

ORIGINAL ARTICLE

INTERNATIONAL LEGAL THEORY

Francisco de Paula Santander and Haiti, 1824–5: Non-solidarity, neocolonialism, and the Haitian Revolution in the origins of Latin American international law

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Abstract

This paper contests the neglect of the non-solidarity of the new Latin American republics as a causal factor in the international isolation of Haiti during the early nineteenth century, and the consequent imposition of European neocolonialism in the region. Moreover, in doing so, the paper also unearths the historically ambiguous relationships of non-intervention and regionalist internationalism to empire in Latin America. Whereas these two principles have since been recognized by scholars as key, anti-imperialist features of Latin American international law, this paper argues that, in the context of Colombian–Haitian (dis) engagement during the mid-1820s, they were used to legitimize the refusal of anticolonial solidarity to Haiti when it was needed most, thereby enabling French and wider European imperialism.

Keywords: Anticolonial thought; counter revolution; Latin Americanism; Latin American international law; non-intervention

1. Introduction

Although relatively unknown, the January 1825 address of Vice-President Francisco de Paula Santander (1792–1840) to the Colombian Congress in Bogotá was more significant in the historical development of post-independence international order in the Americas than the US Monroe Doctrine 14 months earlier.¹ Specifically, by refusing an alliance between Colombia and the Republic of Haiti to help defend the latter against re-subordination by France, Santander consolidated the legal exclusion of Haiti and its *sui generis* model of anticolonial social revolution from the still-nebulous regional order that was taking shape as a result of the ‘first wave of decolonisation’ in the Americas.²

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¹F. de Paula Santander, ‘Address to the Senate and Chamber of Representatives, Bogotá, 2 January 1825’, in L. H. López (ed.), *A los colombianos: proclamas y discursos, 1812–1840* (1988), at 205; J. Monroe, ‘Monroe Doctrine; December 2 1823’, *The Avalon Project*, available at www.avalon.law.yale.edu/19th_century/monroe.asp

²M. Thurner (ed.), *The First Wave of Decolonization* (2019).

From 1791 to 1804, a slave rebellion in the French plantation colony of Saint Domingue developed into a full-scale social revolution that abolished black slavery and created the independent state of Haiti. Despite Haiti's apparent marginality in modern Latin America, the impact of these events reverberated throughout the region. The new Haitian state represented a fundamental challenge to what one beleaguered French officer called the whole 'chain of colonial possession of Europe in the New World'; that is, the Haitian Revolution was not only a problem for the French empire but for European colonialism as a whole in the Greater Caribbean, including all of the Spanish colonies in the region.³ This was because the Haitian Revolution rejected a basic material practice – enslaved black labour – that was shared across all of the European colonial empires and settler colonies in the region; a constitutive feature of the system of colonial capitalism that was not reducible to a single imperial state. Thus, the international reaction to the new Haitian polity was, for the most part, either to support efforts of reconquest or to exclude the new state by withholding recognition and limiting commerce.

The new Republic of Colombia (established 1819) could have disrupted Haitian exclusion from the international legal order by accepting the 1824 appeal of Haiti for an alliance against the French and Spanish empires. Instead, and in spite of a decade of Haitian solidarity with the Colombian independence struggle against Spain, Santander refused the request, isolating Haiti in its resistance to French reconquest. As a result of the Colombian government's non-solidarity, the fact and principle of Haitian exclusion or else unequal integration was consolidated as a litmus of legitimate legal order in the nineteenth-century Atlantic. Thus, the conditions of possibility for neocolonialism in the Americas were substantially widened. This new situation was quickly concretized by the regime of debt and commercial dependency that Haiti was forced to accept as a condition of French recognition of its political independence.⁴

An alternative future for nineteenth-century international order was lost in this decisive moment of Colombian non-solidarity with Haiti. The agreement of Colombia to formally ally with Haiti, and to include it within the inter-republican legal regime being created by a number of the new Spanish American states during the mid-1820s, might have empowered Haiti to effectively refuse French demands. As a result, there could have been more scope for the development of postcolonial popular sovereignty and the normalization of revolutionary forms of slavery abolition during the nineteenth century, not only in the Francophone Caribbean but throughout the Americas. Moreover, the decision of the Colombian government to withhold solidarity from Haiti was a genuine 'turning point' in the sense of being structurally under-determined: republicans in Colombia had a tradition of solidarity with independent Haiti, and there still existed powerful social forces inside Colombian society that were supportive of this relationship.

In arguing for the formative impact of Colombian non-solidarity with Haiti upon the (re) formation of international order in the Atlantic world, this paper intervenes in debates about the relationship between (social) revolution and international law. In particular, it extends that discussion back into the early nineteenth century, whereas the 2021 volume on this theme edited by Kathryn Greenman et al. is focused on the 1917 conjuncture marked by the Mexican and Russian Revolutions.⁵ Several of the questions posed by that work, such as the legitimacy of counter-revolutionary intervention and the relationship between international organizations and revolutionary states, are applicable to how the Haitian Revolution developed in the context of the law of nations between the 1800s and 1820s, too. Moreover, the case study of Haiti and Colombia indicates ways to expand and refine this discussion, including the exploration of (non-) intervention in terms of mutual support among revolutionary states.

³The Comte de Rochambeau (1802) quoted in: A. Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (2014), at 158.

⁴L. Obregón, 'Empire, Racial Capitalism and International Law: The Case of Manumitted Haiti and the Recognition Debt', (2018) 31(3) *Leiden Journal of International Law* 597.

⁵K. Greenman et al.(eds.), *Revolutions in International Law: The Legacies of 1917* (2021).

The paper also intervenes against the tendency to neglect regions of the now-called Global South in historical processes of international and global (re)ordering. A number of historians have begun this work of de-provincializing the Global South,⁶ including in the case of nineteenth-century Latin America. Obregón, Fawcett, Lorca, Scarfi, and Corredera, among others, have all contributed to a renewed interest in the substantive contributions of Latin American thinkers, traditions, and institutions to the historical development of international law and order during the nineteenth century.⁷ However, there remains a tendency in this new work to ignore or marginalize the *early* nineteenth century, and especially the revolutionary period in Spanish America between 1808 and 1830.⁸

This neglect is partly due to the nebulous and inchoate character of international law in Latin America in this period compared to the later nineteenth century, when the field became more consolidated in theory and practice. However, international law as it then existed in the Atlantic world – in the ‘law of nations’ as a political language and as a set of conventional interpolity practices – was nevertheless an immediate concern of the independence movements in Spanish America after 1808. Spanish American separatists faced a similar dilemma to that sketched out for the early USA by Eliza Gould: as marginal new powers in the Atlantic system they were compelled to consolidate their *de facto* independence by gaining *de jure* recognition from more powerful European empires, or else face the material precarity created by exclusion.⁹ This pursuit of what Gould calls ‘treaty-worthiness’ in the eyes of Europe involved familiarity with the actually-existing law of nations as a means and object of negotiation about the political and economic order of the contemporary Atlantic world. As Sundhya Pahuja argues of the modern Global South, ‘not everyone has the luxury of disengagement with international law. For some – possibly most – of the world, if they don’t do international law, international law will “do” them.’¹⁰

Thus, the meaning and scope of international law in early-nineteenth-century Latin America entailed the use of the political language and practices of the law of nations concerning the origin, duties, and rights of state sovereignty, the nature of civil war and secession, and the extent and conditions of colonial subjects’ lawful obedience to their imperial sovereign, among several other questions. It was used by Latin American actors primarily to help their new states achieve a stable position in relation to the existing international order of the Atlantic world. This law of nations was an originally European tradition which had attained an increasingly transatlantic scale through the American Revolution of the 1770s and 1780s, and the Spanish American wars of independence of the 1810s and 1820s were another important moment in this process of globalization. Moreover, Spanish American engagement with the law of nations after 1808 was not reducible to adaptation or conformism. Rather, political and legal thinkers in the new states were also actively imagining new norms and institutions for a distinctively American law of nations, understood either as compounding or, in some cases, discarding its European predecessor. The most concrete product of this thinking was the (ultimately ephemeral) Congress of Panamá,

⁶L. Eslava, M. Fakhri, and V. Nesiah (eds.), *Bandung, Global History, and International Law: Critical Pasts and Pending Futures* (2017); A. Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (2019); L. Obregón, ‘Peripheral Histories of International Law’, (2019) 15(1) *Annual Review of Law and Social Science* 437; C. Thornton, ‘“Our Balkan Peninsula”: The Mexican Question in the League of Nations Debate’, (2021) 46(2) *Diplomatic History* 237.

⁷L. Obregón, ‘Between Civilisation and Barbarism: Creole Interventions in International Law’, (2006) 27(5) *Third World Quarterly* 815; L. Fawcett, ‘Between West and Non-West: Latin American Contributions to International Thought’, (2012) 34(4) *The International History Review* 679; A. Becker Lorca, *Mestizo International Law: A Global Intellectual History, 1842–1933* (2014); J. P. Scarfi, *The Hidden History of International Law in the Americas: Empire and Legal Networks* (2017); E. Jones Corredera, *Odious Debt: Bankruptcy, International Law, and the Making of Latin America* (2024).

⁸Exceptions include: T. Long and C.-A. Schulz, ‘Republican Internationalism: The Nineteenth-Century Roots of Latin American Contributions to International Order’, (2021) 35(5) *Cambridge Review of International Affairs* 639; and Jones Corredera, *supra* note 7.

⁹E. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (2012).

¹⁰S. Pahuja, ‘Changing the World: The Ethical Impulse and International Law’, in G. Simpson (ed.), *Who’s Afraid of International Law?* (2014), at 35.

associated with Simón Bolívar yet involving a politically diverse range of Colombian and other Spanish American republicans, including Santander. This (attempted) regionalist institution-building was another important feature of international law in Latin America during the 1820s.

