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ABOLITION AND FEAR JOAQUÍN MOSQUERA Y FIGUEROA AND THE ABOLITION OF THE SLAVE TRADE IN THE POSSESSIONS OF AMERICA (1815)

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Abstract:

This article seeks to analyze the conduct of the Spanish Crown and a prominent royalist official regarding the abolition of slavery. Contrary to what might be assumed, there was a genuine interest in ending the slave trade involving people brought from the African continent, originating from the highest levels of the Crown in the early 19th century. This study is based on a documentary analysis of primary sources that indicate an abolitionist interest on the part of Joaquín Mosquera y Figueroa.

KEYWORDS: abolition, slavery, trade, prohibition, fear.

INTRODUCTION

Joaquín Mosquera y Figueroa is a central character in the institutional history of Colombia, his historical location reveals a particular context within which the era of slavery is lived as one of the most important institutions of both social and economic life at the beginning of the nineteenth century. Born in the city of Popayán in 1748 in an aristocratic family and with great responsibilities within the Spanish crown and the administration of slavery itself, he developed his life within the framework of a function mainly aimed at the service of royalty defending their interests in the territories of the Americas in latitudes such as his city of origin and beyond it in cities such as: Santafé de Bogotá, Caracas, Mexico and finally Madrid; the latter place where in the twilight of his life he came to occupy one of the most relevant positions within the crown as he was president of the Supreme and Governmental Central Board of the Kingdom, while King Ferdinand VII was limited in his powers as monarch during the time of the occupation of Napoleon Bonaparte¹.

This particular character is difficult to analyse if it is understood that his position within the crown enjoyed great responsibilities in dispersed and remote geographies, which requires greater care and location of data and references that give way to a more complete understanding of his performance as an official of the Spanish royalty. However, this challenge does not prevent this paper from presenting a document that sets out its position and recommendations to the Spanish crown on a transcendental issue of life in the history of the Americas, such as the abolition of the slave trade².

For this reason, the reader will be able to find in this written piece the urgent manifestations

made to the universal minister of the Indies, Miguel de Lardizábal y Uribe, so that the slave trade ends as soon as possible, at an equally crucial moment in the year 1815 in which such a request is proposed and in which the crown resumes its power after the culmination of Bonaparte's occupation of Spain. This historical context full of political turbulence both in the lands of the crown and overseas, describes the need to address the study of the report written by Joaquín Mosquera y Figueroa on April 7, 1815 in which he recounts in detail the central events of the consequences that have had in terms of the slave trade brought from the coasts of Africa to the lands of America³.

The report on the abolition of slavery is important to understand the crown's vision on this issue. For this reason, its study leads in this case to the formulation of a central problem studied in this article and that is related to the scope of the royal interests in ending or not with such trade at a crucial moment of the Spanish crown and its recovery of control of the lands and the demand for loyalties.

Is there really an interest on the part of the Spanish crown to end this trade before the independence of many of what will later be territories independent from the monarchy? This scenario can be described in the report that includes this text, also because it has been formally requested by the universal minister of the Indies on December 23, 1814 to Joaquín Mosquera y Figueroa. Although the file consulted does not reveal the context prior to the writing of the manuscript, it is also true that a reading of the report may show that there is a clear interest in guiding the Ministry of the Indies in this matter in an urgent and decisive manner.

For this same reason, this article highlights sections of the report written by the one who had previously enjoyed serving as president of

¹ Yolia Tortolero Cervantes, *New biographical data on Joaquín Mosquera y Figueroa located in documents (1796-1806) of the General Archive of the Nation* (Mexico: Legajos 9 Boletín del agn, 2016) 49-75.

² Carlos Arnulfo Rojas Salazar, "Un Realista Neogranadino: Don Joaquín Mosquera y Figueroa,"

Revista historia de la educación Latinoamericana 16.23 (2014): 125-144

³ Ana Carolina Ibarra González, "Apología de los marginalados. Miguel De Lardizábal and Equality in the Eighteenth Century," *Revista de Indias* 82.284 (2022): 111-135.

the Supreme and Governmental Central Junta of the Kingdom in the absence of Ferdinand VII and thus discuss whether such orientation is the result of a political conjuncture necessary to be definitively resolved or, it is one more expression of this interest that had previously been dealt with by other tools, as it is also intended to be evidenced with the help of writings by Mosquera y Figueroa himself prior to the report requested from him by the crown, as in the case of the text of his own authorship entitled: "Opinion on the Freedoms of Slaves"⁴, as well as the report: "On the slave trade", the latter written in 1805⁵.

The article thus proposes from the methodological point of view to address the documentary analysis of primary references that are close not only temporally to the written report, but also to its author himself, in the full confrontation of a recovery of loyalties also mediated by the fear of the crown to the clear numerical superiority of slaves brought from the African continent. The sources discussed are found in two archives consulted, the first the Javeriano Juan Manuel Pacheco S.J. (AJJMP) archive of the Pontificia Universidad Javeriana and the second the Cipriano Rodríguez San María Historical Archive of the Universidad de la Sabana (AHCRSM), both located in the city of Bogotá D.C. As a setting for the location of the primary sources, files from the Central Archive of Cauca in the city of Popayán (ACC) are also included, especially because of the description of the political context of the time in which the report is written and because this city represents an important reference for the thought and tensions of his positions on the abolition of the slave trade in relation to his own family from this capital.

