

The Haitian Revolution and the Making of Freedom in Modernity

Anthony Bogues

Freedom is a must

Babylon try to enslave us...

You know dem have a nerve

Freedom is a ting everyman dem deserve

Bounty Killer

Freedom is how you is from the start

An' when it look different you got to

Move, an' when you movin' say that it a natural

Freedom that make you move.

George Lamming, *Season of Adventure*

In fact, Sophie my Marie, I who received it know that

Freedom is not given, must not be given.

Liberty awarded does not liberate your soul...

Patrick Chamoiseau, *Texaco*

Introduction

There are several conventional ways in the history of Western liberal political thought that the story of freedom is told. However two of these continue to frame the

freedom story . The first frame is Isaiah Berlin's famous 1958 lecture, “ The Two Concepts of Liberty.”¹ In this frame Berlin, drawing from both J . S. Mill and Benjamin Constant, deploys an argument which suggest that there are two versions of freedom, which he calls “positive” and “negative” liberty . Berlin continues Constant’s conception of freedom in which there are distinctions between the freedom of the so called “ ancients” and that of “moderns.” For Constant the main distinction was that, while “the aim of the ancients was the sharing of social power among the citizens of the same fatherland ... the aim of the moderns is the enjoyment of security in private pleasures; ... individual liberty ... is the true modern liberty .”² It is clear that the overarching definitions of freedom in Constant’s conception revolve around questions of the individual’s and the community’s relationship to political authority . For the moderns therefore when freedom becomes “negative”--a freedom *from*--it primarily resides in non-interference and the creation of a distant space between political authority and the self. This distance is central and is also rooted in conceptions of a market economy and the private ownership of property. In contemporary political thought this conception of freedom has become integral to liberalism. There are of course many streams of liberal political thought but common to all are the doctrines of natural rights and contract theory.³

The second major frame for the discussion about freedom is the rich debate about the shaping influences of Roman conceptions of liberty on 18th century Atlantic

¹ See Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969)

² Benjamin Constant , “ The Liberty of the Ancients and the Liberty of the Moderns,” in Michael Rosen & Jonathan Wolf (eds) *Political Thought* (Oxford : Oxford UP. 1999) p. 123.

³ For a succinct and able discussion of liberalism as a political philosophy see, John Gray, *Liberalism* (Minneapolis: University of Minnesota Press, 1995)

political thought.⁴ This story proposes that freedom "may be realized through membership of a political community in which those who are mutually vulnerable and share a common fate may jointly be able to exercise some collective direction over their lives ... freedom is related to participation in self-government and concern for the common good."⁵ Of course this sounds similar to Constant's freedom of the "ancients." However the matter is complicated by the notion of the "common good." In other words, not only is political life a collective one but its overt purpose is a "common good." It has been successfully argued by J. Pocock that this story of freedom draws from both Roman and Greek political thought and was readapted in the Atlantic world in a form of civic humanism that meshed with Lockean notions of natural liberty.⁶ Quentin Skinner continuing along these lines has suggested that there is another form of liberty other than that contained in liberalism. He calls this a neo-Roman theory of liberty in which civil and political liberties are harmoniously reconciled in the engaged activities of the body politic.⁷ What is intriguing about both these stories of freedom is that they miss a fundamental issue of the human polity of modernity: the organization of a form of human domination that was embodied in racial slavery.

Of course it could be argued by some that Locke's references to slavery as a feature outside of the compact and Hegel's master /slave model elaborated in his *Phenomenology of Spirit* are recognitions in Western political theory that slavery was a system of human domination that would either hinder our "Self-Consciousness," or

⁴ A very good summary of these arguments can be found in Iseult Honohan, *Civic Republicanism* (London: Routledge, 2002.) Of course the key thinkers in this stream are J. Pocock, Phillip Pettit and Quentin Skinner.

⁵ *Civic Republicanism*, p1.

⁶ See of course J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, New Jersey: Princeton. UP. 1975)

could only operate in the Lockean model outside of the contract. But there are two things about this position which we should note. First, is that the system of Atlantic slavery was not just rooted in an Aristotle's notion of the "natural slave," but was a system of racial slavery. Secondly, as Fanon has pointed out, for the Hegelian model to operate there needs to be a degree of "absolute reciprocity which must be emphasized"⁸ --what I have called a "dialectics of recognition." Within the system of Atlantic racial slavery and slave societies such dialectics were not possible as the system rested on other grounds.⁹

In the end therefore I would want to suggest that Western political theory paid little attention to the meanings of Atlantic racial slavery, and therefore not much attention to the ways in which human domination operated in early modernity. Hence questions of freedom became narrowly focused on political authority and the struggles against different forms of European absolutism. One consequence of this is that in contemporary modernity there would emerge a grammar of freedom which focused on issues of political self-government, defining citizenship as different from subject and then creating classifications of difference that would deny rights. Some theorists have argued that the creation of the above conditions for the denial of rights constituted an exception which is "a kind of exclusion."¹⁰ This exclusion involves processes of suspension thus making the "state of exception ... not the chaos that precedes order

⁷ See for a discussion of this Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998)

⁸ Frantz Fanon, *Black Skin White Masks* (New York: Grove Press, 1967) p. 217.

⁹ The story of Frederick Douglass confrontation with his master Covey tells this tale. See Frederick Douglass, *My Bondage and My Freedom* (Penguin: New York, 2003)

¹⁰ The major contemporary theorist of this position is of course Giorgio Agamben who develops Carl Schmitt's idea about the nature of sovereign power. . . See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford UP, 1998)

but rather the situation which results from its suspension.”¹¹ However in the modernity of the Atlantic world both racial slavery and colonial domination were *the* orders; they did not require any suspensions or exceptions. And where they did, these suspensions worked their way back into mainstream political discourse and practices.¹² In such a context, freedom would be circumscribed.

It is therefore clear that the primary focus of the two major narratives of freedom is on the ways in which the individual relates to the political community and its various organs. In the first version, freedom is defined as a freedom from interference, a freedom in which the state and political authority place minimal force upon the individual. In this version it is the individual's private goals and private space which are of primary concern. In the second version freedom is tied to a close affinity with the political community. The model here is Aristotle's dictum that “man is a political animal.” The issue which one has to ask about both these versions of freedom is this: why the preoccupation with political authority and the political community? There is as well another issue to which we have already alluded, i.e., what effect did this preoccupation have upon the practices and meanings of freedom? Both questions are central because we know that the study of political thought requires us to think about the meanings of political vocabularies and their contextual surroundings.