Moreover, the new scholarship on nineteenth-century Latin American international law also has a methodological tendency to analyze legal activity in the region in terms of bottom-up ‘weapons of the weak’. That is, as the exploitation of hegemonic structures of power from a peripheral position in the global order to achieve necessarily marginal gains.¹¹ This bottom-up focus makes more sense after 1830 than before, however. As Joshua Simon and others have pointed out, the US did not realize an objectively dominant position in the interpolity order of the hemisphere until the 1840s, after the partly contingent fragmentation of large and competitive state projects in Colombia, México, and Atlantic South America.¹² During the brief 1820s moment of hegemonic potential for the Colombian state (before its break-up into Colombia, Venezuela, and Ecuador), therefore, Latin American interactions with a still-malleable international legal regime in the Americas were not necessarily ‘from below’ at all.

This paper is also intended, at a more specific level, as an intervention in the debate about the international (non-)isolation of independent Haiti during the first three decades of the nineteenth century. The paper contests the neglect of the revolutionary new states in mainland Spanish America, especially ‘Gran Colombia’,¹³ in recent accounts of this history of international exclusion and subordination. For the most part, scholarship on Colombian (dis)engagement with Haiti during this period has been produced by historians focused on the social and political histories of Colombia and the Spanish Caribbean, such as Marixa Lasso’s work on the Afro-Colombian experience of the age of revolutions and Edgardo Morales’ work on patriot privateers.¹⁴ Scholarship focused on Haiti itself, by contrast, has tended to overlook Colombia. For example, Julia Gaffield’s work on the *de facto* resilience of certain commercial links between Haiti and foreign states after 1804 makes almost no mention of mainland Spanish America; and whereas this scope makes sense insofar as Gaffield’s intervention is intended to contest the prevalent assumption of Haiti’s absolute isolation – not only juridical and political but also economic – by now-called ‘Western’ powers (the European colonial empires and the USA) after independence, the omission of revolutionary Colombia, which formed substantial economic and political links with Haiti after 1808, seems peculiar in an argument emphasizing the non-isolation of Haiti during the early nineteenth century.

The most specific intervention in this paper, as part of its wider move against the omission of Colombia from histories of Haitian isolation, responds to Liliana Obregón’s account of Haiti’s re-subordination to the French empire during the 1820s. Obregón explains the process by which Haiti was coerced by France to accept a fatal volume of debt as the condition of its political independence, thus creating a relationship of long-term neocolonial domination and exploitation, by analogy to the legal regime of slave manumission inside European colonial empires which operated at the level of individual enslaved persons, and under which freed slaves could never become as free as the freeborn due to various material and legal impediments created by manumission. Thus, the dilemma of postcolonial Haiti under the conditions of French

¹¹E.g. G. de la Reza, ‘Antecedentes de la integración latinoamericana: los congresos de unión y confederación del siglo XIX’, (2000) 127 *Revista de Historia de América* 95; see Lorca, *supra* note 7.

¹²J. Simon, *The Ideology of Creole Revolution: Imperialism and Independence in American and Latin American Political Thought* (2017).

¹³The historiographical term commonly used for the Republic of Colombia during the period 1819–31, when it comprised modern-day Colombia, Panama, Venezuela, and Ecuador.

¹⁴M. Lasso, *Myths of Harmony: Race and Republicanism during the Age of Revolution, Colombia, 1795–1831* (2007); E. Pérez Morales, *No Limits to Their Sway: Cartagena’s Privateers and the Masterless Caribbean in the Age of Revolutions* (2018). See also A. Helg, *Libertad e igualdad en el Caribe colombiano, 1770–1835* (2011); E. Bassi, *An Aqueous Territory: Sailor Geographies and New Granada’s Transimperial Greater Caribbean World* (2016).

neocolonialism was analogical to that of the individual manumitted slave; both were forms of 'burdened membership'.¹⁵

In Obregón's account, however, there is only a passing mention of the fact that Jean-Pierre Boyer (1776–1850, r. 1818–1843), the Haitian president who ultimately had to agree to the French debt demands, reached out to Colombia in 1824 as a last-ditch alternative to capitulation to France.¹⁶ Obregón's brevity is partly understandable in the context of an intervention intended to set out the political, political-economic, and legal dynamics of the neocolonial regime forged by France in the early-nineteenth-century Caribbean. Moreover, normatively, it is intuitive that the French empire carries qualitatively more responsibility for the neocolonial subordination of Haiti, which it actively imposed, than the neglect of Colombia to prevent that imposition. Thus, it seems untoward to give Colombian inaction during the mid-1820s comparable attention to French colonialism. In causal, historical terms, however, Colombian non-solidarity was a major factor in Haiti's regression to colonial domination during the 1820s. In addition to French imperial ambition and the recalcitrant demands of slaveowners dispossessed by the Haitian Revolution, the refusal of anticolonial solidarity by the new republics of Latin America, represented principally by Colombia, was a vital condition of possibility for the development of neocolonialism in the region.

Lastly, in analyzing the Colombian relationship with Haiti during the 1810s and 1820s, this paper illuminates an unsettling dimension of the historical development of Latin American international law in general during the nineteenth century. The paper is able to do this because the question of Haiti in particular represented a litmus test of an actor or tradition's relationship to the (neo)colonial character of international order in the nineteenth-century Atlantic, due to how Haiti embodied the anti-systemic horizon of anticolonial revolution in this historical conjuncture. The question of Haitian exclusion was co-constitutive with the colonial character of the nineteenth-century world system.¹⁷ In this context, the decision of Colombian officials to join in the exclusion of Haiti exposes the underside of two hallowed features of the Latin American international legal tradition: the principles of non-intervention and regional cooperation. Both of these principles, that were already emerging in the legal and political discourses of the new Spanish American republics, were utilized by Santander to justify Colombian non-solidarity with Haiti in 1824–5. Thus, in responding to the need for an earlier history of Latin American international law, this paper uncovers how defining anti-imperial norms of legal thought in Latin America had an originally ambiguous relationship to colonialism.¹⁸

2. Colombia and Haiti in context: Haitian exclusion before 1808

The early nineteenth century was a moment of formative, global reordering in the Atlantic and wider world in the contexts of the age of (counter-)revolutions, and especially the French Revolutionary and Napoleonic Wars, and the expansion of British imperial power, including in Latin America.¹⁹ It was a period of diverse and conflictive projects of region-making and world-making which always involved the political idiom of the law of nations. By 1824–25, the projects of international (re)ordering that were at play in Spanish America and the circum-Caribbean included the counter-revolutionary 'Holy Alliance' regime represented by France, especially; the

¹⁵See Obregón, *supra* note 4. On the similar concepts of burdened membership and 'unequal integration', as distinct from exclusion, in the study of international law in relation to imperialism, see Getachew, *supra* note 6, at 18–20.

¹⁶See Obregón, *supra* note 4, at 610.

¹⁷A. Anghie, *Imperialism, Sovereignty and the Making of International Law* (2005).

¹⁸In this sense the paper also complements Teresa Davis' rereading of the relationship between Latin American international law and imperialism during the later nineteenth century: T. Davis, 'The Ricardian State: Carlos Calvo and Latin America's Ambivalent Origin Story for the Age of Decolonization', (2021) 23(1) *Journal of the History of International Law* 32.

¹⁹L. Benton and L. Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (2016); C. Bayly, *Imperial Meridian: The British Empire and the World, 1780–1830* (1989); D. Armitage and S. Subrahmanyam (eds.), *The Age of Revolutions in Global Context, c. 1760–1840* (2010).

evolving, global legal regime of the British empire; and the inchoate, hemispheric ambitions of the United States.

There were tensions between these different visions for international order in the Americas, especially in how they related to the independence revolutions in Spanish America, but the degree of difference can be overstated. In particular, all of the Holy Alliance, the British empire, and the USA were adherent to the inter- and trans-national counter revolution against Haiti. This counter-revolutionary project was as formative to the nineteenth-century global order as the more acknowledged Counter Revolution against France after 1789. Whereas there were differences between the various Atlantic powers in how they related to the revolution in metropolitan France, all of them were united against the revolution in the French empire as it had developed in Saint Domingue/Haiti since 1791, under conditions of violently racialized class hierarchy and colonial capitalism that were absent in the metropole; the imperatives of colonial capital and the global colour line made counter revolutionaries of them all, including many of the most fervent Anglo-American republicans.²⁰

The defining principle of this counter revolution against Haiti was based on a fear of diffusion, which underpinned the systemic and multi-imperial effort to prevent ‘another Haiti’ after 1791.²¹ In the Americas, Haiti had crystallized the transnational, ruling-class fear of the revolutionary potential of enslaved black labour inherent to the contradictions of colonial capitalism and its plantation system. The counter revolution against Haiti became about preventing the wider diffusion of this challenge. Thus, all of the established imperial and national states in the vicinity of Saint Domingue/Haiti took measures to either eradicate or contain the social-revolutionary project there, at least insofar as it threatened to spread to their own territory. British imperial forces mounted an unsuccessful invasion of Saint Domingue during the 1790s, intent on seizing the territory from republican France and re-enslaving its black labourers after 1794.²² And in Spain’s American empire, too, diverse measures were taken to prevent the spread of the Haitian revolutionary model.

The Spanish state attempted to embargo the import of ‘negros franceses’ – enslaved black labourers who had come from or passed through French colonial territory – now identified as a vector of black revolution. The Spanish government also attempted to interdict the flow of information about events in Saint Domingue/Haiti, especially among black and enslaved subjects.²³ It had soon become the common sense of both white *peninsulares* and creoles in the Spanish Caribbean – especially the slave societies of New Granada and Cuba – that ‘another Haiti’ represented a possible form of apocalyptic, civilizational collapse for the colonial mode of production and social organization which they ruled and profited from.²⁴

By 1808, when the Spanish American wars of independence began on the mainland, the counter revolution against Haiti had become manifest in the international legal order by the *de jure* non-recognition of Haitian independence. The 1804 Haitian Declaration of Independence was recognized neither by France nor neutral and enemy states, including those that practically collaborated with Haitian governments at certain moments during the Napoleonic Wars, such as Britain and the US.²⁵ Haiti was, thus, quickly and systemically excluded from the European law of nations and the legal rights and protections thereof. This exclusion was motivated by the ideas that

²⁰M. Schoenbachler, ‘Republicanism in the Age of Democratic Revolution: The Democratic-Republican Societies of the 1790s’, (1998) 18(2) *Journal of the Early Republic* 237; G. Brown, *Toussaint’s Clause: The Founding Fathers and the Haitian Revolution* (2005).