In the same way, the interest in clearly addressing the process of abolition of slavery by the Spanish crown is proposed as a central hypothesis long before the interest of the

patriots to achieve it. For this reason, the article aims at an analysis that allows us to better understand the context within which this debate takes place and, in addition, how it arises within the same family that enjoyed living the paradox of abolition and slavery at the same time.

1. The context of the Royal abolition

The report written in fifty-one pages by Mosquera y Figueroa rests in the (AJJMP), a text that allows us to discover the study made by this important royalist official and in which both the number and the context of the slave trade in different latitudes of the Americas and the lands of the crown for the year 1815 are described in detail. His warnings relate the urgent need to evaluate the high increase in slaves in different cities and regions, an aspect of central care in the face of the fear of many realists that in number they are significantly inferior to their own slaves⁶.

The first section of the report indicates that it is written as a result of the request made by his superior on December 23, 1814, which is why it is clear that its drafting does not respond to a personal or unilateral feeling of the author of the report, but on the contrary, it arises as a response of a higher interest than him and from the highest instances of the Spanish crown. That is why it can be deduced in this first section that there is an interest of the crown in thoroughly reviewing this aspect, which shows that such a report is evidence in relation to the object of abolition destined not only to the exclusively patriotic interests, but also to the royalists of the time⁷.

In this particular the author of the report begins to point out the behavior of trade in various regions as described below:

In the province of Popayán, which adjoins it, there were 4763 in its mines and haciendas, in Cartagena 7770, employed only in the

⁴ Joaquín Mosquera y Figueroa, "Dictamen sobre las liberties de esclavos", Bogotá, 1805, AHCRS, Bogotá, R135, Box:4, Folder:3, Folios:148-153.

⁵ Joaquín Mosquera y Figueroa, "Representation of Joaquín Mosquera y Figueroa on the trade in negroes", Bogotá, 1805, AHCRS, Bogotá, R144, Box:4, Folder:4, Folios:31-42.

⁶ Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

⁷ Joaquín Mosquera y Figueroa, intermediate period.

cultivation and care of the haciendas and domestic service, as in all places where they abound in the province of Caracas and others subject to that captaincy general in which mines are not worked either. There is a considerable number, very fearsome to the whites, dedicated to the cultivation of cocoa, and to sugarcane and lately of coffee, in addition to the many who apply themselves to domestic service. In Guatemala there are particularly on the northern coasts, also dedicated to agriculture, and few on those of the southern sea. In Lima the number of negroes who have entered through Montevideo and then entered through Chile is also very considerable. Others have been driven by Cape Horn, and others by the Isthmus of Panama, where there are also for domestic service, as well as for haciendas.

In Caracas, Cartagena, Lima, and other places where, because there have been many blacks, there are few mestizos who are certainly white, the opposition with the blacks ceases with respect to them, and for the service expressed, the opposition with the blacks ceases, but it is held by the free mulattoes, who are many who with their natural pride hate the blacks. of those who would not want to hinder the origin that degrades them; and they also hate mulattoes who consider that they have advanced a little over their color on which they base their haughtiness, in order to despise them...⁸

As can be seen, the report is clear and explicit in highlighting the fear felt by the royalists of the excessive increase in trade that has brought in many places a greater number of enslaved people that puts at risk the security and tranquility of their control by their masters. This describes the ambivalence between fear and the usefulness of slavery in the lands of the Spanish crown, especially if it is understood that a large part of the economic activity on which it depended until then was due to the use of the labor of enslaved people both in mining and in the domestic activities of the haciendas⁹.

It is important to highlight how a person who belongs to one of the most aristocratic families of the time and, in addition, owners of vast lands and a significant number of slaves especially located in the Governorate of Popayán, proposes to the crown not only the abolition of slavery immediately, but also that the masters assume activities that slaves carry out until that moment, such as the care of domestic activities and others of a commercial nature typical of the use of black labor. This appreciation results from the example (says Mosquera y Figueroa), that other crowns, such as the English, have decided to assume to avoid continuing with the slave trade in their lands¹⁰. To suggest these new behaviors and, above all, to ask that the masters cease to have the condition of such, is interesting because it turns out to be more important at that moment to attend to the fear of a slave uprising, than the reaction that the masters may have to such a consideration and especially to one that has generated power for years. status and privileges to a number of people who until then had been endowed with extensive social and economic control in many of the regions of the Spanish crown.

It is not, therefore, more important to take care of this condition of privileges, but on the contrary, to maintain the control of the authority of the crown over its territories, focusing the political tension on those who assumed the power of masters and also demanding from them a greater commitment of tasks, functions, and social and economic roles around the composition of the monarchy in the lands of the Americas. This version is thus a view that is important to study because instead of reconciling the interests of the Creoles, it is more urgent to attend to the abolition of those who are clearly superior in number and from whom they could receive more serious consequences for their eventual conduct of revolt and rebellion against the crown. Thus saving control and authority turned out to be

⁸ Joaquín Mosquera y Figueroa, intermediate period.