The preoccupation with political authority of the dominant narratives of freedom partly derives from the context of their birth. Both arose in the period of colonial modernity. When the political ideas of civic republicanism profoundly shaped the American Revolution, they did not challenge racial slavery in the United States. For

¹¹ Ibid . pp 17-18.

¹² For a discussion of this process see Anthony Bogues , *Empire of Liberty : Power Desire and Freedom*

many of the key figures in the American Revolution, the definition of slavery revolved around the lack of self-government, and the corruption by the English crown of the “rights of English men”. Listen to Madison speaking to a crowd in New England:

The people of Massachusetts uniformly think that the destruction of their charter making the council and judges wholly dependent upon the crown and the people subjected to the unlimited power of parliament as their supreme legislative is *slavery*.¹³ (my emphasis)

From this ground within Western political thought two issues arise in the study of political thought and freedom. The first is: what meanings of freedom emerged from the historic practices of liberalism and from civic republicanism? The second becomes the focus of our essay: what alternative practices and conceptions of freedom emerged from the ideas and actions of those who were, in Fanon’s words, “objects amongst objects?” Since this story of freedom is typically ignored in the history of political thought bringing it to the fore may open new vistas about human possibilities, about the ways in which domination and power can be resisted. Importantly the slave and ex-slave freedom story suggest to us that freedom is not a normative ideal but rather that its meanings are embedded within a series of practices and our reflections about these practices. As such, normative political concepts may really be a political grammar which become our tools for negotiating the social world.

So where does the story of the Haitian revolution and Caribbean freedom begin? For analytical purposes we may segment our narrative of Caribbean freedom into two segments of Atlantic history:

- Conquest, genocide and the fall of “ natural man”

(Duke University Press: Forthcoming .)

- African slavery and colonialism.

These segments should not be seen as calcified typologies of the major turning points in Caribbean society which occur in chronological sequence, but rather as porous markers that allow us to grapple with the issues of freedom as they were developed in the political, social and discursive spaces of the region.

Indians, Indies and the fall of natural man

Almost fifty years after Columbus planted the Spanish flag in the Americas, Jose de Acosta published the *Natural and Moral History of the Indies*. In the period of early colonial modernity this text became a major work of reference about the New World.¹⁴ De Acosta's work was a compendium of 16th century European ideas about the so-called New World. His text reviewed biblical arguments about the size and shape of the world, and Aristotle's failure to understand the existence of the New World; examined the possible origins of the indigenous population; mused about the torrid zone; speculated on the ecology of the region; and then postulated the design of Providence for the Spanish to conquer the region for Christendom. In de Acosta's elaborations about the Indies, the "rights of the indigenous people" were set aside. This *setting aside of rights* had already been noted in Francisco de Vitoria's lecture on the native population in which he asked, "by what right were the barbarians subjected to Spanish rule?"¹⁵

¹³ Cited in Robert H. Webking, *The American Revolution and the Politics of Liberty* (Baton Rouge: Louisiana State University Press, 1989) p. 116.

¹⁴ The book was recently translated and published by Duke University Press. See, Jose De Acosta, *Natural and Moral History of the Indies* (edited by Jane E. Mangan, with commentary by Walter Mignolo, Translated by Frances Lopez-Morrillas) (Durham: Duke University Press, 2002)

¹⁵ Cited in Anthony Pagden, *Lords of all the World* (New Haven: Yale University Press, 1995)

In point of fact the rights of the native population were set aside in concrete practices of brutality during the Spanish conquest, as well as discursively in a series of arguments which relocated the indigenous population in a schema of natural history classification from being a mirror of “natural man” (a state which Europeans thought was then a lower form of human existence in almost Eden-like conditions), to one of natural servitude. In their state of so called naturalness (natural man) the native population could claim some natural rights, since God created them. Certainly when they were Christianized, natural rights were forthcoming since their humanness was now affirmed, thereby allowing them the possibilities of development. However the dictates of Spanish conquest quickly shifted the parameters of the debate about the rights of the indigenous population. As this occurred the indigenous population became fallen natural man and therefore could be conceived of and treated as Aristotle’s natural slaves.

This fall made the native population idolators and subsequently located them outside the pale of Christendom, making them another species life form. It was within this context of conquest, of the setting aside of rights and the fall of natural man, that Bartolome de Las Casas wrote his defense of the indigenous population, *A Short Account of the Destruction of the Indies*. For Las Casas, the native population had reason and were therefore creatures of God. The duty of the Spanish imperial power was to Christianize them. Las Casas proclaimed that:

The people with whom the New World is swarming are not only capable of understanding the Christian religion, but amenable, by reason and persuasion, to the practice of good morals and the highest virtues. Nature made them free ... our holy religion adapts itself equally as well to all the nations of the world; it embraces them all and deprives no human being of his natural liberty under pretext or color that he or she is *servus a natura*.¹⁶

¹⁶ Cited in Gordon Lewis, *Main Currents in Caribbean Thought* (Kingston: Heinemann Educational Books, 1983) p. 52.

Two things about the Las Casas position should be noted. In the first place he granted the native population natural liberty, thereby making them creatures of God, and secondly he argued that they could be trained into Christian morals. What is also interesting about this position was his understanding that the formal political structure of the native population was one of worth. In his polemic against the brutal treatment of the indigenous population and imperial Spain's organization of native servitude, Las Casas, wrote:

By what authority have you made such detestable wars against these people who lived peacefully ... on their own lands? Are these not men? Do they not have rational souls?¹⁷

This was the crux of the matter and was /is one overarching theme of contestation in the history of Caribbean (and I would argue Atlantic) political thought—the humanity of those who have been enslaved and placed in bondage in slave societies. The deliberate setting aside of rights for the indigenous population resulted in the first genocide of colonial modernity. It also shaped the political grammar in which freedom could be constructed alongside various forms of servitude and conquest. The political origins of Caribbean society were therefore in conquest, and more importantly for our essay, its origins were framed by the practice of the setting aside of rights. So when African slavery was introduced into the region the discursive ground was already fertile. Indeed, this is one of the grounds on which Caribbean political thought differs significantly from that of conventional Western political thought.