²¹See Ferrer, *supra* note 3; see Lasso, *supra* note 14.

²²C. L. R. James, *The Black Jacobins: Toussaint L’Ouverture and the San Domingo Revolution* ([1938, 1962] 1989), at 199–224.

²³See Ferrer, *supra* note 3, at 44–82.

²⁴A. Helg, ‘Simón Bolívar’s Republic: A Bulwark against the “Tyranny” of the Majority’, (2012) 20(42) *Revista de sociología e política* 21.

²⁵J. Gaffield, *Haitian Connections in the Atlantic World: Recognition after Revolution* (2015).

diplomatic and legal relations were a potential conduit of revolutionary diffusion and, relatedly, that the law of nations required a certain ideological homogeneity as a condition of membership (a similar logic had been used to justify counter-revolutionary warfare against republican France inside Europe during the 1790s)²⁶.

Thus, by 1808 a legal *cordon sanitaire* had been created around revolutionary Haiti by the collective non-recognition of its independence by the established, sovereign members of the European law of nations. Moreover, this multilateral posture of containment could be readily escalated to military aggression, as evidenced by the invasions of Saint Domingue by Britain and Spain during the 1790s, and by France after 1801. Denied the *de jure* rights of sovereignty, Haiti existed in a permanent condition of *de facto* precarity in the Caribbean, exposed to acts of violence by European states and the US that would have been illegitimate among mutually recognized sovereigns. And whereas Gaffield's work on the continuity of Haitian commerce with certain foreign markets after 1804 complicates the analytical metaphor of *absolute* Haitian isolation, it does not question the material significance of Haiti's legal exclusion from sovereign statehood, including by those states which (occasionally) permitted trade regardless.²⁷

The dilemma created for Haiti by its neighbours' non-recognition was comparable to but qualitatively more severe than that faced by the early Anglo-American republic in its pursuit of full 'treaty-worthiness' after 1776.²⁸ Whereas Gould has set out the international precariousness of US security, citizenship, commerce, and property during this period, the process of US inclusion in the European law of nations began relatively quickly, with French recognition as early as 1778. In part, this was because the American Revolution predated 1789 and the consequently heightened sensitivity among European ruling classes to the potential for revolutionary diffusion across borders. But the less onerous experience of the US was also due to the fact that, in the colonial context of the Americas and in terms of the political economy of colonial capitalism, the American Revolution simply did not present a comparable threat to the Haitian.

The North American revolutionary project was a white settler revolution committed to the basic, racialised processes of extraction and production inherent to the existing colonial economic order of the Americas. In fact, in important ways, the American Revolution was intended to deepen these processes by opposing the limited restrictions on territorial expansion and slavery imposed by the British imperial state.²⁹ Moreover, the ideological republicanism of the Anglo-American revolutionaries did not obstruct their egalitarian material objectives because of how they demarcated the category of republican citizenship along social and racial lines, limiting its dividend to propertied white men.³⁰

By contrast to this Anglo-American horizon, the Haitian Revolution represented an anticolonial *social* revolution. Haitian revolutionaries contested the basic structure of contemporary colonial capitalism by embracing the forcible abolition of black slavery (from 1794) as an integral feature of republican self-government.³¹ Thus, Haiti was quickly identified by planter elites in the circum-Caribbean, including the southern states of the US, as an antithetical model to the existing labour regime in the Americas. By overthrowing the

²⁶Such as in Burke's call for a war of extermination against the French Republic: E. Burke, *Select Works of Edmund Burke*, vol. 3: *Letters on a Regicide Peace* (E. J. Payne (ed.), 1999).

²⁷See Gaffield, *supra* note 25.

²⁸See Gould, *supra* note 9, at 111–77.

²⁹See Simon, *supra* note 12, at 1–88; G. Nash, 'Sparks from the Altar of '76: International Repercussions and Reconsiderations of the American Revolution', in Armitage and Subrahmanyam, *supra* note 19, 1.

³⁰A. Rana, *The Two Faces of American Freedom* (2010); J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* ([1975] 2016), at 506–52.

³¹See James, *supra* note 22; C. Fick, 'From Slave Colony to Black Nation: Haiti's Revolutionary Inversion', in J. Tutino (ed.), *New Countries: Capitalism, Revolutions, and Nations in the Americas, 1750–1870* (2016), at 138; S. Hazareesingh, *Black Spartacus: The Epic Life of Toussaint Louverture* (2021); L. Dubois, *Avengers of the New World: The Story of the Haitian Revolution* ([2004] 2022).

social institution of enslaved black labour – an objective not only neglected but actively opposed by the Anglo-American revolutionary elite – the Haitian Revolution infringed upon a basic presupposition of the existing transimperial *status quo*. As a result, Haiti animated a latent, reactionary solidarity among the ruling classes of the different European empires; a solidarity capable of subsisting even amid the inter-imperial conflicts of the Napoleonic Wars.³² Thus, unlike the United States, no amount of compromise on the part of independent Haiti was capable of making it ‘treaty-worthy’ in the view of its European neighbours, except under the neocolonial terms set out by Obregón.³³ The conditions of possibility for Haiti to achieve equal integration into the European law of nations were, therefore, qualitatively narrower than those under which the early US had acted because, in the context of colonial capitalism, the Haitian Revolution was just more revolutionary.

Among the various participants in the counter revolution against Haiti after 1791 there were distinct ideological emphases and practical contributions. Thus, both the Napoleonic and Bourbon French empires emphasized the French claim to imperial sovereignty of Saint Domingue, delegitimizing the Haitian revolutionaries as rebels.³⁴ The other members of the European law of nations, now including the US, were then able to use French non-recognition as a license to do the same, out of deference to the rights of France in an internal affair. The European empires also exploited the political language of anti-Jacobinism to denounce Haiti, identifying the Haitian Revolution as an integral part of the republican tradition begun in Paris in 1789. Thus, the British politician (and abolitionist), Henry Brougham, wrote in 1803,

The Negroes [of Saint Domingue] are truly the Jacobins of the West: they are the anarchists; the terrorists; the domestic enemy: against them it becomes rival nations to combine, and hostile governments to coalesce.³⁵

Moreover, British imperial voices, especially, condemned the Haitian model of the revolutionary self-liberation of enslaved black workers from the standpoint of gradualist slavery abolition. Top-down, gradualist abolition was justified as the best means to avoid ‘another Haiti’, and, thereby, to construct the legal freedom of black labour in the circum-Caribbean without disrupting plantation export-agriculture and the existing material relations of exploitation between white landowners and black farmworkers.³⁶ This conservative logic – of anti-Haitian abolitionism – quickly became a popular argument elsewhere in the Atlantic world, including republican Colombia.³⁷

Insofar as the US iteration of the counter revolution against Haiti was distinctive it was not less intense due to republicanism but rather more intense due to geographical proximity. Thus, unlike Britain, the US did not follow France in recognizing Haitian independence after 1825.³⁸ For the independent Anglo-American settler colony, unlike the European colonial empires, its plantation agricultural zone in the circum-Caribbean that was vulnerable to the ‘contagion’ of Haitian revolution was internal to its body politic; there was no metropole/colony divide, however

³²See the Comte de Rochambeau’s 1803 appeal to neighbouring European powers for an inter-imperial ‘police alliance’ aimed against all of the ‘blacks who work the land and the blacks employed in manufacture’ in the Caribbean, in Ferrer, *supra* note 3, at 158.

³³See Obregón, *supra* note 4.

³⁴See Gaffield, *supra* note 25, at 17–60.

³⁵H. Brougham, *An Enquiry into the Colonial Policy of the European Powers* (1803), 2, at 311. Burke also interpreted the Haitian revolutionaries as Jacobins: see Burke, *supra* note 26, at 165–167.

³⁶J. Almeida, “Princely Offspring of Braganza”: The “Brazil Plan” for Portugal and the Miscarriage of British Abolition, 1806–1815’, (2017) 56(1) *Studies in Romanticism* 55.

³⁷E.g. ‘Letter S. Bolívar to F. Santander, San Cristóbal, 18 April 1820’, in V. Lecuna and M. Pérez Villa (eds.), *Cartas del Libertador* (1929–59), 2, 87 at 87.

³⁸The federal government would not recognize Haiti until 1862, during the US Civil War.

imagined, to allow its central government as much intellectual and affective distance from the Haitian question as in Europe.³⁹ Moreover, the US role in the *cordon sanitaire* against Haiti can be seen as an antecedent of the pro-slavery project, charted by Matthew Karp, in which US foreign policy supported and consolidated black slavery throughout the wider Americas before the Civil War.⁴⁰

Despite these variations, there were ideological overlaps between the different iterations of the counter revolution against Haiti. In particular, they shared a depoliticizing and racialized social imaginary in which the Haitian Revolution represented an apocalyptic upturning of 'civilised' social order in the Atlantic world, as defined by the anti-black colour line, under which black subjects were depicted as inherently incapable of individual and political freedom.⁴¹ Moreover, diverse counter-revolutionary powers also made use of categories internal to their shared law of nations idiom, especially piracy, in order to justify passive or active aggression towards Haiti.⁴²

In these ways, therefore, the counter-revolutionary political theory and practices of 1790s Europe were globalized and augmented by the multilateral reaction to the Haitian Revolution in the Americas. Thus, counter revolution was given a new, colonial character. And it was in this context of the counter-revolutionary exclusion of Haiti from the law of nations that the Spanish American wars of independence took place after 1808; a context where fraternal or simply open relations with independent Haiti formed a defining proscription of the international legal order in the Americas. Moreover, the pressure of this norm of Haitian exclusion, while primarily impacting Haiti itself, also worked upon would-be new members of the transatlantic law of nations. The exclusion of Haiti was a *de facto* condition of membership of the law of nations in the (post)colonial world; to share in the protective benefits of that membership, one had to also share in its nightmares.