⁹ Christopher L. Tomlins, *Law, Labor and Ideology in the Early American Republic*, (Australia, Cambridge University Press. 1993) 259.

¹⁰ Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

clearer to guide on the part of Mosque and Figueroa than to continue attending to the privileges of those who for years served as owners and lords of the slaves.

This is surely an aspect of study in relation to the increase in political tensions between the royalists and the patriots, especially if it is understood that both used their interest to ingratiate themselves with the enslaved in their favor and not lose for them the control of the authority that both finally dispute. In this regard, and as it is expected to be developed in the later section, explicit mention will be made of specific cases in which the royalists in charge of governorships such as that of Popayán, preferred to "modulate" the judicial decisions in their charge to avoid increasing tension with the enslaved and, on the other hand, to encourage their interests to lean more towards the patriots¹¹.

2. So many slaves, so many enemies...

As indicated above, the political tension of the moment is not only typical of the context in which this report is written. It is, moreover, within the nucleus of a family that is divided between royal interests and patriots, especially if one notices that some of its members advocated the opposite, that is, to maintain slavery and to question the initiatives of laws that put the economic interests of the masters at risk by having assumed investments in slave gangs without later having a way to recover this money. This is the case of Joaquín Mosquera y Arboleda, nephew of Joaquín Mosquera y Figueroa, who later (1825) and once independence from Spain had been achieved, wrote in his capacity as senator of the Republic his memorial on the need to reform the law of July 21, 1821 that sanctioned the freedom of childbirth, manumission and abolition of the slave trade¹².

Here the opposite vision is expressed that this family lives on a central issue both for the crown and for the Republic after independence. What is necessary to highlight if it is understood that

the coherent thing to do was to abolish slavery once independence from the crown was achieved, and as can be seen in this case, the interest was the opposite, in a specific case of one of the members of the Mosquera y Figueroa family. This tension is not only familial, but also the tension of the context that was lived at the time, and which aims in this paper to show the orientation of a realist on the very interest of abolition in order to avoid more serious consequences for the kingdom as can be seen below in the report:

... That although slaves may be admitted in Christian republics, they must take care that the number of them does not increase too much, because the number is increasing; it itself causes an uproar, as happened to the Romans, who, being so full of them, could not prevent seventy thousand from rising up from the dominion of Spartacus, in which he defeated them three times in capital battles. Wherefore, he says, the magistrates should put a tax on the greed of the merchants who have introduced into Europe very large jobs in slaves, and support themselves from these to bring from their lands, either by deception or by force, as one who goes hunting rabbits, or partridges, and deceives them from one port to another...

Although what happened in the French part of the island of Santo Domingo is an exemplary case of the domain of modern history, on this point it should never be lost sight of. The blacks there put an end to all the whites and remain independent with their Black King Enrique Cristoval, whom the government must always observe for the disturbances he may cause on the immediate island of Havana where its inhabitants rightly live with this suspicion. It is true that this catastrophe gave rise to the French Revolution, founded on its principles of equality and freedom. But in addition many causes can occur that produce the same events, where the number of blacks and whites is in such an unequal proportion, that it cannot maintain a just balance; and therefore it is itself threatening similar events. Slavery alone is

¹¹ Ángela Pérez-Villa, "Disorderly Love. Illicit Friendships, Violence and Law in a Slave Society at War", Popayán – Colombia, 1809-1830", (PhD, Michigan University, 2017) 44.

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<https://babel.banrepcultural.org/digital/collection/pl7054coll10/id/2998/31/10/2025>

sufficient for everything, if it is presented with opportunities to change their condition, aspiring to freedom, whatever motive that urges them, whatever suggestion that inflames them, will be enough to make them throw themselves into trying everything¹³.

This is the evident urgency that Mosquera and Figueroa point out about the need for the Spanish crown to proceed with the abolition of the slave trade in its possessions in America, especially to avoid the same consequences that are already being experienced in other latitudes. It is clear, according to the report, that the fate of the Spanish crown in the Americas depends on whether or not the slave trade is abolished, and on the realists' appreciation of the enslaved, directing their concerns on their majority presence, as well as on their loyal or insubordinate conduct towards the crown¹⁴.

Such concern can be noted in judicial cases resolved by the Spanish crown, as in the case of Juan de Sámano, a Spanish soldier who, occupying the position of governor of Popayán, during the year 1813, issued a sentence in favor of a royalist slave who fought under the ranks and interests of the crown. The judicial decision that was taken was aimed at preventing the blacks settled in the Patía valley from ending up related to interests contrary to those of the royalists. In the file located in the ACCP, it can be read how the governor decided to grant temporary freedom to the slave named Reyna, who had a marriage commitment to Ángel Salazar, a royalist soldier, and from whom the fact that Reyna had lived in cohabitation with a

black man from Patía during Salazar's absence should be ¹⁵hidden.

