, the Santiagans criticized Kindelán’s

---

closeness with the French, accusing him of subversion and treason, saying Kindelán was, “a Machiavellian man…[that] pained to plant French ideals.”⁹ This letter, written after King Ferdinand VII’s imprisonment, came at a time when Spain was at war with France and experienced an existential crisis. While Napoleon installed his brother Joseph as the new king of Spain, many peninsular and creole Spaniards debated publically, formed governing juntas, and believed that in the absence of the true monarch, sovereignty reverted to the people. As they explained to Someruelos, the people of Santiago felt like second class citizens compared to the French refugees who prospered under Kindelán’s protection. According to the Santiagans, French refugees, “went to Cuba saying that they were expelled by the black people of the island of Santo Domingo…[and were] looking for hospitality.”¹⁰ Yet, as the Santiagans noted, the French came to dominate the economy of eastern Cuba, with the help of their large slave labor force, and evidenced by their, “luxuries and haciendas,” where the Santiagans insisted their French neighbors enjoyed “the best of life.”¹¹ Kindelán’s coziness with the French served as an indictment of his loyalties, and disadvantaged local creoles who could not compete economically with the French sugar planters, but it also portended greater systemic issues for the colony.

*Orientales*, throughout their correspondence with colonial officials, accused the French of smuggling, selling, and maintaining stockpiles of contraband, specifically weapons. In their letter to Someruelos, the Santiagans produce a litany of armaments the French “clandestinely” smuggled “in the public square without some kind of condemnation.”¹² As an example, the list of contraband allegedly smuggled into Cuba by the French frigate Nanci included spears and a

---

⁹ *El Pueblo de Santiago to Someruelos*, image 164
¹⁰ *El Pueblo de Santiago to Someruelos*, image 165
¹¹ *El Pueblo de Santiago to Someruelos*, image 165
cache of “163 rifles, 150 pairs of pistols, and 150 units of gunpowder” found by Don Andres, one of the letter’s signatories. The Santiagans also accused Kindelán of turning a blind eye to French exiles who operated businesses, “without paying the royalties paid by the Spaniards,” and for allowing the French to “immerse themselves in everything.” These charges brought against Kindelán by the Santiagans are of a serious nature and hoped to prove Kindelán’s treatment of the French was a treasonous attempted by the Eastern Department’s governor to hedge his position of privilege, at the expense of public happiness, in the event Spain’s Bonapartist government gained legitimacy.

Similar to their accusations of Kindelán’s permissiveness in light of French smuggling and tax evasion, the Santiagans also accused Kindelán of wholesale corruption and nepotism. These accusations flew against the traditional Spanish belief in bien comun (the common good) and centuries covenant to stamp out mal gobierno (bad government). In Spanish legal philosophy, the king and his government were supposed to maintain and act in the interest of the common good, and Spanish subjects expected the divinely anointed king to remove ineffective or corrupt government officials. The Santiagans’ case against Kindelán made several attempts to paint their governor as the epitome of mal gobierno, when the signers not only pointed to his “Machiavellianism,” but also suggested he filled senior positions in the government with family members, many of whom were ineffective and contributed to the deteriorating conditions about which they complained. In their letters, the Santiagans describe a web of interconnected families receiving official government positions, and appointed directly by Kindelán, including, “senior assistant Mariano Sanchez...married to [the] sister of the Governor,” and “Colonel Don

---

13 El Pueblo de Santiago to Someruelos, image 166
14 Comunicaciones sobre la lealtad de la Isla de Cuba, image 126
15 Comunicaciones sobre la lealtad de la Isla de Cuba, image 124
The Santiagans argued the French were able to smuggle weapons, precisely because, “there were no forces to oppose [the French corsairs] because the militia is commanded by Colonel Don Antonio Moro de la Torre.”

Arguments against Kindelán’s alleged corruption were based on his inability to preserve the common good and the nepotism that the Santiagans argued promoted mal gobierno. Officials’ mal gobierno flew against the common good and damaged the colonial administration’s claims to protecting felicidad publica.

To be sure, the arguments made against Governor Kindelán were rooted in Spanish legal thought and showed tremendous agency on the part of the Orientales to manipulate Cuba’s colonial administration. By 1809, the governing junta removed Governor Kindelán from his post, and while he would later receive even higher appointments, the Santiagans succeeded in removing an official they perceived as a threat to their interests. When letters to Kindelán remained unanswered, the people of Santiago appealed to the governor of Havana for support against a political rival, one whose jurisdiction conflicted with that of the more established and higher-ranked Marquis de Someruelos. The power of this letter writing campaign exemplifies the shifts in power to non-administrative and creole actors within the Spanish American colonial framework. Indeed, the letter writing campaign’s public appeals and jurisdictional interplay, coupled with the Santiangans masterful use of Spanish legal philosophies and traditions, enabled a few Spanish subjects from a provincial capital on an island some considered a colonial backwater to affect change within one of the world’s largest imperial structures.

---

16 Comunicaciones sobre la lealtad de la Isla de Cuba, image 130
17 Comunicaciones sobre la lealtad de la Isla de Cuba, image 166