3. Colombia and Haiti in context: Haitian-Colombian solidarity, c. 1816–21

The paranoia of colonial elites about Haitian 'contagion', insofar as that process was imagined as the proactive subversion of foreign slave societies by Haitian cadres, was often a fiction. In the actual foreign policy of Saint Domingue/Haiti, as it was developed from the mid-1790s by Toussaint Louverture, an explicit refusal to export the Haitian model of radical abolition and decolonisation quickly became conventional.⁴³ Jean-Jacques Dessalines then reinforced this principle in the 1804 Declaration of Independence,

We have dared to be free. Let us continue free by ourselves and for ourselves . . . Let us, at the same time, take care, lest a spirit of proselytism should destroy the work. Let our neighbours breathe in peace. Let them live peaceably under the shield of those laws which they have framed for themselves; let us beware of becoming revolutionary fire-brands, of creating ourselves the legislators of the Antilles, of considering as glory the disturbing of the tranquillity of the neighbouring islands.⁴⁴

³⁹E. Maddock Dillon and M. Drexler (eds.), *The Haitian Revolution and the Early United States: Histories, Textualities, Geographies* (2016); M. Clavin, *Toussaint Louverture and the American Civil War: The Promise and Peril of a Second Haitian Revolution* (2010).

⁴⁰M. Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (2016).

⁴¹R. Blackburn, 'Haiti, Slavery, and the Age of Democratic Revolution', (2006) 63(4) *The William and Mary Quarterly* 643, at 655–61; S. Johnson, *The Fear of French Negroes: Transcolonial Collaboration in the Revolutionary Americas* (2012). On the concept of the global colour line, see: J. Itzigsohn and K. Brown, *The Sociology of W. E. B. Du Bois: Racialized Modernity and the Global Colour Line* (2020). On social imaginaries: C. Taylor, *Modern Social Imaginaries* (2004).

⁴²A. Ferrer, 'Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic', (2012) 117(1) *The American Historical Review* 40.

⁴³See Hazareesingh, *supra* note 31, at 196–200.

⁴⁴J.-J. Dessalines, 'Declaration of Independence and Abjuration of the French Nation', in R. Blaufarb (ed.), *The Revolutionary Atlantic: Republican Visions, 1760–1830: A Documentary History* (2018), at 389.

The repeated disavowal of a 'spirit of proselytism' by Haitian rulers was intended to secure recognition under the law of nations by neighbouring, non-French states – in all of which black slavery remained a legal institution – by assuring those governments that Haiti would not seek to export its social revolution; that it would not actively seek to create 'another Haiti' abroad. Thus, the Haitian Revolution sought international stability for itself by making a major concession to the counter-revolutionary fear of its neighbours.

There were, however, some practical, region-making efforts by Haitian leaders to expand the geographical field of their project. In particular, under the leadership of Alexandre Sabès Pétion (1770–1818), the first president of the Republic of Haiti from 1807 to 1818. Practically, Pétion's universalization of the revolution included, in the new Constitution of 1816, a policy of asylum for any escaped black slave able to reach Haitian territory. This right of asylum guaranteed the black person's individual liberty regardless of the property claims made on them by foreign subjects or institutions. Given Haiti's central geographical location among the slave colonies and trade routes of the Caribbean, accessible to maroons, this formally domestic policy of asylum actively disrupted the slave regimes of the wider Atlantic world; and it did so without the need for conventionally legible forms of international intervention, such as the use of armed force. Thus, a new, subtle form of revolutionary proselytism was invented.⁴⁵

The other thread of Pétion's proselytism concerned the Spanish American wars of independence directly. In 1816, Pétion decided to aid Simón Bolívar, who was then leading a band of separatist exiles from the Viceroyalty of New Granada. Pétion agreed to provide military aid – money, ships, weapons, and Haitian soldiers – for a republican reinvasion of New Granada in return for Bolívar's commitment to abolish black slavery in liberated mainland territory.⁴⁶ In fact, Pétion's universalist departure from Haitian revolutionary precedent during the 1810s was, in significant part, both enabled by and responding to the new hemispheric opening created by the crisis of the Spanish empire after 1808. The anticolonial solidarity developed between the republics of Haiti and Colombia in this period from 1816 onward – an alliance *de facto* – proved the most substantive and promising international relationship that any Haitian government was able to create throughout the nineteenth century.

Pétion had struck upon a misapprehension of the Haitian Revolution and its potential relationships in the wider Atlantic world that underpinned the principle of non-intervention established by Toussaint: given the anti-systemic social content of the Haitian project, no amount of political compromise would be sufficient to gain international recognition by the European empires equivalent to that secured by the settler colonial United States. As was already evident before 1816, the neighbouring colonial powers and their planter classes would continue to interpret Haiti as an outward threat to their own social orders regardless of the actual foreign policies of the Haitian government.

Moreover, planter anxieties in the circum-Caribbean did touch on the real, passive capacity of the Haitian Revolution to diffuse transnationally. From 1791 onward, enslaved people and their would-be allies throughout the slave societies of the Americas, including in Spanish Cuba and Venezuela, were inspired by and made use of the idea of Haiti to undertake rebellion in their own colonial contexts regardless of Haitian government policy.⁴⁷ Thus, because this practical, inter-imperial effect of black liberation within Haiti was insistently attributed to the fact of Haitian independence by neighbouring powers, Pétion realised that non-interference was unviable as

⁴⁵See Ferrer, *supra* note 42.

⁴⁶J. F. Martínez Peria, 'Entre el terror y la solidaridad: la influencia de la revolución haitiana en las independencias de Venezuela y Nueva Granada (1804–1825)', (2016) 16(1) *Anuario del Instituto de Historia Argentina* e006; P. Verna, *Petión y Bolívar: Cuarenta años (1790–1830) de relaciones haitianovenezolanas y su aporte a la emancipación de Hispanoamérica* (1969); see Bassi, *supra* note 14, at 142–71.

⁴⁷J. Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (2018); D. P. Geggus (ed.), *The Impact of the Haitian Revolution in the Atlantic World* (2001).

Haitian foreign policy. Instead, given that the existing international conditions of independent Haiti, surrounded by slave societies, made the inclusion of Haiti on equal terms a structural impossibility, Pétion judged that the only strategy for substantive independence in the long term was to try to change those conditions in Haiti's own revolutionary image; to create a field of international solidarity in which Haiti could exist and even thrive. The 'spirit of proselytism' – not its disavowal – would be the only plausible means of national security for Haiti in the early-nineteenth-century world.

In the context of the alliance with Haiti after 1816, Colombian insurgents began to develop a positive, fraternal, and political image of Haiti almost completely unknown to the Spanish Atlantic world hitherto. It was an image of Haiti as an equal, sovereign, and peculiarly generous republican state, legible as a member of an American international order and not as a depoliticized form of anarchy or barbarism. For many creole patriots, especially, this reappraisal involved ridding themselves of prior, counter-revolutionary suppositions about Haiti created in the context of Spanish imperial hostility to the revolutions in the French Caribbean after 1789. Moreover, the tradition of support for the Haitian Revolution among the sizeable population of racialized black labourers in Gran Colombia, traceable to slave rebellions in Venezuela during the 1790s, was also consolidated under the new political conditions of international collaboration with the Haitian state, as the positive evaluation of Haiti became legitimate public discourse in Spanish South America for the first time.⁴⁸

4. Colombia and Haiti in context: Disjuncture during the early 1820s

The fraternal attitude towards Haiti of the Colombian government suddenly withered after 1821. There was increased public talk of Haitian conspiracies against Colombia during this period as Haiti became redescribed as a potential enemy rather than an allied republic. The maximal expression of this new Colombian suspicion was Santander's effective refusal to support Haiti against the immediate threat of French reinvasion in 1824.

This volte-face was manufactured within the Colombian state by Bolívar and Santander, as president and vice-president (although Bolívar was abroad in Perú from late 1823), and a number of allies in the executive branch, including the foreign ministers, Pedro Gual and José Rafael Revenga.⁴⁹ Structurally, the turn against Haiti can be explained in terms of the racialized class interest of the largely white, creole leadership of independent Colombia. As Joshua Simon has argued, Spanish American creoles – in the same way as their class counterparts in the US – had a material interest in reproducing the racialized class relations of colonial society within the new political framework of independence from European rule.⁵⁰ The social model of black liberation represented by Haiti posed a threat to this conservative vision of Colombian social order. Thus, severing the cooperative political bonds created between Colombia and Haiti since 1816, and reorienting Colombia to join the counter-revolutionary axis against Haiti, was in the objective and subjective class interest of the creole patriots who dominated the Colombian state.

As to the conjunctural question of why *now*, in the early 1820s, Colombian leaders chose to distance themselves from Haiti, a number of factors were at play. In the crudest sense, the dependency of Colombian creoles on the Haitian government no longer applied. The military successes of the republican armies after the invasion of Venezuela from Haiti in 1816 had, by the early 1820s, regained control of most of the former viceroyalty of New Granada, creating an independent resource base within Spanish America.⁵¹ Bolívar had never been enthusiastic about seeking Haitian aid; he only travelled to Haiti in 1815 as a last resort after his initial effort to secure

⁴⁸See Lasso, *supra* note 14; see Helg, *supra* note 14.

⁴⁹T. Donoso, *Pedro Gual* (1963); see Martínez Peria, *supra* note 46.

⁵⁰See Simon, *supra* note 12.

⁵¹A. McFarlane, *War and Independence in Spanish America* (2013), 311–35.

aid from British Jamaica failed.⁵² Thus, now that the compulsive force of Colombian military dependency on Haiti had expired, the creole leadership was freer to let loose its conservative interests at the interconnected levels of both domestic and foreign policy.