Avoiding confrontations and tensions with the slaves became necessary for the crown, which is why in order to control insurrections the same legal system served to guarantee exceptional conditions in favor of the enslaved, as can be seen in the file indicated on Sámano, as well as on others that during periods close to that of the report on Mosquera and Figueroa, They can show a realistic tendency to guarantee conditions that favor real interests and that prevent the inclination of slaves towards patriotic interests¹⁶.

The same understanding of slavery by the realists, as can be seen in Salazar's dossier narrated above, is profoundly ambivalent, if it is understood that a slave is granted the "right" to temporal freedom to guarantee the betrothal commitment between a black royalist and his fiancée. It was therefore more important to interpret in favour of the slaves exceptional conditions that would above all benefit the royal interests and thus avoid confrontations between slaves that could jeopardize the territorial control of the Spaniards¹⁷.

This difficult political context thus warns of the deep fear of the number of slaves in the lands of the crown, which leads to indicate in the report on abolition written in 1815, that slaves are clearly seen as enemies (Quot servi, tot hostes), ¹⁸especially because of the number they represent, moreover, because their origin and the reasons that have led to bring them to the lands and possessions of the crown are unjust, if it is understood that they have been brought

¹³ Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

¹⁴ Jorge Domínguez, *Insurrection or Loyalty. The Disintegration of the Spanish Empire in America*, (Mexico, Fondo de cultura económica, 1985) 38.

¹⁵ Sámano, Popayán, 1815, ACC, Popayán, fondo república.

¹⁶ Francisca Collazos, Popayán, 1836, ACC, Popayán, Fondo República.

¹⁷ Among other files located in the ACC that relate to property rights in favor of slaves are the following: Document number: 3121 (Rep. C I -4 dt). Sender: Martín Rafael Clavijo. Addressee: Ramón Delgado,

Parish Judge. Place of origin: Popayán. Date: April 7, 1839. Folios: 73 to 82. Document number: 3121 (Rep. C I -4 dt). Sender: Cantonal Judge. Addressee: Miguel Santiago Valencia. Place of origin: Popayán. Date: April 12, 1839. Folios: 88 to 97. Document number: 3121 (Rep. C I -4 dt). Sender: Juan Andrés Rodríguez (slave). Addressee: Francisco Antonio Jirón, Parish Judge of Tambo. Place of origin: Popayán, Tambo. Date: June 4, 1839. Folios: 98 to 101.

¹⁸ Joaquín Mosquera y Figueroa, "Report on the Abolition of the Negro Trade and its Repercussions on the Possessions in America", Madrid, 7 April - 1815, (AHJ), B1-ES2- EN1-CP05-DOC7, Bogotá, Colombia.

under deception, even with the promises of their own kings in Africa to have better lives and conditions in other latitudes. This allows us to note that Mosquera y Figueroa points out that the very origin of the enslaved was not that of having such a condition in their places of origin, but on the contrary, that of being free. This is precisely what the author of the report points out:

... If in the first ones who promote and facilitate this trade, handing over their brothers to be transported, there are not such serious and well-founded reasons that can justify this procedure, it seems that it should be qualified as inhuman and vicious from its very origin and also in those who receive them from them, if it is not assumed that an ignorance that is difficult to conceive and could constitute them in good faith Father Fray Domingo de Soto, pointing out the circumstances in which the sale of the negroes in Africa could be carried out without vice, he warned that the rumor that existed and had circulated in his time was true, assuring himself that by fraud and malice those miserable people were seduced by deceiving them with trinkets and things of little value to take them to the ports and sometimes compelling them to do so, so that without noticing it or knowing what was intended to be done with them they were attracted to be sold among us; neither those who apprehend them, nor those who buy them from them, nor those who possess them do so with a sure conscience until they are granted freedom, even if they cannot recover the price they gave for them at the time of their purchase. In the same way that the same author says, if a man possesses a thing, even if he has bought it in the market, or acquired it under some other just title, after he comes to understand that it is agena, he is obliged to return it to his mourning, even with the loss of what it cost him, and he ponders on this reason, saying that how much more should he be obliged to restore to his former liberty a man who has been born free and has been

subjected with injury to slavery. And that if, in order to excuse themselves from this obligation, they should allege some specious pretence of saying that they have done very well to them, when by the servitude to which they have been subjected, they obtain the benefit of becoming Christians, this grave author and profound theologian says that he should take note that he may say that he would do a grave injury to the faith, which must be persuaded and taught; He demands in complete freedom the one who is to profess it, and therefore that God would not admit such an apology to Father Luis de Molina as he wrote in Portugal, he had occasion to inquire of the same merchants who went from there to the coasts of Africa to buy the negroes, in the manner in which they did not do and the latter apprehended and delivered their companions¹⁹.

The author of this report thus notes the detailed description he wants to make to his King of the very origin of the slave trade. In this case of one that responds to deceptions against the natives of the African continent, lies and others, even advanced by the Ethiopian kings themselves, making it clear that the enslaved are originally free people and that therefore their trade distorts the moral and legal horizons of their purpose. It is therefore important to highlight this scenario of deep ambivalences that manage to coexist at the same time, on the one hand, the one that justifies the necessary slave trade to guarantee the economic utility of the crown and, on the other, the nuance of its unacceptable moral condition²⁰.