¹⁷ Bartolome De Las Casas, *A Short Account of the Destruction of the Indies* (Translated by Nigel Griffin) Introduction by Anthony Pagden (London: Penguin Books, 1992) p. xxi

In Western political thought the basis for the examination of rights, political obligation, and the quality of freedom precedes from the stance that the humanity of the subject is already confirmed; indeed it is that humanity which gives natural rights and liberty and therefore citizenship. For the enslaved Caribbean person, on the other hand, it was the purported *lack* of that humanity which allowed enslavement. From this angle the question of freedom would arise in Caribbean political thought in a different way.

The question of the humanity of the enslaved stands at the heart of Caribbean slave colonial society. The Caribbean historian Elsa Goveia in her study of 18th century Caribbean slave laws makes the point that the slaves “were a special kind of property – that is property in person.”¹⁸ Joan Dayan taking up this argument in the Atlantic world argues that the distinction between civil body and legal slave in Western thought is one where the civil body is “the artificial person who possesses self and property, and the legal slave, the artificial person who exists as both human and property.”¹⁹ However to be a “property in person” required making the slave less than human, creating both in legal and social terms a non-person. It is a situation that Orlando Patterson has called “social death.”²⁰

To accomplish this two moves were required. One was to denaturalize the African slave, making the slave a different species and life form lower than natural man. The second was to develop a series of elaborate conceptions around the meanings of the color of the African slave. These elaborations ranged from climatic, to brain size, to

¹⁸ Elsa Goveia, “ West Indian Slave laws of the 18th century” in Douglas Hall, Elsa Goveia, F. Roy Augier (eds) *Chapters in Caribbean History 2*. (Barbados: Caribbean Universities Press, 1970) p. 21.

¹⁹ Joan Dayan , “ Legal Slaves and Civil Bodies” in Rus Castronovo and Dana Nelson (eds) *Materializing Democracy : Toward a Revitalized Cultural Politics* (Durham : Duke UP. 2002) p. 55.

²⁰ See Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA. Harvard University Press, 1982)

paganism, to biblical stories about Ham, and theories of polygenesis. Once these had been consolidated in Western thought, there could now be constructed a philosophical anthropology of the human which did not include the African slave. As a consequence, in the midst of modern racial slavery rooted in sugar and cotton, the West could debate and practice forms of “freedom.” What is clear however is that these discussions and practices about freedom could not and did not confront the foundation of modern Atlantic society, racial slavery.

There is therefore another story of freedom which remains to be excavated. To pursue this excavation I want to turn to the only successful slave revolt in modernity, the Haitian Revolution.

Haiti and the making of Caribbean freedom

The Haitian Revolution was a cataclysmic event in Caribbean and Atlantic political history. C.L.R. James’s *Black Jacobins* (1938) consolidated its iconic status in Caribbean historiography.²¹ Since that time historical writings on the revolution have largely focused on the relative roles of the different racial and social groups, the roles of the different colonial powers, or have been enchanted with the formidable leadership skills of Toussaint L’Ouverture.²² Recently Sybille Fisher has made a compelling argument for the revolution as integral to the meanings of political modernity, although she does not explicitly attempt to think about the possible meanings of freedom that

²¹ For James’s assessment of the book see Small Axe # 8. September 2000. For other assessments see Anthony Bogues *Black Heretics, Black Prophets: Radical Political Intellectuals* (New York: Routledge, 2003) Chapter 3. and David Scott, *Conscripts of Modernity* (Durham: Duke UP, 2005)

²² David Patrick Geggus, who has spent a great deal of time examining the revolution, has made a recent study of the major histories of the revolution. He argues that for 60 years *The Black Jacobins* dominated the field of study of the Revolution in English. See David Patrick Geggus, *Haitian Revolutionary Studies* (Bloomington: Indiana University Press, 2002) especially Chapter 2.

emerge from the revolution.²³ In the literary field, thinking about the revolution has also produced novels, plays and poems reconfirming its iconic status.²⁴

However much less attention has been paid to the political ideas of the revolution. The Haitian scholar Michel-Rolph Trouillot has made the point that the revolution was “unthinkable.” He further states that “by necessity, the Haitian Revolution thought itself out politically and philosophically as it was taking place.”²⁵ Two important texts have made efforts to examine some of the ideas which animated the revolutionary slaves. Carolyn Fisk’s *The Making of Haiti* strongly argues that the slaves “agricultural egalitarianism had more to do with their own African origins and the desire to define their lives through their relationship to the land than to French bourgeois revolutionary notions of liberty and equality.”²⁶ For Fick the revolutionary slaves were peasants and their hostility to the labour regime of Toussaint L’Ouverture was one based on the impulse of this social type. Joan Dayan in a remarkable literary and historical study of Haiti asks us to examine Haitian history through grappling with vodou as a “project of thought”. She writes:

The idea of philosophy, of thought thinking itself through history, compelled me. I began to consider not only the historical functions of vodou –its preservation of pieces of history ignored, denigrated, or exoticized by the standard “ drum and trumpet” histories of empire – but the project of thought, the intensity of interpretation and dramatization it allowed.²⁷

²³ Sybille Fisher, *Modernity Disavowed* (Durham: Duke University Press, 2004)

²⁴ For a discussion of these in particular the plays of Derek Walcott, see Gordon Collier, “The “ Noble Ruins” of Art and Revolution” in Peter .O. Stummer & Christopher Balme, *Fusion of Cultures?* (Amsterdam: Rodopi B. V. 1996) pp. 269-328. There is of course Madison Smart Bell impressive three volume historical novels on the revolution.

²⁵ Michel- Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995) p. 89.

²⁶ Carolyn E. Fick, *The Making of Haiti* (Knoxville: University of Tennessee Press, 1990) p. 250.