The year 1821 also marked a formative moment for the internal political ordering of Colombia, as the Constituent Congress of Cucuta formulated a constitution for the new state. This process involved debates about the legal status of slavery and the legal equality of *pardos* (free black subjects) in Colombia; debates which had hitherto been deferrable.⁵³ In the context of the slavery debates at Cucuta the slave lobby in Colombia reanimated the counter-revolutionary spectre of 'another Haiti' to win support among the mostly creole delegates. Moreover, exceeding the specific legal question of black slavery, Bolívar and Santander shared in the wider creole concern about what they called 'pardocracia' in the new republic, by which they meant organized and collective black political action to redress the social legacies of internal colonialism; 'pardocracia' was a term invented by creole patriots to redescribe the political and social claims of Afro-Colombians to meaningful equality as a species of illegitimate, racialized tyranny.⁵⁴

The Colombian government's break with Haiti during the early 1820s was also situated, conjuncturally, in the global moment of international reordering set out above. This was a process in which Colombia intended to participate. The effort of the Colombian executive to lead other newly independent states of the Spanish American mainland to join in a process of interpolity confederation – the proto-Latin Americanist project with which Bolívar's later reputation, especially, has become closely and positively associated⁵⁵ – was both a part of this international process and a condition for Colombia to engage with it on a supra-regional scale, as the leader of a more formidable, multinational bloc, rather than an isolated, nebulous state.

Bolívar and his collaborators had been pursuing various forms of inter- and supra-national unity among the Spanish American states since the early wars of independence. The Republic of Colombia was itself created by the international unification of the United Provinces of New Granada and the Republic of Venezuela. Moreover, by 1825, Colombia had negotiated bilateral treaties of 'union, association, and perpetual confederation' with Chile, Perú, México, and Central America. However, the maximal expression of this international politics was the Congress of Panamá, held in mid-1826 but envisaged from the early 1820s onward (a commitment to participate in the future congress was embedded in the text of earlier bilateral treaties).

There were diverse opinions, including among creole republicans in Spanish America, about what an international assembly of their respective new states ought to be and do. There was also significant disagreement about what political status the organization ought to have, especially in terms of sovereignty.⁵⁶ However, all of the Spanish American actors involved in what might be called the 'Panamá moment' of international thought in the region, during the early and mid-1820s, were agreed that some form of permanent, confederal organization ought to be instituted among a (debated) number of the new American states in order to consolidate Spanish American independence in relation to the wider world system.

⁵²See Bassi, *supra* note 14, at 142–71; H. Nunez Faraco, 'The Entanglements of Freedom: Simón Bolívar's Jamaica Letter and Its Socio-Political Context (1810–1819)', (2018) 3(1) *Global Intellectual History* 71.

⁵³R. Zuluaga Gil, *Villa del Rosario de Cúcuta 1821: Antecedentes, desarrollo y consecuencias de un Congreso fundacional* (2021); R. Pita Pico, 'El debate en torno al comercio y la manumisión de esclavos en el Congreso de Cúcuta de 1821: avances y retrocesos', (2017) 13 *Mundo Fesc* 22.

⁵⁴See Lasso, *supra* note 14; see Helg, *supra* note 14.

⁵⁵S. Collier, 'Nationality, Nationalism, and Supranationalism in the Writings of Simón Bolívar', (1983) 63(1) *The Hispanic American Historical Review* 37.

⁵⁶E. Heredia, 'Primeras misiones integracionistas latinoamericanas (1810–1826)', (1993) 50(2) *Anuario de estudios americanos* 187; A. Silva Otero, *El Congreso de Panamá* (1976).

Thus, independent Colombia developed a regionalist logic which has become a common strategy of postcolonial polities, modelled in part on the earlier US project.⁵⁷ It was hoped that regional confederation in Spanish America would secure independence by aggregating the military resources of the new states. This would work both in the physical sense of making reconquest practically impossible for Spain (or its allies) and, consequently, it would work in the juridical sphere of international recognition. It was a common logic of regionalist international thought in Spanish America in this moment that a confederation of the new states, by making them more outwardly formidable, would compel Europe to accept the fact and recognize the right of their collective and respective independence. Thus, Santander said to the Colombian Congress in April 1824 that in pursuing regional confederation in Spanish America Colombia attempted, 'to give stability and force to the independence of the New World'.⁵⁸ And Bolívar, in his formal invitation to Panamá sent to the other Spanish American governments, argued that the congress would, 'chart the course of our relations with the universe'.⁵⁹

The politics of international recognition was therefore central to the Panamá moment. A primary objective of regional confederation in Spanish America during the early 1820s, as understood by the relatively conservative members of the Colombian executive, was to accomplish the integration of Colombia and its republican partners in the existing international order of the Atlantic world, as defined and demarcated by the conventional norms and institutions of the law of nations; norms which now included, in the Americas, the systemic exclusion of Haiti. To become 'treaty-worthy' as a new American state in the eyes of imperial Europe involved subscribing to the legal *cordon sanitaire* against Haiti. Thus, there was an international, structural pressure on the recognition-seeking Spanish American republics, led by Colombia, to abdicate any existing bonds of political identity and solidarity with the Haitian Revolution because the prevailing law of nations under which they sought recognition had been reshaped by the colonial counter revolution.

Moreover, the structural pressure upon Colombia, as a relatively weak new state, to defer to the existing norms of the law of nations was exacerbated in 1824–25 by the apparent threat of imminent French intervention in Colombia's war against Spain. External intervention by a more powerful Spanish ally – most likely Bourbon France – was by this point recognized as the only scenario in which the new American republics might actually be reconquered. The sense that such an intervention in Spanish America might occur was momentarily increased among Colombian leaders by the French invasion of liberal Spain itself in 1823, on behalf of the putative sovereign rights of king Fernando VII, whose absolute power had been abolished by the constitutional revolution of 1820. Spanish American republicans in Colombia and elsewhere feared that France intended to extend its intervention to the colonial territories that Fernando still claimed to rule.⁶⁰

In this context, Santander and Bolívar interpreted news of French military activity in the circum-Caribbean as signs of aggressive intent. This activity included naval confrontations with Colombian privateers, deployments in Colombian coastal waters, and apparent involvement in Spanish convoys to Cuba.⁶¹ Thus, throughout the year 1825 – the exact moment when Santander publicly justified his refusal of a defensive alliance with Haiti – the Colombian executive seriously anticipated and prepared for a war with France.⁶² Moreover, the simultaneity of this threat with intensified French coercion of Haiti was not wholly accidental: French pressure on the Haitian and, to a much lesser extent, Colombian republics instantiated the same post-Napoleonic effort of the Bourbon regime to reinvigorate French empire outside of Europe, especially in the Americas.⁶³

⁵⁷See Simon, *supra* note 12; see Getachew, *supra* note 6, at 107–41.

⁵⁸Santander, Address to Congress, Bogotá, 6 April 1824', in López, *supra* note 1, at 187.

⁵⁹S. Bolívar, 'Convocatoria del Congreso de Panamá, Lima, 7 December 1824', in A. Mijares (ed.), *Doctrina del libertador* (1976), 178 at 180.

⁶⁰Santander to Bolívar, Bogotá, 21 October 1823', in *Cartas*, *supra* note 37, Vol. 4, 151.

⁶¹Santander to Bolívar, Bogotá, 6 May 1825', in *Cartas*, *supra* note 37, Vol. 4, 358.

⁶²*Ibid.*

⁶³D. Todd, *A Velvet Empire: French Informal Imperialism in the Nineteenth Century* (2021).

The sense of a genuine French threat to Colombia during the period 1823–25 might be expected to have made the Colombian government *more* amenable to a formalized alliance with Haiti. Moreover, in thinking through the scenario of a war against France and Spain, and possibly the rest of the Holy Alliance coalition, Colombian leaders did imagine the possibility of a radically expanded alliance of constitutionalist states organized against absolutist and colonial reaction in the Atlantic (although neither Santander nor Bolívar ever included Haiti in this idea). However, the prospect of French intervention more often led to redoubled efforts by Colombian officials to secure recognition under the European law of nations by deference. For Bolívar and Santander, at least, responding to the threat of France with revolutionary radicalization represented an absolute last resort, to be avoided if possible; instead, French aggression towards Colombia during 1823–25 concretized for them the need for membership of the European international legal community and the protection it gave to sovereign states.

However, whereas these pressures on Colombia to defer to the existing norms of the European law of nations, including Haitian exclusion, were formidable, that course of action was not overdetermined. In the first instance, although Bolívar and Santander agreed that war with the French empire ought to be avoided, if possible, they were nevertheless confident that Colombia could prevail militarily, even without British or US support.⁶⁴ Moreover, Colombian foreign policy was also contingent insofar as there was disagreement among the creole leadership of the republic. Bolívar and Santander, whereas both were agreed on the exclusion of Haiti in 1824–25, disagreed over whether Colombia ought to lean towards the British imperial system of global order or a new, US-oriented regime of republican governments in the Americas, for example.

Moreover, beyond Bolívar and Santander, there was even greater disagreement among republicans about the proper international orientation of independent Colombia and Spanish America. Several creoles, such as the Peruvian jurist, Manuel de Vidaurre, saw the Panamá moment as an opportunity for the American republics to break with the European law of nations rather than seek admission to it, in order to instead create a new, anticolonial model of international public law in and for the American hemisphere.⁶⁵ In developing this international vision at Panamá, Vidaurre explicitly pointed to the Haitian war of independence against France as a model of anticolonial resistance for the rest of the Americas.⁶⁶ Moreover, in Chile, Juan Egaña, another republican lawyer, proposed a hemispheric and transatlantic confederation of republican and otherwise constitutional states that would include Haiti among its members, for the purpose of collective security against the Holy Alliance powers.⁶⁷ Thus, Haitian inclusion in terms of international law, or else a new international law, was evidently imaginable within the range of official, creole republican thought during the mid-1820s – Egaña was an influential jurist and politician in revolutionary Chile, and Vidaurre was Perú's delegate to Panamá, proposed for the role by Bolívar himself.