This ambivalence of abolition and means is a particular and if you want to be unique configuration with respect to the consideration of the public that was designed at the time and that in the case of slavery by the Spanish crown develops in a permanent paradox motivated by interests of loyalty and insurrection, making it alien precisely to understand the necessary meaning that the public both in the colonial, as in the republican it arises before and after

¹⁹ Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

²⁰ Francisco De Borja Medina, *The Slave: Movable Property or Person? Some Observations on the Evangelization of the Negro in the Jesuit Haciendas*, (Lima, Pontificia Universidad Católica del Perú, 2005) 83.

independence. This ambivalence nourishes in the case of the States that were formed after independence from Spain, a weak sense of the public, as a space in which only certain interests can be lived, in this case determined by the loyalty and insurrection of the enslaved. In view of the large number of these in the territories of the crown, the configuration of the public will also be determined in the transition from the colony to the republic, by their exclusion or inclusion according to their conduct in relation to the groups of power. This means that the enslaved, despite independence, did not lose their status as such for a long time afterwards, thus transcending the ambivalence far beyond the end of the crown mandate in the lands of the Americas²¹.

The reflection of the report in this way is interesting if one wants to understand that in order to avoid continuing with the ambivalent situation of slavery, it is better to address its immediate abolition in all its dimensions. Incorporating the slave into social life and avoiding forcing him to decide between the scenarios of his condition of life, that of loyalty to the crown or the patriots, or the insurrection against one of them. This dichotomy had to be addressed by the crown according to Mosquera and Figueroa and for this he continues to narrate in his report the wrong reason for trade and his own origin:

... He prefers the wars that kings, kinglets, and other powerful people who are among them have been accustomed to wage, without keeping any reason or order of justice, thus making each other prisoners to sell them to the Portuguese, than when one of these ships arrives on their coasts or rivers, they dedicate themselves with the greatest efficiency to taking prisoners in the immediate places, to have to sell them in exchange for the merchandise they are carrying the same fate is given to the convicts who condemn for some crime in which they proceed with such barbarity that sometimes for the one committed by the father, not only the children but also the brothers are condemned to

death or to servitude for this reason. The same author also learned that the Portuguese do not take care to find out or inquire about the title under which the Africans sell their companions to them, but they buy from them as many as the price is agreed upon, saying that even if they tried to make this investigation, they would not be able to discover anything count; and that the same African sellers would take this very badly, as it would happen among us, if those who buy tried to make the same investigation of those who sell by asking them the title of their acquisition. And lastly, he also says that all he could understand of the merchants who buy the negroes in Ethiopia for their extraction was that they should take care of nothing else in this kind of negotiation than their profits and their comfort, which they are astonished if someone speaks to them and promotes scruples in this matter. that they satisfy by saying that the blacks improve their situation, so that they make a doubt among us a better life than in their land where they live with nudes supporting themselves with generous food. That in the midst of this, they also confess that those who know how to be robbed and separated by fraud of their natural liberty sometimes buy, for if they did not do so, they say, they would be put to death by those who have secretly apprehended them, so that they would not be known and punished with the same penalty that others assure that those who are carried away in this way do not dare to confess because of the danger they are exposed to. they would run if they were discovered; by the law put in place by the Africans forbidding anyone to buy privately any negro unless the seller is accompanied by an Ethiopian who serves at the same time as an interpreter, and knows if the one who is intended to be sold has been taken for theft. So that if the Portuguese merchants fall into these circumstances of buying them, they do so more from the fear of the pity and indignation of the Ethiopians themselves than from the consideration of conscience²².

²¹ Edwin Cruz Rodríguez, "The abolition of slavery and the formation of the public-political in Colombia 1821-1851", *Memoria y Sociedad*, 12.25 (2008) 57-75.

²² Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in

However, as the author expresses in terms of his concern about the high number of slaves in the territories of the crown, he also proposes to compensate for the presence of those who are not, inviting the application of the same laws of the Indies intended for the encomiendas so that as quickly as possible parents and adults assign the responsibilities of this mission to their children. Even making it clear that female daughters can carry out this task and get married when they are old enough to do so. This is indicated and thus revealing another important challenge of the realists in terms of miscegenation, if it is understood that another important characteristic of the crown is the endogamous stimulation of the creation of a family only between whites, another aspect also of evaluation in this document²³.

In this regard, the report on the need to promote marriages among the encomenderos states the following:

... In our wise laws of the Indies, with the just object that all should live by good example, and that the populations should grow, it is foreseen: that the one who had charge of the government, should admonish and persuade the unmarried to marry, if their age and qualities allowed it, and that in the division of the Indians they should be preferred with equal merits; that the encomenderos who were not married should marry within three years of having the encomienda, and take their women to the province of their vicinity; and that since the royal will is not to make them compelled or vexatious, it is entrusted to the prelate of the province; and orders the governor that if, having examined it, they find no impediment, they should take heed of persuading and admonishing them to take the state of marriage; especially if they demand that they are old enough to do so, and that the governors, in the provision of the encomiendas, prefer married people to those who are not married, that when the encomiendas, in the absence of legitimate men, fall on daughters, they have to marry, and

if they are of age within one year of the Indians entrusted to them, and they are not of legal age to contract marriage, they should marry when they have it.