²⁷ Joan Dayan, *Haiti, History and the Gods* (Berkeley: University of California Press, 1998) p. xvii

Using the 1805 Haitian Constitution and one period of the revolution I wish to examine the Haitian Revolution as a *project of freedom in the Atlantic world that demonstrated practices of freedom different from those of either the American or the French Revolutions.*

The Haitian Revolution: Freedom and Independence

The Haitian Revolution was a dual revolution with two impulses. The first impulse was the abolition of racial slavery. The second was the establishment of an independent republic. The revolution did not begin with both of these political objectives. It found its anti-colonial objective in the actual process of the revolution itself. Revolutions are not simply the extraordinary volcanic outburst of the oppressed but, I would suggest, are typically one apex in a series of activities in which oppressed groups engage over many years. In the Haitian case the revolution was the result of a long period of acute resistance and marronage of the slave population.²⁸ In the orally constructed memory of the revolution, the poisoning campaign of Makandal in 1757 was directly linked to the insurrection that broke out in the north in August 1791.²⁹ The success of the final insurrection was in great part due to the leadership of the revolutionary army lead in the main by Toussaint L' Overture. By 1801, ten years after the insurrection began,

²⁸ This is very ably examined in Jean Fouchard, *The Haitian Maroons: Liberty or Death* (New York: Edward W. Blyden Press, 1981)

²⁹ The story of Makandal is a heroic one in Haitian history. It is the story of a prophet and tells us about another dimension of Caribbean political thought the role healers/prophets in radical political thinking and action. Alejo Carpentier in his lyrical and evocative *The Kingdom of this World* has imaginatively explored the influence and profound symbolic important of Makandal to the Haitian revolution. Fick 's does so in Chapter 2 of *The Making of Haiti*. Perhaps the most acute representation of Makandal is the 1991 painting by Wilson Anacreon titled *Makandal the rebel slave with magic powers jumps out of the bonfire*.

Toussaint L'Overture had wrested the Spanish section of the colony, rejoined the French side, and finally proclaimed the abolition of the system of the "property of the person."

It is now part of the historical record that Napoleon Bonaparte, who had by then risen to power in colonial France, wanted to restore racial slavery in the colony. The French leader therefore engaged in a series of political maneuvers which finally lead to Toussaint's arrest and death in a French prison. In the aftermath of this, the other generals of the slave revolutionary army, lead by Jean Jacques Dessalines, fought a bitter anti-colonial war against the French, finally defeating them and proclaiming the colony's independence on January 1, 1804. In 1806 Dessalines was assassinated, but before his murder he promulgated the first independent Haitian constitution.

Revolutions are swept along by the radical desires of a population. Those desires are typically formulated against a set of conditions which are often codified in a series of laws, customs or conventions. In the case of the American Revolution one element of the political discourse around the revolution was about "the history of the present King of Great Britain," and the "repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states."³⁰ Thus in the American Revolution the political objective was to break political bonds and to start anew the search for "free and independent states". In the case of the French Revolution, the political discourse was dominated by what Ellen Meiksins Wood has identified as "two essential historical problems ... a divided polity which could not overcome the political 'parcellization' and corporate fragmentation of its feudal past; and a state conceived as a

³⁰ All citations are taken from "American Declaration of Independence" in Michael Rosen & Jonathan Wolff, *Oxford Reader in Political Thought* (Oxford: Oxford University Press, 1999)

kind of private property, a resource for princes and office-holders”³¹ Thus one major political objective of the French revolution was the creation of structures of rights and sovereignty which would shatter the feudal centralized state. In the Haitian case the conditions of coloniality and racial slave oppression were codified in the *Code Noir*.

Formulated in 1685, the *Code Noir* became the slave laws that governed master-slave relationships in the colony. Elsa Goveia argues that the code was not established with metropolitan France in mind but with the conditions of the colonies firmly fixed.³² The code was a mixture of political control and explicit disciplinary measures for slave control. Precise and concrete, these measures shaped the everyday life of the slaves. For example, the code stated how much food a slave was to get and how many suits of clothes per year s/he was allowed. Although in the code’s early years its so-called protective aspects were emphasized, Goveia points out these aspects were increasingly forgotten as the objective of the control of the slave population came to the fore.³³ The sources for the code were Roman slave law, but also the requirements of slave practices in the New World. Thus its overriding framework was to confirm the inferior status of the slave and to maintain public security under the control of the planter colonial class. By 1771, the French Crown issued the following edict.

It is only by leaving to the masters a power that is nearly absolute, that it will be possible to keep so large a number of men in that state of submission which is made necessary by their numerical superiority over the whites. If some masters

³¹ Ellen Meiksins Wood, “The State and Popular Sovereignty in French Political Thought: A Genealogy of Rousseau’s “General Will,” in Frederick Krantz (ed) *History From Below: Studies in Popular Protest and Popular Ideology* (Oxford: Basil Blackwell, 1988) pp.83-84.

³² Elsa Goveia, “West Indian Slave laws of the 18th century” extensively reviews the different clauses of the code. pp.35- 50.

³³ For a discussion of the so called protective aspects of the code see, Gwendolyn Midlo Hall, *Slave Control in Slave Plantation Societies*, (Baltimore: Johns Hopkins University Press, 1971)

abuse their power, they must be reproved in secret, so that slaves may always be kept in the belief that the master can do no wrong in his dealing with them.³⁴

To maintain the system of “ the property of person” required political structures and governing rationalities of absolute power. If as Michel Foucault suggests that power is a “complex strategical situation” with a “ multiplicity of force relations,”³⁵ then the condition of absolute power is one in which the disciplinary protocols of “governmentality” aimed at creating of the mental horizons of the subject are replaced with a power directed to the biopolitics of “shaping of bodies.”³⁶ Within this frame, absolute power creates the conditions for the capacity to determine who is a human being and who is not, and therefore to dictate who can live and who can die. In this context rights are frozen and negated. Such a condition for the exercise of power is of a different order than those which shaped the American and French revolutions. It is within this context that we should examine the 1805 Haitian constitution, which rejected the form of absolute power practiced in slave societies.

The 1805 Constitution

The constitution was promulgated on May 20, 1805. It was titled the “Imperial” constitution of Haiti, and was sanctioned by the “Emperor” Jean Jacques Dessalines. Both the title of the constitution and that of Dessalines should give us pause. Two ideas seem to be at work here. At first blush it seems that the leadership of the revolutionary

³⁴ Pierre de Vaissiere, *St Dominique, 1629-1789*(Paris, 1909) cited in Goveia, “ The West Indian Slave laws of the 18th century.” p. 44.