Furthermore, outside of national republican politics, which were still dominated by the creole elite, solidarity for Haiti continued to be strong in Colombia, especially among the racialized black plebe. This social constituency possessed significant, objective force within Colombian society: Afro-Colombians formed a large part of the republican military and, as a group, they had a charismatic political leader in the person of José Prudencio Padilla, a *pardo* admiral based in the radical Caribbean port city of Cartagena de Indias.⁶⁸ The creole Colombian state could not

⁶⁴Bolívar to Santander, Lima, 11 March 1825', in *Cartas*, Vol. 4, 328.

⁶⁵M. L. de Vidaurre, 'Discurso escrito para que se leyese antes de la apertura de la gran asamblea americana (1827)', in A. Tauro (ed.), *Los ideólogos: 'Plan del Perú' y otros escritos* (1974), 5, at 441.

⁶⁶*Ibid.*, 453.

⁶⁷J. Egaña, 'Proyecto de un acto de confederación y mutua garantía de la independencia de los Estados que en él se mencionan', in R. Silva Castro (ed.), *Escritos inéditos y dispersos* (1949), 58.

⁶⁸See Helg, *supra* note 14, at 347–51, 361–6; see Pérez Morales, *supra* note 14.

disregard this popular constituency and a Haitian policy based on it could have been qualitatively more inclusive than Santander and Bolívar's instinct. Indeed, unlike the United States when it was crafting its relationship with the existing European law of nations, the internal structure of white supremacy had not been as securely maintained in 1820s Colombia, therefore, the social character and subsequent political behaviour of the Colombian state – domestically and internationally – was relatively more ambiguous, contested, and indeterminate when it was establishing itself 'among the nations of the earth'.

In terms of the actual capacity of the Colombian state in this moment to check French imperial pressure on Haiti, the Colombian army alone, discounting its continental allies, was large and experienced, having effectively won the wars of independence on the mainland at the Battle of Ayacucho in December 1824. Both Santander and Bolívar were confident that Colombia could defeat an invasion of their republic by Bourbon France.⁶⁹ Moreover, Colombian naval forces had eclipsed Spain in the Caribbean to the point that in Haiti's neighbouring island of Cuba it was assumed that Colombia could easily liberate the colony by sea if it chose to.⁷⁰ Anticolonial armies in the Americas had now defeated their European adversaries in every major war since the 1770s, including in Haiti, confining the effective military hegemony of Europe – principally Britain – to maritime spaces. Whereas a Colombian–Haitian bloc would not have had the objective capacity to check or reverse the accelerating expansion of European capitalism in the Atlantic world – and such a horizon was conceptually unimaginable in the 1820s – it could plausibly have had the deterrent or resistance capacity vis-à-vis France to allow the Republic of Haiti to become integrated with the legal, political, and economic infrastructure of that world system on far less unequal and debilitating terms, especially in relation to debt and trade.

5. The Santander doctrine, 1825

And yet, the creole ruling class did succeed in (re)aligning the Colombian state with the international counter revolution against Haiti. In 1824, Santander's administration in Bogotá refused the Haitian commissioners sent by President Boyer to request a defensive alliance against France and Spain, and in Santander's annual address to Congress on 2 January 1825 he publicly justified this decision.

Annually, Santander gave an account of the conduct of the executive to Congress; the genre of Santander's 1825 speech was, therefore, at once, descriptive and justificatory. In the case of his government's refusal to support Haiti, Santander's speech was intended to legitimize an existing policy. Moreover, it did so both for a domestic Colombian audience and foreign observers of Colombian policy. Santander and other republican leaders were conscious that neighbouring powers, including all of those responsible for the *cordon sanitaire* against Haiti, were 'listening' to nominally domestic interventions in order to analyze the new Colombian polity, judge its 'treaty-worthiness', and, thus, to act upon it, especially in relation to the open question of European recognition. As such, this formally 'domestic' genre of political text was actually also international in its audience, composition, and meaning(s). Thus, Santander made clear in the speech that the decision to rebuff Haiti was intended as a demonstration of Colombian principles to other foreign powers, including France.⁷¹ And in a letter to Bolívar written six months later, Santander reported happily that his speech to Congress had been well-received by England and France, especially on the point of his rejection of the Haitian commissioners.⁷²

⁶⁹See 'Bolívar to Santander, Lima, 11 March 1825', *supra* note 64, at 328–34.

⁷⁰H. Venegas Delgado, 'Los planes colombo-mexicanos de expedición conjunta para la liberación de Cuba (1820-1827)', (2008) 36(1) *Caribbean Studies* 3.

⁷¹See Santander, 'Address to the Senate and Chamber of Representatives, January 1825', *supra* note 1, at 211–12.

⁷²F. de P. Santander, 'Letter to Simón Bolívar, Bogotá, 21 June 1825', in L. H. López (ed.), *Cartas Santander-Bolívar* (1988), 4, at 399.

In the Haitian section of the speech, Santander first acknowledged receiving the commissioners from Haiti in 1824, saying that they had proposed a ‘treaty of defensive alliance’ with Colombia aimed against the colonial aggressors against their respective territories, France and Spain. Santander then proceeded to give three principal reasons for why his government had responded by refusing this proposal in the immediate term and deferring its ultimate resolution to the forthcoming Congress of Panamá – a deferral which, in the urgent context of intensified French pressure on Haiti in 1824–5, amounted to a *de facto* final resolution of how Colombia would act on the issue.

Santander’s three justifications for non-solidarity with Haiti were as follows: first, he argued that the proposed defensive alliance would involve Colombia going to war with the French empire without direct provocation and contrary to its own national interest, which, in a moment of post-revolutionary consolidation, according to Santander, involved reducing the number of foreign enemies rather than increasing it.⁷³ Second, Santander argued that the unilateral agreement of a defensive alliance with Haiti would violate Colombia’s existing confederal obligations to other Spanish American states. And third, Santander suggested that Boyer’s 1822 occupation of the eastern, Spanish-ruled part of Haiti’s island, Santo Domingo, represented an act of aggression against Colombia.⁷⁴

In this close reading of Santander’s 1825 speech – a text which has been largely neglected in histories of international law and order in Latin America and the wider Atlantic world – I argue that his intervention discloses the ambiguous origins of positively appraised and apparently anti-imperial themes of the Latin American international legal tradition: in particular, the two principles of non-intervention and regionalism, as they gestated in Colombia during this early post-independence moment. Moreover, I argue that in these overlooked and foundational ambiguities of international thought in Latin America important conditions for the neocolonial re-subordination of Haiti in 1825 were created.

5.1. *Non-intervention as non-solidarity*

Santander argued that anticolonial solidarity – ‘the language of liberty’ – provided no justification for Colombia going to war with the French empire because those two states were currently at peace.

... a defensive league with Haiti would put us in the situation of entering a war with a nation with whom we had no quarrel, nor must we provoke it to hostility against us.⁷⁵

Thus, Santander was contrasting the principle of non-intervention to the practice of active, anticolonial solidarity, not the practice of imperialism.

Moreover, this antinomy was not without precedent in Santander’s international thought and practice during the early 1820s. Within the territory of the former Spanish empire, Santander had, in 1823, refused to intervene in the Central American provinces – then part of México – to help consolidate republican institutions there when Iturbide’s monarchy was being challenged by a popular revolution.⁷⁶ This had been a delicate situation for Colombia insofar as Iturbide’s regime had been apparently separatist vis-à-vis Spain, despite its monarchical political form, and yet republicans in México’s Central American provinces appealed to Santander to annex them to Colombia as a means to secure republican independence in the area. Santander refused them, however, and he justified the decision in his April 1824 address to Congress by arguing that,

⁷³See Santander, ‘Address to the Senate and Chamber of Representatives, January 1825’, *supra* note 1, at 211–12.

⁷⁴*Ibid.*

⁷⁵*Ibid.*, 211.

⁷⁶J. Dym, ‘The Republic of Guatemala: Stitching Together a New Country’, in Tutino, *supra* note 31, at 278.

... this occasion seems favourable to me to declare that the government of Colombia has never adopted the pernicious doctrine of intervention in the internal affairs of other independent peoples.⁷⁷

Thus, again, although approving of the republican transformation of México *post hoc*, Santander had withheld material solidarity from an ideologically similar republican project in the circum-Caribbean on the basis of the principle of non-intervention. That being said, however, in the case of Central America in 1823, unlike Haiti in 1824–25, its independence from European colonial rule was not in-play. Rather, Santander had interpreted the situation as the internal affair of an allied American state. By contrast, Santander's administration, following Bolívar's lead, provided substantial military aid to other mainland Spanish American states during this period, especially Perú and México, in their resistance to Spanish rule or reconquest.

Another context of Santander's usage of non-intervention in the Haitian case was the recent Monroe Doctrine issued by the US government. Specifically, its disavowal of intervention across existing imperial borders within the Americas. James Monroe's 1823 speech had been emphatic that the US did not intend to intervene in the colonial affairs of the European empires that were already established in the Americas, including, therefore, the Spanish American wars of independence,

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere.⁷⁸

Rather, Monroe's speech expressed opposition to any further European interventions in the hemisphere; most concretely, the prospect of Spain's more powerful Holy Alliance allies supporting or usurping its campaign to reconquer the mainland colonies.⁷⁹ Thus, the Monroe Doctrine elaborated a new usage of non-intervention, in addition to (conditionally) opposing European political involvement in the independent Americas, whereby the US forewent solidarity with anticolonial movements within the recognized territory of foreign colonial empires in the Americas; and in 1825, it was this aspect of Monroe's anti-interventionist legal sensibility that Santander appropriated and turned upon Haiti.

Santander was an admirer of the US, both as a political model and as a regional actor. Moreover, in April 1824, Santander had publicly commended the Monroe Doctrine as a new project for hemispheric international order,

The President of the United States just identified his administration with an eminently just act worthy of the classical land of liberty: in his previous message to Congress he has declared that he views any intervention of any European power, aimed at oppressing or violating the independent governments of America, as a manifestation of hostile disposition towards the United States. That government considers any attempt on the part of the allied powers to extend their system to any portion of the American hemisphere, as dangerous to the peace and security of said states.⁸⁰

In this case, and for evident reasons of Colombian self-interest, Santander participated in the wider rereading of the Monroe Doctrine in Spanish America as a commitment to an anticolonial defensive 'alliance' that was far more expansive in nature than the US administration had intended. As Santander continued, his government was actively enquiring what exactly would

⁷⁷See 'Santander, Address to Congress, 6 April 1824', *supra* note 58, at 189.