Nor is it surprising that laws should lay down precepts of this kind by virtue of economic power. The father in use of the one he enjoys can swoop the son, in a certain way and to a certain extent, to marry, although he cannot do so with absolute force. The father, says the law of departure, cannot urge them to fix that they do everything in everything, as he can say to them words of punishment that the constitution grants, which among other things ordered that the widow under forty years of age who had no succession should be obliged to marry within five years without being able to remain in that state under the obligation to yield, not doing so in favor of his brothers, or closest relatives, half of his patrimony and in their absence to the treasury it is believed to have been expatriated by persuasion and advice of Pope St. Leo the Great. Thus nothing can be embarrassed so that by indirect means, without causing violence or offending the livery of marriages, they are promoted, attending and favoring those who contradict them, in such a well-known utility of the State, which has no greater wealth than the population, with all the preference that is strength in the destinies and careers in which it can be done to fulfill this interesting object²⁴.

As can be seen, although it is aimed at stimulating marriage and with it the consolidation of the presence of the crown in its territories to compensate for the number of enslaved, it is also true that such an orientation is not clearly made in relation to inter-ethnic marriage. This is a crucial aspect if it is understood that it denotes a contradiction in trying to compensate through marriage for the high number of enslaved people in the territories of the Spanish crown. The author's concern about the possible uprising or insurrection of slaves is evident, as well as the position of the crown regarding the prohibition

America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

²³ Virginia Gutiérrez de Pineda, *Miscegenación y Cultura en la Colombia Colonial. 1750-1810*, (Bogotá, Universidad de los Andes, 1999) 66-74.

²⁴ Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

of marriage between people of different ethnicities, which establishes in this case a greater degree of endogamy in different aspects, as it is in terms of the concentration of power and control in a few family groups²⁵.

In the same way, the concentration of control of the territory in certain social groups and, as a consequence, the lack of real access for slaves to a total condition of freedom under conditions of equality, shows that the abolition of the slave trade, while warning of the need to put an end to the slave trade, it does not make clear the process of inclusion of this population in decision-making roles, much less participation in terms of access to the practice of rights intended exclusively for certain social groups of the time.

The conception and scope of abolition envisaged in the report only goes as far as limiting trade, but it is not clear how slaves should be cared for after their release, which may also reveal the crown's own bias and even more ambivalence in dealing with this issue of transcendental importance²⁶.

3. The Paradox of Slavery and Abolition

As indicated in the previous section, although the reading of the report on the abolition of slavery does not clearly show what happens to the enslaved after their trade has ended, in a brief section of it it is indicated that there are conditions that could allow the number of slaves required to be supplied by appealing to the prohibition of celibacy. The report succinctly describes that this prohibition and others, which are not made clear, can help make up for the shortfall that is sure to exist after the slave trade is suspended in the lands of the Americas. This is what Mosquera y Figueroa indicates with their words:

St. Thomas, speaking of the laws which had absolutely abolished celibacy, does not entirely disapprove of them, for he is intimately penetrated on the one hand by the principles which ought to direct the minds of sovereigns, and by the understanding of the power which they have received from God Himself for the

government of their kingdoms, and on the other hand, that in celibacy there are, as in all human things, straits and excesses to be contained, he knew that the matter that of itself was susceptible to as many temperaments as in diseases the vicious humors were obtained. This kind of provision, together with others of its kind, seems to be those that can be taken to supply the want of the negroes, once their trade has been extinguished. And in order to determine this in this way, another circumstance concurs in the way of all that has been said so far, and this is the example of the English, who, after a discussion and careful examination of many years, have lately abolished the trade in negroes, and the Court of Portugal, although it has not yet taken an equal resolution with present effect, to this same estimate it has been agreed that to do so gradually, so that it must not be doubted that she will put herself on this point on the same level as England. This nation could not look with serenity on any other, remaining in the old system of the slave trade, to increase its hands for the cultivation of its possessions in such a way as to put them in a more flourishing state than its advantageous qualities would exalt and set in motion its sky. So it is that this arrogant nation has been scuttled little whenever hundreds of ships had left the coasts of Africa laden with blacks on the seas. And it must not be doubted that they would always do so when they had no other recourse than to resort to the latter reason, and it must also be borne in mind that the extinction of this trade in negroes has already been touched upon at the Congress of Vienna, as the public papers have announced, in which it must be supposed that the influence of the English has been at work, interested in making the overseas possessions of other nations known as they of help of arms that will advance to prosperity considered, therefore, with due reflection on this matter, taking into account that the owners of lands and any others who need slaves, have had ample time to supply themselves with them in the last

²⁵ María Teresa Pérez Hernández, *Habitat, family and community in Popayán 1750-1850*, (Popayán, Universidad del Cauca, 2018) 164-165.