³⁵ For Foucault ‘s discussion on power sees, Michel Foucault, *Power Essential Works of Foucault 1954-1989. Volume 3*, (ed) James D. Faubion (New York: The New Press, 2000) especially the essay “ The Subject and Power.”

³⁶ This phrase is David Scott ‘s. See David Scott, *Refashioning Futures* (New Jersey: Princeton University Press, 1999) Chapter 3.

slaves were reproducing the common political titles of that period in Europe. Indeed Bonaparte had given himself the title emperor. Secondly, it would seem that the title “imperial” implied continuity with French colonial ambitions. The question however that one has to ask is whether or not the political language of “imperial” and “empire” had the same political meanings in early 19th century Haiti as they did in imperial Europe of the period?

There are a couple of things which may help us to answer this question. The first is the argument of John K. Thornton, who states that:

African soldiers may well have provided the key element of the early success of the revolution. They might have enabled its survival when it was threatened by the reinforced armies from Europe. Looking at the rebel slaves of Haiti as African veterans rather than as Haitian plantation workers may well prove the key that unlocks the mystery of the success of the largest slave revolt in history.³⁷

Thornton observes that a significant number of the slaves originated in the lower Guinea coast and the coastal area of Angola, and hence it was quite possible that many of them would have been involved with the civil wars of the period in the vast, politically complex Kongo kingdom.³⁸ Following the thrust of this perspective would suggest to us that ideas of rulership in the political minds of many of the revolutionary slaves circulated around “kingdoms” and notions of “royalty.” The meanings and implications of monarchs and royalty in general are complicated in pre-colonial African thought.³⁹ At the core there seems to be a complicated relationship between kingship, rulership and religious doctrines. Within some Bantu languages, the word king comes from *Kani* and is

³⁷ John K. Thornton, “African Soldiers in the Haitian Revolution,” in *The Journal of Caribbean History* Volume 25: 1&2. 1991) (Kingston: Department of History of the University of the West Indies) p. 74.

³⁸ Thornton has further developed these arguments in his “I am the subject of the King of Congo: African Political Ideology and the Haitian Revolution,” in *Journal of World History* (Fall 1993) pp. 181-214.

tioned to the verb *gan*, which means to tell stories or pronounce judgment. The conception of kings therefore seems to be organized around questions of the *origins* of “kingdoms,” as well as around the performance of the function of ritual mediator within communities. Of course, all of this is but a small slice of the story, since on the African continent there were myriad forms of political practices. However for the Kongo kingdom, at least, the notion of king as mediator—and one whose powers were mediated by the existence of other aristocrats and a set of indigenous political practices--seems to have been dominant.⁴⁰

These understandings seem to have been influential in Haiti when we observe that during the course of the revolution itself there were vigorous attempts to establish free black communities, and that such communities were politically organized around African conceptions of kingdoms. One important community was the Kingdom of Platons organized in the southern part of the island. Studies on this community show that the ex-slaves developed a civil government and chose a king as formal titular leader.⁴¹ What is important to note about this form of civil government was that it also seemed to contain the tensions present in 18th century Kongolese political thought in which kings could either govern as absolute monarchs, or had to govern by rules within the framework of consensual arrangements with the governed.

³⁹ The matter is actually even more complex, as the European translations of such words tends to assign the gender male, where the African language often does not. The Kongo and Ngola polities abound in Nzingas, both King and Queen, for example. (I am indebted to Geri Augusto for this observations.)

⁴⁰ For an examination of this see, Christopher Ehret, *The Civilizations of Africa: a History to 1800* (Charlottesville: University Press of Virginia, 2002) as well as John K. Thornton, *The Kingdom of Kongo, Civil War and Transition, 1641-1718*. (Madison: University of Wisconsin Press, 1983)

⁴¹ For a discussion of this community see, Carolyn E. Fick, “Dilemmas of Emancipation: From Saint Domingue Insurrections of 1791 to the Emerging Haitian State” in *History Workshop Journal* No 46. 1998. pp 1-13.

The second thing which may help us to grapple with the meanings of the titles has to do with the ways in which many of the revolutionary leaders advocated a political position that would use political power abolish slavery in the Caribbean and Africa. In the 18th and 19th century worlds of racial slavery and colonialism the invasion of an island or colony for the major purpose of the abolishment of slavery was of a different order from the enterprise of colonial conquest, which first established racial slavery and plantation societies in the New World. So, there are other possible meanings to the ways in which “imperial” and “emperor” were generally thought about in the early 19th century.

If the titles of the constitution seem at first glance to be enmeshed in political language which is ambiguous and mimics colonial France, in actuality the preamble of the document is one of the most radical political declarations of the period.

After listing the names of the general who signed the document, the Haitian 1805 constitution goes on to declare:

As well in our name as in that of the people of Haiti, who have legally constituted us faithfully as organs and interpreters of their will, in the presence of the Supreme Being, before whom all mankind are equal and who has scattered so many species of creatures on the surface of the earth for the purpose of manifesting his glory and his power by the diversity of his works in the presence of all nature by whom we have been unjustly and for long time considered as outcast children...⁴²

There are of course echoes of the political discourses which were prevalent in the French Revolution. But there are quite a few things at work here which overturned the foundations of Western political thought of the period. The section that addresses the conception of will was clearly influenced by the political discourse of Jean–Jacques

Rousseau and his ideas about contract theory and the “general will.”⁴³ These ideas were of course popular within French revolutionary circles. For Rousseau the “the general will” was an attempt to resolve the thorny issue of sovereignty, making the state a legitimate public site and allowing natural liberty to be recaptured within what was then called civil society. It was an answer to the problem he himself eloquently posed in his introductory note to *The Social Contract*: “I want to inquire whether, taking man as they are and laws as they can be made to be, it is possible to establish some just and reliable rule of administration in civil affairs.”⁴⁴ The “general will” therefore had two sides to it. First, it was a foundational mechanism for administration. Secondly, it was representative of the deepest political desires of a population. In the Haitian case I would suggest that the expression was primarily used in the second sense. We should also note that when the Haitian constitution’s preamble goes on to speak about the equality of mankind it does so by breaking entirely new ground in this period of colonial modernity.