⁷⁸See Monroe, *supra* note 1.

⁷⁹*Ibid.*

⁸⁰See 'Santander, Address to Congress, 6 April 1824', *supra* note 58, at 189–90.

constitute an attempt to extend the Holy Alliance system to the Americas such that the US would actively intervene.⁸¹

Ironically, therefore, the dimension of the Monroe Doctrine which Santander had downplayed vis-à-vis Colombia – the idea of non-intervention as a limit on solidarity among anticolonial movements within distinct empires – was the same dimension which he now reimagined for Colombian relations with Haiti. Santander pointed out that, ‘Haiti had defended its independence against the pretensions of France, of whom it was part, and Colombia defended it against Spain’.⁸² Thus, in relation to the fact that they had different former metropolises in Europe, the two states could not have an identity of interests sufficient to justify a defensive league. We therefore find the conceptual and practical impoverishment of anticolonial solidarity at the outset of anti-intervention thinking in independent Latin America during the 1820s. In 1824–25, Santander extended the political and legal principle of non-intervention beyond its anti-imperial usages against European empires in order to fulfil a more conservative use within the Americas: of justifying participation in the counter-revolutionary regime against Haiti by the new American republics, despite their nominally shared political values of anticolonial republicanism.

Moreover, the conceptual truncation and contradictoriness of Santander’s position on anticolonial solidarity and non-intervention, when it came to the Haitian question, was also attributed to a Colombian reason of state, as understood by the creole minority which then controlled the government. In the 1825 text, Santander repeatedly employed an idiom of state interest to justify the Colombian refusal of solidarity with Haiti against France. As mentioned, he argued that an alliance would increase the republic’s number of enemies whereas the ‘interests’ of the state, defined in a moment of post-revolutionary political-economic development, were external peace; and he pointed out that Colombian and Haitian ‘interests’ were different vis-à-vis their former metropolises, thus implying that an identity of immediate, state-level self-interest was a necessary condition of practical solidarity in the form of reciprocal alliance; an identity of anticolonial ideology – the shared ‘language of liberty’ – and colonial history was insufficient.

5.2. Latin American regionalism as the limitation of anticolonial solidarity

By the time of Santander’s 1825 address, the ideological (Spanish) Americanism of Colombian republicans, based on common political principles and a shared, transnationally American identity, had already become legally codified by international treaties of alliance with the other new Spanish American states. Moreover, this regionalized political sensibility and legal order had been invoked by Santander to justify Colombian military support for anticolonial movements abroad. Thus, before the Haitian section of the text, Santander described the ongoing Colombian campaign to liberate Peruvian territory from Spanish rule as a closer form of ‘friendship’ appropriate to a group of regional states united by the same political ‘cause’.⁸³

Santander, in the context of the wider republican imaginary in contemporary Colombia, was able to imagine regionalism during the 1820s both as a culturally-imprinted *Spanish* American phenomenon, and as a comparatively universalist, hemispheric framework, in which the basis of unity was a shared commitment to republican independence from European colonial empire, regardless of cultural difference.⁸⁴ In the latter case, the most common extension of Spanish American regional solidarity was to include the United States. However, as discussed, Haiti had also been legible to Colombians – including Colombian creoles – in this paradigm. Thus, Bolívar had promised Pétion in September 1816, in thanks for his military aid, that, ‘Haiti will not remain

⁸¹*Ibid.*, 190.

⁸²See Santander, ‘Address to the Senate and Chamber of Representatives, January 1825’, *supra* note 1, at 211.

⁸³*Ibid.*, 206–7.

⁸⁴Andrés Bello was an especially influential thinker here. See Fawcett, *supra* note 7.

isolated *among her sisters* [italics added]. The liberality and the principles of Haiti will be found among all the regions of the New World.⁸⁵

Conventionally, the regionalist thread of Latin American thinking about international order and law has been interpreted as a sign of expansive, internationalist solidarity against European empire; solidarity extended beyond the scale of the sovereign state.⁸⁶ However, in Santander's 1824–25 refusal of a defensive alliance with Haiti, the emerging regional system of political and legal intimacy among the new republics of Spanish America was invoked precisely to legitimize non-solidarity with nearby Haiti. Santander used Spanish American regional solidarity against colonial domination as an alibi for Colombia refusing the same solidarity to Haiti.

Specifically, Santander claimed that the confederal legal obligations contained in Colombia's existing treaties of 'union, association, and perpetual confederation' with Perú, México, Central America, and Chile, by pooling the signatories' sovereign faculties, legally precluded Colombia from making unilateral international commitments to Haiti, and especially one which would involve Colombia and, therefore, its confederated allies in a new war. Thus, Santander used the *de jure* infrastructure of positive treaty law that the Colombian government had been building with the other new states in Spanish America to override the *de facto* obligations of Colombia to Haiti accrued since 1816.

Moreover, in the context of Santander's specifically conservative conceptualization of the confederal system in Spanish America – as a vehicle for securing European recognition of the new states under the European law of nations rather than as the nucleus of a new, anticolonial international order – Colombian regionalism actively tended against inter-imperial solidarities and the universalization of the anticolonial struggle in the circum-Caribbean. That is because revolutionary universalism as such had become legible as a form of state practice incompatible with the law of nations in the eyes of counter-revolutionary Europe since 1789; and because the exclusion of Haiti, in particular, had become a defining condition of the established legal and political order of the Americas since 1804. These facts explain why the partly anti-imperial project of Spanish American regionalism, in the hands of the Colombian creole elite, became manifest as deference and compromise towards imperial and monarchical France and Brazil during the mid-1820s, yet studied indifference towards republican Haiti: because, for the likes of Santander, regional internationalism was more a project of gaining 'treaty-worthiness' for the Spanish American states in the view of conservative Atlantic powers than for diffusing anti-imperial norms and practices on a larger scale.

Thus, from the outset, and even within the American hemisphere, Latin American regionalism could be as much about defining the limits – for Haiti, fatal limits – of the international solidarity and reciprocity of republicanism as about the extension of these practices beyond the scale of the individual sovereign state. For the Colombian creole elite, a key application of regionalist thought in the 1820s was to restrict the potential of anticolonial republicanism in the Caribbean to undermine the ongoing counter revolution against Haiti.

However, Santander still had to confront the political dilemma that Haiti had an obvious claim on the most intimate sphere of Colombian solidarity due to its decisive material support of the Colombian independence struggle since the mid-1810s – a fact which Boyer's envoys highlighted. Thousands of Colombian citizens and soldiers knew of and had experienced this Haitian support, and there was a deep seam of popular respect for Haiti in the Colombian demos (hence the need for Santander to publicly justify his refusal of an alliance at all). This objective, solidaristic bond between Haitian and Colombian society had the potential to disrupt Santander's effort to exclude Haiti from the incipient, regional framework of anticolonial solidarity in Latin America. Thus, Santander's move to (re)draw the contours of American anticolonial regionalism in 1825 in order

⁸⁵Quoted in P. Gleijeses, 'The Limits of Sympathy: The United States and the Independence of Spanish America', (1992) 24(3) *Journal of Latin American Studies* 481, at 504.

⁸⁶See Long and Schulz, *supra* note 8.

to exclude Haiti had to engage with the socio-political fact of accumulated Haitian–Colombian solidarity and try, somehow, to deal with it in such a way that justified a Colombian policy of non-solidarity with Haiti against France.

In radical contrast to his private correspondence with Bolívar, in which Santander described the social threat posed by Haiti to the racialized social order of Colombia in counter-revolutionary terms, Santander's 1825 speech had to acknowledge and commend the fact of Haitian solidarity with Colombia since 1816. However, in doing so, crucially, Santander sought to retroactively privatize and individualize Haitian support during that period of struggle, in order to deny its competence to create international legal obligations on the Colombian government in the present. In describing the Haitian appeal for alliance, Santander said,

The executive was not blind to the language of liberty employed in the proposals of the agent, and the *private services* which in a calamitous epoch the Liberator President had received from the humane and sensible Pétion . . . ⁸⁷

Thus, Santander cynically exploited the fact that Pétion had been compelled during the 1810s to keep Haitian support for the Colombian revolution covert (in order to reduce the likelihood of Spanish or third-party aggression against Haiti itself) to redescribe an act of *de facto* international and political solidarity as 'private' benevolence. In doing so, Santander was trying to depoliticize the history of Haitian aid to Colombia since 1816 such that it appeared incapable of sustaining a reciprocal obligation in 1825, or of justifying Haitian inclusion within American republican solidarity.

Moreover, this move was evidently cynical on Santander's part because, in his 1827 address to Congress, when he celebrated the (extortionate) recognition of Haiti by France, Santander abandoned the pretence that Haitian support for Colombia had been a private action. At this point, after the Haitian government had given up on requesting anticolonial solidarity from Colombia and instead surrendered to the neocolonial economic terms imposed by France, Santander was fine to admit that the Colombian government owed *the people* of Haiti, not Pétion individually, a 'debt of immense gratitude' for their support during the independence struggle against Spain – now that Colombia was no longer being asked to actually repay that debt by materially defending the Haitian Revolution. ⁸⁸

Santander also used the ideal of American regionalism in his 1825 speech to justify the refusal of Haiti by emphasizing the peculiarly Hispanic form of Americanism then developing in the region. As mentioned in relation to Santander's Colombian reason of state, he argued in 1825 that Haiti could not be included in the confederal system of defensive alliance being developed between the new republics on the mainland because they had different former imperial metropolises – France and Spain. Santander was arguing that a key basis of internationalist solidarity within the region of Spanish America was the new states' shared colonial history and, thus, common enemy; and Haiti, as a former French colony, lacked these traits. Thus, by resorting to a relatively parochial form of regionalism that was more exclusive than the hemispheric Americanism based upon the shared principle of republican popular sovereignty and the experience of European colonialism, generally, Santander was able to conjure a version of regional solidarity in Spanish America that could naturalize, rather than problematize, non-solidarity with Haiti.