²⁶ Frank Tannenbaum, *Slave and Citizen, the Negro in the Americas*, (Buenos Aires, Paidós, 1968) 12-25.

concession of twelve years of which we have spoken and must end in the coming of 1816²⁷. It is also noted that the example of other important crowns such as the English and Portuguese are necessary to evaluate in terms of the end of the slave trade. As these monarchies have already discussed it publicly, it is safe to follow the same example in the case of the Spanish crown. Their warnings are all oriented towards the urgent culmination of a trade that puts at risk the stability of social and political control, taking into account the entire special context of the Americas, as well as of other latitudes in the hemisphere where other crowns with similar procedures of the use of slave force have a presence.

Mosquera y Figueroa explains how it is possible to survive without the need for this trade, just as other crowns are achieving it at the time and without a weakening of their control capacities both economically and socially. Even in situations such as those that arose at the time of writing the report in relation to the enslaved people settled in areas such as the Patía Valley in the Governorate of Popayán, where the rumor spread that the King had ordered the freedom of all slaves. This is indicated by the report, noting that in the context of the return of King Ferdinand VII, it was accompanied by power vacuums interpreted in favor of the slaves or in order to jeopardize the very stability of control over the lands in America.

The author of this report thus concludes by indicating the precise request to abolish the slave trade, in an attempt to put an end to the dangerous increase in slaves and to the resentment that has grown in all the territories of the kingdom, in the following words:

It seems that all the circumstances referred to conspire to the benefit of the degraded and outraged humanity in these unfortunate men, only in sorrow of their color to that of the future tranquility and happiness of the Americas, unfortunately plagued in many of their bastions

and extensive provinces by inhabitants who will always profess a hidden hatred; but inextinguishable to the whites as long as they give them the servitude that subjects them to the same in In time, if possible, the disastrous consequences and horrible transformations survive, and must cause in the regular order a black population if it becomes inordinately numerous, and lastly that of the considerations which, in moral and religious matters, disapprove of a trade, which, whatever may have been the conception it may have deserved in the past for its toleration, is now demanded by quasi-universal opinion. conspire, I hear, that Christian and pious heart of His Majesty to cut off this trade at once, taking such measures as may seem expedient to avoid the damage to those which, under the guarantee and security of the last conception, have begun negotiations contracted to this traffic with the temperament which, in order to the time in which it should be considered entirely staggered and finished, would be to the sovereign's liking, or as His Majesty may be pleased to resolve it. April 7, 1815. Joaquín de Mosquera y Figueroa²⁸.

In addition to the above, Joaquín Mosquera y Figueroa himself, previously in 1805, wrote about the repercussions of the Royal Decree of April 20, 1804, which seeks to maintain the slave trade on the island of Havana, among others, in humane conditions. In this document he warns, in the same way and in a coherent way to the report so far discussed, the harm of authorizing the slave trade insofar as it harms the interests of the Spanish crown by forcing the English to buy them²⁹.

This reflection made in the report on the slave trade and written ten years ago shows a constant concern of Mosquera and Figueroa in the trade of people brought from Africa. Not only does his reflection rest on the report mainly dealt with so far, but also on previous references to it, which is of interest if one wants to understand that his orientation is not only the

²⁷ Joaquín Mosquera y Figueroa, "Abolition of the black trade and its repercussions on possessions in America", Madrid, 7 April -1815, AHJ, Bogotá, época intermedia, B1-ES2- EN1-CP05-DOC7.

²⁸ Joaquín Mosquera y Figueroa, intermediate period.

²⁹ Joaquín Mosquera y Figueroa, "Representation of Joaquín Mosquera y Figueroa on the trade in negroes", Bogotá, 1805, AHCRS, Bogotá, R144, Box:4, Folder:4, Folios:31-42.

result of the circumstances experienced in 1815 where he wrote the report he addressed to the Minister of the Indies to abolish the slave trade. The interests in the termination of the slave trade respond to larger reflections, such as the one he makes in the written text of 1805 when he warns of the harmful consequences of doing business with the English to maintain the slave trade. This type of rapprochement with the English crown is not well seen by Mosquera, on the contrary, it encourages affinity with a crown that also has pretensions of colonization even in Caribbean territories. It is also evident that the Spanish crown does not trade slaves directly on the coasts or ports of Africa, but depends on purchase through intermediaries, which in this case are the monarchies with whom it also disputes territories.

Their contributions are thus important to consider because they define a trend in the study of slavery in the context of the realists. His influence, his position within the Spanish crown and his closeness to King Ferdinand VII mean that his criteria and written reflections are considered today to evaluate the position of the crown in matters of slavery during the early nineteenth century in the institutional history of both Colombia and other latitudes under the domination of Spanish royalty. The particular criterion of this Colombian royalist is confused with the position that his brother José María Mosquera y Figueroa has years later in relation to the crown³⁰.

This means that a totally opposite position coexisted between the two in the face of the interests of loyalty to the crown. Above all, if José María's turn towards patriotic interests is detailed, when he decided to radically support the liberator Simón Bolívar in his interests of independence, even putting his own son Tomar Cipriano de Mosquera as his aide-de-camp for it. As can be seen in history, this dichotomy of interests and tensions exists and is visible in one of the families in which all the powers of the

time concur, both military, political, economic and religious. This last dimension is represented by Manuel José Mosquera y Arboleda, archbishop of Bogotá and nephew of Joaquín Mosquera y Figueroa.