All the major revolutionary documents of the late 18th and early 19th centuries addressed the issue of the equality of mankind. The American declaration of 1776 stated that “... these truths to be self-evident, that all men are created equal...s” The French 1789 declaration proclaimed that “Men are born and remain free and equal in rights” *But we know that neither declaration applied to slaves.* Slavery was not abolished in America until 1865 and even though the French National Assembly abolished slavery in

⁴² Imperial Constitution of Haiti (1805) translated by Jiminie Ha . I wish to thank her for the translation of the entire document.

⁴³ See for current discussion about Rousseau’s political thought, Susan Dunn, (ed) *Rethinking the Western Tradition: The Social Contract and the First and Second Discourses, Jean –Jacques Rousseau* (New Haven: Yale University Press, 2002). For a interesting contextual view of Rousseau’s genealogy of general will see, Ellen Meiksins Wood, “ The State and Popular Sovereignty in French Political Thought: A Genealogy of Rousseau’s “ General Will.” in Frederick Krantz (ed) *History from Below: Studies in Popular Protest and Popular Ideology* (Oxford: Basil Blackwell, 1988)

⁴⁴ Jean –Jacques Rousseau, *The Social Contract* in *Rethinking the Western Tradition* p. 155.

1794, it was reinstated under Napoleon Bonaparte in 1802. On the other hand, the 1805 Haitian constitution formally confronted the “great chain of being”⁴⁵ conceptions of human beings that undergirded western thought during this period. It did so by arguing that God had scattered human species all over the world to show both his glory and diversity, and that people of African descent had been considered outcast. Its explicit opposition to Africans as inferior was the recognition by the revolutionary slaves of one dimension of racial oppression. It was a dimension that was never recognized by any other revolution of the period. The preamble therefore attempted to shatter racialized thinking of the period. What is also intriguing is its appeal to a “supreme being.” All the revolutionary declarations of the period made the same appeal. However what was different in the Haitian case is how that appeal made God an active being.⁴⁶

Central to all political life are the role of symbols and the naming of entities. The Haitian revolutionary slaves recognized this when in one of their first acts after the war of independence they renamed the previous French colony of St. Domingue as Haiti, its early Amerindian name. Such a symbolic reordering of the island’s name was central to the revolutionary leadership’s self-identification with the struggles of the indigenous population against colonial conquest. The Haitian historian Thomas Madiou makes the point that:

On everyone’s lips was the name of “Haiti” a reminder of the island’s native inhabitants, who has been wiped out defending their freedom. It received an enthusiastic welcome, and the local people called themselves “Haitians.”⁴⁷

⁴⁵ For a discussion of this idea and its seminal influences in racist thinking see, Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 15159-1812*. (Chapel Hill: University of North Carolina Press, 1969) Chapter 13.

⁴⁶ It is interesting to speculate upon the similarities of this conceptualization and some of the views of ancestors and a Supreme Deity in many African indigenous religions, but that is a matter for another paper.

From the preamble the constitution is then constructed into two sections. The first proclaims fifty three articles under seven headings, ranging from a political description of Haiti as “empire,” to the establishment of various organs of government. The second section contains another twenty eight articles under the rubric, “general dispositions.” In the first section the constitution affirms the new name of the island, Haiti, and states that “The people ... hereby agree to form themselves into a free state, sovereign and independent of any other power in the universe under the name of empire of Haiti.” It then goes to proclaim that, “slavery is forever abolished” and that the “citizens of Haiti are brothers at home; equality in the eyes of the law is incontestably acknowledged and there cannot exist any titles, advantages, or privileges, other than those necessarily resulting from the consideration and reward of services rendered to liberty and independence.”

There are major political and social ideas embedded in the above statements which suggest a different track than the common revolutionary ideas of the French and American Revolutions. In the first place there is a distinction between *liberty* and *independence*. In the Haitian 1805 Constitution, liberty is a clear reference to the condition of the ex-slave, a condition in which they were no longer property. This was different from the liberty of radical Western political thought of the period. In the American declaration liberty was understood as an “unalienable right.” This right was one amongst two others, the right to life and the right to pursue happiness. In this sense of right, liberty was tied to conceptions of Lockean natural law and natural liberty. Locke had defined the latter in the following way: “The *Natural Liberty* of Man is to be free

⁴⁷ Cited in David Patrick Geggus, “The Naming of Haiti” in *Haitian Revolutionary Studies* (Bloomington: Indiana University Press, 2002) Chapter 13.

from any Superior Power on earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule.”⁴⁸ This form of natural liberty depended upon issues which revolved around political authority. Its thrust was common to the political idea of the free state governed by general public participation. It is accurate to say that for Locke, this “legislative authority” was in his words one that had to be established by consent,” again confirming the ground for the definition of liberty as a political one.

In the French case, liberty is listed amongst other rights, “property, security and resistance to oppression.” The 1789 declaration attempts to define liberty in a different way than the American declaration. It states in article four:

Liberty consists in the freedom to do everything, which injures no one else; hence the exercise of the natural rights of each man has no limits except those, which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.⁴⁹

It has been argued that it was not possible on the grounds of the French declaration of liberty to have a social system constituted upon the “property of the person.” Therefore as Shanti Singham argues this section of the declaration was the cause of conflict amongst the French revolutionaries as it related to black slaves, Jews and women.⁵⁰ However it should also be noted that the French National Assembly did not abolish slavery until 1794, when the Haitian Revolution forced the question.⁵¹

⁴⁸ John Locke, *Two Treatises of Government* (Ed, by Peter Laslett) (Cambridge: Cambridge University Press, 1988) p. 283.

⁴⁹ Declaration of the Rights of Man and Citizens (1789) in Michael Rosen & Jonathan Wolff, *Political Thought* (Oxford: Oxford University Press, 1999)

⁵⁰ For a good discussion of this see Shanti Marie Singham, “Betwixt Cattle and Men: Jews, Blacks and Women and the Declaration of the Rights of Man” in Dale Van Kley (ed) *The French Idea of Freedom: the Old Regime and the Declaration of Rights of 1789* (Stanford: Stanford University Press, 1999). Chapter 3.