Moreover, Santander was not only referring to a discrete unity of interest among the new states which had seceded from the Spanish monarchy since 1808. There also already existed an affective, cultural identity of these polities during the 1820s. This was a species of regionalized imagined

⁸⁷See Santander, 'Address to the Senate and Chamber of Representatives, January 1825', *supra* note 1, at 211 (emphasis added).

⁸⁸F. de Paula Santander, 'Address to the Senate and Chamber of Representatives, Bogotá, 2 January 1827', in L. H. López (ed.), *A los colombianos: Proclamas y discursos, 1812–1840* (1988), 233 at 237.

community which typically drew on the non-political similarities of the new Hispanic republics, including their shared Spanish language, history, and cultural traditions, including Roman Catholicism. Haiti could not share in some key parts of this regionalized identity politics, especially insofar as it rested upon the Spanish language and a spatially demarcated sense of Spanish colonial history. As such, it became a useful identity politics for Santander to turn regionalism in Colombia against Haiti.

In his 1825 address to Congress, Santander's most antagonistic justification for refusing an alliance with Haiti also invoked the politics of Hispanic American regionalism. Here, Santander recalled Boyer's 1822 invasion of Spanish-held Santo Domingo (antecedent of the modern Dominican Republic), undertaken on the basis of both the territorial sovereignty of the whole island claimed in the Haitian Constitution and the strategic calculus that the eastern part of the island, if it were not secured, might be used by France or another European empire to mount an invasion of Haiti. Specifically, Santander recalled the hasty declaration of independence made in that 1822 moment by a small group of creole patriots in Santo Domingo who had been averse to the Haitian model of black liberation now being extended to the Spanish part of the island; these creoles then immediately claimed the protection of Colombia but they were ignored, leaving Boyer's annexation to proceed easily.⁸⁹

Recounting this political history in 1825, however, as he sought to justify Colombia's refusal to support Haiti, Santander suggested that the Haitian occupation of Santo Domingo had actually been an act of international aggression against an independent Spanish American state under the protection of Colombia and, thus, a semi-direct act of aggression against Colombia itself.⁹⁰ Santander pointed to the fact that Spain had not responded militarily to Boyer's 1822 invasion – a fact which was actually due to the overstretched situation of Spanish military resources in the Americas – to suggest that Spain somehow recognized that Santo Domingo was an independent American state and a Colombian protectorate; this being despite the fact that Spain had not yet, as of 1825, recognized the independence of any Spanish American state, including Colombia.⁹¹

The point of this relatively desperate argument of Santander was to imply that Boyer's annexation of Santo Domingo, interpreted here as an act of aggression against an independent Colombian ally, negated any prior political obligation that Colombia might have had to Haiti for its support during the 1810s and, therefore, justified Santander's abandonment of Haiti to French aggression in 1824–25. Spanish American regionalism was integral to this non-solidarity in how Santander referred to/conjured the past membership of Santo Domingo in the Colombian confederal system in order to redescribe a comparatively normal act of postcolonial state-building by Haiti, within the confines of its own island geography, as an illegitimate act of violence against a nebulous idea of a regional system of the new Spanish American states. Thus, Santander invoked the regionalist sensibility in 1820s Spanish America to foreclose anticolonial solidarity with Haiti by extending the borders of that regionalism to encompass and amplify a disruptive minority of Dominican creoles opposed to Haitian state-building.

Moreover, it is revealing here that, in 1824, Santander had defended Colombia's refusal of the Central American provinces' request for protection in the context of the Mexican uprising against Iturbide; that is, a comparable request to the Dominican creoles. However, as mentioned, in the Central American case Santander had justified Colombian inaction on the basis of the principle of

⁸⁹A. Eller, "All Would Be Equal in the Effort": Santo Domingo's "Italian Revolution", Independence, and Haiti, 1809–1822', (2011) 1 *Journal of Early American History* 105.

⁹⁰See 'Santander, Address to the Senate and Chamber of Representatives, January 1825', *supra* note 1, 211–12. Santander advanced this argument despite the contradicting facts that Colombia, at the time, had neither recognized nor acted upon the 'Dominican' claim to protection, and that Colombia itself had committed a conceptually similar and functionally identical action to Haiti in 1822, when Bolívar coercively annexed the Pacific city of Guayaquil, in the face of significant constituencies inside the province that were supportive of either absolute independence or annexation to Perú; exactly like Boyer, the Colombian government justified this annexation on the basis of its own, constitutionally self-defined borders.

⁹¹*Ibid.*

non-intervention ‘in the internal affairs of other independent peoples’, and also, more specifically, on the need to avoid ‘disorganising’ the network of allied Spanish American states – a network which Haiti had not been allowed membership of.⁹² Thus, México’s inclusion within the borders of Spanish American regionalism secured for it a measure of respect for its internal sovereignty which Colombia could deny to Haiti. This double standard discloses the international legal and political wages of Hispanic Americanness during the 1820s, and the costs of being, like Haiti, kept on the outside.

6. Conclusion

In significant part due to Colombian non-solidarity, Haiti, now fully isolated, was forced to succumb to French pressure. Boyer agreed to debilitating debt and commercial obligations which made economic sovereignty impossible, in return for France not reinvading and, instead, recognizing Haitian political independence. Thus, Haiti, as Obregón and others have set out, was left to a heavily burdened form of membership in the international order, defined by a political economy of neocolonial domination for which Haiti became the test case in the wider Atlantic world. Indeed, the Colombian government’s decision to abandon Haiti to the mercy of France in 1824–25 was not only an important condition of possibility for the neocolonial domination of Haiti itself, but also for the wider development of neocolonial relations in the international political economy and legal order of the nineteenth-century Atlantic – relations which came back, frequently, to undermine the sovereignty of Latin American nations during the subsequent two centuries.⁹³

Indeed, within two decades the French empire launched its first of two interventions in México – the latter involving a decade-long colonial (re)occupation – both of which centred the question of European debt claims, just as in the Haitian case during the 1820s.⁹⁴ European debt collection and then an expanding range of economic practices favourable to capital thus became central to the neocolonial violation of sovereignty throughout Latin America during the long nineteenth century, culminating in the Roosevelt Corollary to the Monroe Doctrine of 1904.⁹⁵ By the 1910s, US troops were occupying former Spanish colonies including the Dominican Republic and Nicaragua at the same time as Haiti, all partly to enforce the debt claims of European creditors. And whereas it would be too much to say that Colombian complicity in the neocolonial re-subordination of Haiti during the 1820s, and the dilution of anticolonial solidarity which it entailed, determined these longer term outcomes within the former Spanish colonies, it was a significant part of that history insofar as Haiti represented a litmus of the global order that was being transformed during the first third of the nineteenth century: between narrower imaginaries of Hispanic American solidarity and more universal alternatives; between political and social revolution in the colonial world; and along the developing global colour line. In 1824, Santander’s administration thus forfeited an important opportunity to make a stand against neocolonial (re)consolidation in the Americas – with consequences that would reverberate for Hispanic America itself, too.

We might interpret the Colombian government’s decision of non-solidarity with Haiti in 1824 as the end of the age of revolutions in the Atlantic world.⁹⁶ It was in this moment of rupture in the revolutionary Caribbean that the trans- and inter-national solidarity between the Atlantic revolutions broke down. Faced with the decisive occasion to continue to expand the range of permissible revolutionary practices by publicly embracing Haiti, the creole conservatives who (just about) controlled the Colombian state in the mid-1820s recoiled. Moreover, this was done both in

⁹²See ‘Santander, Address to Congress, 6 April 1824’, *supra* note 58, at 189.

⁹³M. Brown and G. Paquette (eds.), *Connections after Colonialism: Europe and Latin America in the 1820s* (2013).

⁹⁴E. Shawcross, *France, Mexico and Informal Empire in Latin America, 1820–1867: Equilibrium in the New World* (2018).

⁹⁵See Jones Corredera, *supra* note 7.

⁹⁶See Armitage and Subrahmanyam, *supra* note 19.

spite and *by means* of the new international legal regime that the Colombian government was attempting to construct for the American hemisphere. Indeed, Santander attempted to publicly legitimize Colombian non-solidarity with Haiti in terms of the fast-emerging principles of Latin American international law during this period: non-intervention and regional internationalism.

In doing so, Santander reveals the underside of *longue-durée* currents in Latin American international law which have typically been associated with the anti-imperial valence of that tradition. Neither non-intervention nor regional solidarity in Latin America have had a necessarily oppositional relationship to (neo)colonial empire; and the 1824–25 abandonment of Haiti by Colombia was a crucible of complicity between these legal principles and imperial domination. It was in the context of the Haitian question that creole patriots in Colombia reworked the principle of non-intervention to be an alias for non-solidarity with a fellow anticolonial state, and used the reasoning and culture of Latin Americanism to foreclose anticolonial internationalism rather than extend it. Haiti thus marked a key point at which the anti-imperial potential of Latin American international law, during its formative period, was inverted.

This does not mean that the Latin American legal principles of non-intervention and regionalism were inherently at odds with anticolonial solidarity. In the early twentieth century, especially, in contexts including the Mexican Revolution and the Montevideo Convention of 1933, the relationship was reversed as these norms were made part of an ambitious anti-imperialist imaginary by Latin American activists, officials, and international lawyers.⁹⁷ Rather, the Haitian (dis)encounter of the mid-1820s demonstrates that the connection between non-intervention, regional cooperation, and empire in Latin America is contingent rather than fixed, having been constantly redefined and contested throughout the history of Latin American international law.

⁹⁷J. P. Scarfi, 'Mexican Revolutionary Constituencies and the Latin American Critique of US Intervention', in Greenman et al., *supra* note 5, at 218; see Becker Lorca, *supra* note 7, at 305–52.