Despite these opposing views and positions vis-à-vis the crown in the case of the author of the report on the abolition of slavery discussed here, his view of slavery turns out to be coherent, if one reviews the reports written and mentioned in this text on the subject. His contributions regarding the abolition of the slave trade in particular imprint a view typical of the realists represented in this high official on whom it is still necessary to carry out research to compile his contribution in various latitudes of the lands of the Americas, as well as overseas. It is also important to review how the complex network between the colony and the republic revolves around the institution of slavery. Its transcendence notes a special condition of the very development of the legal, social, economic and political system of the time, dimensions that can hardly be understood outside this institution in which thousands of people were subjected in a space of ambiguity conducive to the determination of real or patriotic interests.

In the case of the contributions made by Joaquín Mosquera and Figueroa, it can be seen that the slave trade weakened the condition of domination of the crown and, on the contrary, strengthened the perspective of freedom, which turned out to be a majority desire among slaves, represented in a greater number of people settled throughout the territory of the Americas. Therefore, any decision taken in favor of the interests of the Spanish crown or its opponents was mediated by the implementation of ambivalent conditions of the slave extended beyond independence itself³¹.

CONCLUSIONS

As can be deduced from the reading and study of the report written by Joaquín Mosquera y Figueroa, his central concern about the increase

³⁰ Manuel Pareja ORTÍZ, *Epistolario de José María Mosquera y Figueroa* (Bogotá, Universidad de la Sabana, 2018) 214

³¹ Jaime Jaramillo Uribe, *La Controversia Jurídica y Filosófica Wagada en la Nueva Granada en Torno a*

la Liberación de los Esclavos y la Importancia Economico-Social de la Esclavitud en el Siglo XIX, (Bogotá, Universidad Nacional de Colombia, 1969) 63-86.

of slaves in the lands of the Spanish crown up to the date of 1815, dominates the common thread of his writing. Their fear warns of a reality that from overseas has not been fully conceived in terms of the control of a population that exceeds the number of people in charge of the administration of both the economy and other aspects of colonial life at the time.

The overflowing slave trade and its consequences can hardly be understood in aspects such as its dependence on the purchase of gangs of enslaved people from the English, as it warns in its document written in 1805, as well as the threat of insurrection experienced even in other latitudes, putting at risk the management of a clearly administered territory. through a complex judicial and economic system, but at the same time in decline due to such a large and increased desire of the enslaved to achieve their original condition of freedom, which increases with greater force during the custody of King Ferdinand VII and the rumors described by Mosquera and Figueroa are transmitted from province to province in favor of freedom³².

This clear context described in the paper under study shows that with regard to the problem initially proposed in this article about the existence or not of an interest on the part of the crown to abolish slavery before the independence of nations that were subsequently born, it can be said that, although it is possible to confirm the existence of such an interest, It is also true that it does not clearly correspond to the only one that the Crown must attend to at that time. On the contrary, this intention to abolish slavery on the part of the royalists is confused with other interests such as demanding during the year 1815, the loyalties of the inhabitants of the territory of the crown and punishing those who, due to their attitude, decided to take advantage of their own interests during the occupation of Bonaparte.

This complex political situation of the moment proposes an interest in the abolition of the slave trade on the part of those who even a short time ago promulgated the constitution of Cádiz in Spain, so his intention reflected in the document is not just any, it is one that comes from the

highest level of the colonial structure itself, also because it is requested from the Universal Ministry of the Indies, space devoted to the affairs of the possessions of the crown in the Americas. Its impact is not accidental, on the contrary, it is aimed at promptly addressing a matter of high rigor. However, although there is evidence such as that written by this author of the highest confidence of the King, it is also true that the intentions on the abolition of the slave trade were stressed with more pressing pretensions for King Ferdinand VII, such as demanding greater loyalty from his vassals.

The fissure between freedom and slavery at the time and at the same time their coexistence demonstrates a behavior of domination and loyalty that only responds to conveniences, which proves to make the very existence of the crown and its empire fragile in a scenario dominated mostly by slaves waiting for freedom and waiting to receive it from the hands of the patriots.

Mosquera and Figueroa's gaze is focused on how to reduce or at least stop the increase in the slave population, on which they know very well that the control of the territory administered by the Spanish monarchy falls. His broad and international vision of the slave trade allows us to understand conditions that a kingdom focused on particular interests cannot see broadly. This view notes the particular understanding of the Spanish crown about slavery, different from that assumed at the time by other monarchies and surely for this reason with the dissimilar consequences that will be had in territories where, although such an institution existed, it had different repercussions in the context of the birth and development of later states.

The resistance to believing in a monarchy without slaves is surely a necessary look to delve into the matter of the transition from the colony to the republic in the case of the Spanish crown that opposes taking this substantive decision in a timely manner, despite the existence of evidence such as those described here in terms of an interest in abolishing the slave trade from the realist perspective.

³² Catalina Del Castillo Villegas, *From Home to the Courts. Family Claims in the Superior Courts in the*

Transit from the Colony to the Republic, 1800-1850, (Bogotá, Universidad de los Andes, 2007) 41-42.

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