⁵¹ What is also interesting in the general debates in political philosophy about the elements of the declaration is how the discussion ignores racial slavery. See for examples of this Giorgio Agamben ,

It is intriguing as well to note what sections of the declaration were most cited and used by the French colonial planters in Haiti. Phillip Curtin makes the point that during this period articles 1, 2, 6 and 18 were appropriated by the planters in their struggles for greater autonomy from France.⁵² In particular article eighteen, which declared in part that “property being an inviolable and sacred right, no one may be deprived of it ...”, allowed the planters to argue that since the slaves were property, then the French Revolution in the colony of Saint –Domingue was not about slavery but about the “general will” of the whites and their relationship to France. The French radicals who were sympathetic to the abolition of slavery, and who were organized in the Society of the Friends of Blacks, themselves were initially timid about abolition. In 1790 in an address to the National Assembly the *Par la Societe des Amis des Noirs* argued for the end of the slave trade calling it despotism. They said in part, “we are not asking you to restore to French blacks those political rights which alone, nevertheless, attest to and maintain the dignity of man; we are not even asking for their liberty ... we ask only that one cease butchering thousands of blacks regularly every year in order to take hundreds of captives.”⁵³

Therefore on the question of racial slavery, Western political thought and the revolutionaries during the period of the “The Age of Revolution” were either timid about the matter, or at worst ignored it. Part of the timidity rested in a philosophical anthropology which excluded Africans from the ladder of humanity; another aspect of

Homo Sacer Chapter , “ Biopolitics and the Rights of Man” and Etienne Balibar ‘s *Masses , Classes and Ideas : Studies on Politics and Philosophy before and After Marx* . (New York : Routledge , 1994) Chapter 2.

⁵² Phillip D. Curtin, “ The Declaration of the Rights of Man in Saint-Domingue, 1788-1791,” in *The Hispanic American Historical Review* Volume 30. Issue 2. (May 1950) pp. 157-175.

⁵³ Address to the National Assembly in favor of the Abolition of the slave trade, February 5, 1790 published in Lynn Hunt, *The French Revolution and Human Rights: A Brief Documentary History*

this reluctance rested in the then-dominant conception of freedom tied to political liberty. The 1805 Haitian Constitution by separating liberty from independence shattered the overarching conceptions of racial slavery. Slavery was no longer the lack of self-government, as in the American case, but instead was both an ideology and a practice of the domination of the “person as property.” Haitian liberty by challenging this domination was a different kind of freedom than the practices of natural liberty of the period. It was a freedom which allowed for the creation of a free state and created the conditions for human equality of laws, which were unconditional .

Twice the document calls attention to the a sovereign state which it refers to as “empire of Haiti”. What could this mean? Was it a signal for imperial ambitions? The constitution spells out the nature of the “empire of Haiti” in articles 15, 16, 17, and 18. These articles proclaim that “the Empire of Haiti is one and indivisible, its territory is distributed into six military divisions.” The articles then go on to say that the “generals of the division are independent of each other and shall correspond directly with the Emperor, or with the general in chief appointed by his Majesty.” This section of the constitution is then immediately followed by a section titled “of the Government,” suggesting that there was a major distinction in the minds of the framers between military rule and political government. I wish to suggest that military rule in Haiti was conceived of in the classical sense of empire, *imperium*. Pierre Manent in his remarkable essay on the intellectual history of liberalism makes the point that the early ideas of empire did not correspond to what he calls the “conquering zeal of a few individuals.” But rather, they corresponded to men’s unity, to the universality of human nature, which wants to be

(Boston: Bedford / St Martin’s 1996,) pp. 107-108.

recognized and addressed by a unique power.”⁵⁴ I would suggest that this political usage of the term was similar to that used in the 1805 Haitian constitution, because when we further examine the sections of the document dealing with government what is emphasized is the unity of the population under the rulership of the emperor. We should also note that this emperor is not a hereditary one and can be removed by the state council.⁵⁵ As well article thirty-six prohibits the emperor from making any conquest, “nor to disturb the peace and interior administration of foreign colonies.”

Within the context of the power of Atlantic plantation slavery and colonialism, the Haitian revolutionaries felt that they had to construct a state in which the military and national unity were the dominant features of national political and social life. The reason for this resided in the fact that the Haitian revolutionaries were never sure when a return to slavery would be forced upon them by armed invasion, surrounded as they were by slave societies from North America to Brazil. The leadership therefore structured a polity in which the military over time came played a special and large role. Thus it was not surprising that one article of the constitution proclaimed, “At the first firing of the alarm gun, the cities disappear and the nation rise.”

Later on this privileging of the military created enormous difficulties for the development of forms of radical democracy. This was recognized in the middle of the

⁵⁴ Pierre Manent, *An Intellectual History of Liberalism* (New Jersey: Princeton University Press, 1995.) p. 3.

⁵⁵ We should recall here the mighty efforts of Napoleon Bonaparte to make his emperorship a hereditary one. For a discussion of this see Francois Furet magisterial work on the French revolution, *Revolutionary France, 1770- 1880* (Oxford: Basil Blackwell, 1988) Of course there is no serious mention in this major historical study of the Haitian Revolution.

19th century with the emergence of radical subaltern groups who struggled for radical democratic forms of participation asking the question, “What kind of free is this?”⁵⁶

Race and Citizenship

Both the American and the French Revolutions established alongside the notions of rights a conception of the citizen. In these revolutions rights were concretely located in the human who was a citizen, not a subject. To be a subject was to be in servitude but to be a citizen was to be able to lay claim to rights. One issue which therefore faced both revolutions was who should be a citizen. Within the French context the debates about rights and citizenship continued five years after the 1789 declaration and were centered on voting rights and political equality. It was the revolutionary National Convention in 1794 that finally eradicated the property rights for voting while abolishing slavery. In the Haitian Revolution, citizenship was linked to two things.

In the first instance, while the French and American revolutions dodged the issue of racial oppression, the Haitian revolution proclaimed, “the Haitians shall henceforward be known only by the generic appellation of Blacks.” This was a profound move on two levels. On the first level it was the reversal of the dominant conceptions that people of African descent were inferior. By making all Haitians black the constitution reserved colonial modernity hierarchical status of human beings. Secondly, the constitution stated that white women who “have been naturalized Haitians by the government. The Germans and the Polanders naturalized by government,” were Haitians and could also own property. This was central to the conception of Haiti as a black republic, particularly

⁵⁶ For a very good discussion of this period of Haitian history and the emergence of these groups see, Mimi Sheller, *Democracy after Slavery: Black Publics and Peasant Radicalism in Haiti and Jamaica*

since no “Whiteman of whatever nation he may be shall put his foot on this territory with the title of master or proprietor, neither shall he in future acquire any property therein.” For the Haitian revolution therefore citizenship was linked to the capacity to own property, and a positive identification with blackness.

In terms of rights, all Haitian male citizens were given the same rights and were to be treated with equality under the law. There was masculinity to the constitution which we should note as article nine declared, “No person is worthy of being a Haitian who is not a good father, a good son, good husband and especially a good soldier.” It is once again clear that the military arts were held in high esteem as a central value of citizenship. Again given the context such a value was not surprising. Before leaving the 1805 constitution we should note that the document allows for the freedom of religion, recognizes the right of every citizen to have a legal defense, and secures the privacy of a citizen’s household. Divorce was also permitted.

In what ways can we say that the 1805 Constitution differed from the declarations of the French Revolution? Alexis de Tocqueville makes the point that the achievement of the French Revolution was that it replaced the political institutions of European feudalism “with a new social and political order, based on the equality of all men.”⁵⁷ This equality was folded into a set of rights both political and civil and became defined as natural liberty. In the Haitian Revolution the achievement was freedom--the creation of a form of society in which persons were no longer property. Such a dynamic did not negate rights and equality but instead folded then into a larger notion of freedom than that of mere natural liberty. This version of freedom, one in which rights and equality all tumble

(Gainesville: University Press of Florida, 2000)

together, continues to animate radical Caribbean political thought. This is why in the mid-19th century Haitians could ask, “What kind of free is this?”

Before we leave the revolution it may be important to quickly review some of the concrete practices of freedom in which the ex-slaves engaged during its course. These practices can fall under two headings, economic and gender. At the level of the economic, the evidence is clear that in many parts of Haiti, the male ex-slaves formed assemblies on the plantation that they worked and elected management; and that they decided on a five-day work week. They also decided on the prices at which the surpluses of the estate should be sold. Alongside this there were instances in which the male ex-slaves formed brigades which controlled the estates where the planter had abandoned property. All these forms of economic production collided with the revolutionary leadership thrust at the time to develop state-run or planter-run plantations. It was in part the reason for the growing alienation between Toussaint and the ex-slaves. With regard to gender, the most significant thing was the ways which female ex-slaves organized themselves to demand and win equal pay for equal work. This demand was supported by many men in spite of numerous official appeals to the contrary.⁵⁸ In all of this we might well understand the lament of one French observer, that the black ex-slave was “unambitious and uncompetitive, the black values his liberty only to the extent that it affords him the possibility of living according to his own philosophy.”⁵⁹ His was the lamentation of a world turned upside down, of a different conception of freedom.

⁵⁷ Alex De Tocqueville, *The Old Regime and the French Revolution* (New York: Anchor Books, 1983) p. 20.

⁵⁸ For an excellent discussion of some of these actions please see, Carolyn Fick, *The Making of Haiti* (Knoxville: University of Tennessee Press, 1990)

⁵⁹ Cited in *Ibid.* p. 179.

We can turn now to our final question about the Haitian revolution. In what ways did the Haitian Revolution's abolition of slavery differ from that of other abolition movements of the period, particularly in the French colonies? Here again de Tocqueville might be a useful guide. In a 1843 series of essays on slavery and its abolition he argues that:

however important the position of the blacks may be , however sanctified their misfortune must be in our eyes , the costs of emancipation are distributed that seems equitable among all those who have interest ... complete freedom is to be granted after then years until then , a series of measures [must be undertaken] to morally improve and civilize the Negroes .⁶⁰

This argument was very similar to those of British abolitionism and represented the mid-19th century liberal hostility to slavery, but one shaped by notions of improvement and the civilizing mission of Western civilization.⁶¹

Haitian Constitution and Caribbean Freedom

The general discussion about constitutions suggests that they are written in political languages which presuppose forms of critical negotiations in a community held together by agreed conceptions of the common good. The modern constitution is different from the so called "ancient" constitution in that the latter is based upon custom and tradition, while the modern constitution is considered "an act whereby a people frees itself (or themselves) from custom and imposes a new form of association by an act of

⁶⁰ Alexis De Tocqueville , *Writings on Empire and Slavery* (edited and translated by Jennifer Pitts) (Baltimore : John Hopkins , UP. 2001) p, 221.

⁶¹ For a discussion of this see Anthony Bogue , " J. S. Mill , the Negro Question and the Ladder of Civilization " in Andrew Valls (ed) *Race and Modern Philosophy* (Ithaca : Cornell. UP 2005)

will, reason and agreement.”⁶² Certainly, the 1805 Haitian Constitution represented a new type of association between humans in the world of Atlantic slavery and colonial modernity. It did this in two ways. First, it made Haiti the first non-slave society in the Atlantic world. Secondly, it posited a new definition of blackness. These two elements, issues of slavery and identity, would become central in the Caribbean story of freedom. It would make that story of freedom different from those told in civic republicanism or liberalism. If the conventional stories of freedom revolve around the political and issues of sovereignty, then freedom in the Caribbean, and I would argue in the Black Atlantic, tradition seeks to grapple not so much with political authority as a special form of domination, but instead focuses on wider forms of human domination. Caribbean freedom has a preoccupation with values like dignity and respect in ways which the other stories of freedom do not pay attention to. Importantly it also does not separate into distinct realms politics and economics, but rather sees economics as central to any program of freedom.⁶³ To think about the origins of Caribbean freedom therefore is to grapple with another narrative of human effort in colonial modernity. It is to recognize the call of Boukman when he proclaims, the night before the insurrection, for the revolutionary slaves to listen to the “voice of liberty that speaks in the soul of each of us.” That liberty was a quest against human domination. It is that quest which is the overarching value of radical Caribbean political thought.

⁶² James Tully, *Strange Multiplicity: Constitutionalism in An Age of Diversity* (Cambridge: Cambridge University Press. 2002.) p. 60.

⁶³ One of the failures of the revolutionary leadership of the Haitian revolution is that it did not grasp the ways in which the revolutionary ex-slaves had a view of freedom, which did not entail wage labor. This is important because it is only in the mid-19th century with the work of Marx that questions of freedom begin to be discussed in relationship to labor.