



Claudia Rauhut

**Slavery, Liberal Thought, and Reparations.  
Contesting the Compensation of Slave Owners in the  
Caribbean**

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# Slavery, Liberal Thought, and Reparations.

## Contesting the Compensation of Slave Owners in the Caribbean

Claudia Rauhut

### ABSTRACT

This paper analyzes how Jamaican activists and scholars are reassessing the compensation paid to British slave owners at the end of slavery in the 1830s as part of their claims to European governments for reparations. Based on anthropological research in Kingston, the author elaborates on her interview partners' use of archival evidence as a means to counter British denial of responsibility for slavery and unwillingness to confront its legacies. She further emphasizes how activists are questioning the notion of legality of the compensation and of slavery itself, ending with a reflection on this as a contestation of the liberal thought, which, in its early genesis, externalized slavery. The paper interprets the activists' critique of the British politics of denial and of the hierarchy of global power relations as part of a broader epistemological challenge to historical narratives and political asymmetries that disconnect European capitalism, Western modernity, and liberalism from slavery.

### 1 INTRODUCTION

This paper is about how Jamaican activists and scholars are reassessing the compensation paid to British slave owners at the end of slavery in the 1830s as a crucial aspect of their claims to European governments for reparations for slavery. In continuation of my previous research on the history and transnational networks of Anglophone Caribbean advocacy, this paper shifts the focus to how activists have questioned the legality of compensation, and of slavery itself. I first examine how they trace back the legacy of slavery and compensation to slave owners, link these to

current social conditions, and finally generate a political agenda in support of reparations. From interviews conducted in my previous research, I elaborate on interviewee (hereinafter called "interview partner") interpretation of archival evidence which uncovered that former British Prime Minister David Cameron has an ancestor among slave owners in Jamaica who profited from the compensation – Cameron avoided any conversation about slavery and reparations when visiting the Island in 2015. I explore how activists made this incident public, resulting in a scandal, and look into a bank loan for the compensation which was only recently paid off.

Second, I explain how Jamaican reparation advocates reject notions of the legality of slavery, in particular when British politicians employ it to delegitimize any conversation on reparations at all, arguing that "slavery was legal in its time" and thus cannot be subject to current redress. In the view of the activists, slavery was partially illegal (since its legality was conditional – slavery was legal *only* in the colonies) and therefore so was the compensation of slave owners. The paper is centered around this specific reassessment and it leads me to reflect on the activists' critique of liberal thought, which at its core leaves slavery out of the equation in the past and present. I analyze how they contest the liberal order and Western liberalism as it – in its early genesis – externalized slavery, effectively not granting the promises of liberal ideals to the whole of

humankind, since it allowed African people to be enslaved and exploited.

Finally, I argue that the externalization of slavery is perpetuated in current British politics of denial and thus constitutes an inherent contradiction within liberal thought. The focus is on Jamaican activists' counterargument to British denial of responsibility towards slavery and its legacies. The paper takes a brief look at the activists' critique of the still-in-place hierarchy of global power, which I interpret as part of a broader epistemological challenge to historical narratives and political asymmetries that disconnect European capitalism, Western modernity and liberalism from slavery. These blind spots of liberal thought as a subject of current Caribbean claims to historical responsibility and reparatory justice are the object of my work as a postdoctoral fellow at the Cluster of Excellence "Contestations of the Liberal Script – SCRIPTS" at Freie Universität Berlin from October 2019 to September 2020.<sup>1</sup> This paper briefly engages with these blind spots as identified by Jamaican advocates in favor of reparations who deconstruct the ambivalent relationship between liberal norms, slavery, and notions of legality. It also reflects the activists' view that the liberal order, past and present, has been silent about slavery, colonialism, and structural historical inequality, and that this silence is a matter of contemporary redress. This might inspire the Cluster to look at the various contestations of the liberal script from the perspective of its historically established inconsistencies as a form of internal contestation.

<sup>1</sup> I would like to thank my SCRIPTS colleagues for their inspiring input and ongoing exchange, in particular Sebastian Conrad who commented on my paper at the Jour Fixe colloquium in the summer term of 2020 as well as on this manuscript. This research is a continuation of my broader project on "Transregional perspectives on slavery reparations: activism, debates, and the politics of history in the Caribbean" at the Institute of Latin-American Studies at Freie Universität Berlin, funded by the Fritz Thyssen Foundation (2016–2019).

Claims for slavery reparations are championed by the CARICOM Reparations Commission (CRC), a transregional organization composed of civil society actors from Anglophone Caribbean States. Since 2013, the CRC calls upon European governments, starting with Great Britain, but also France, Spain, Portugal, the Netherlands, and Denmark as successor states of the colonial powers that invested in and profited from the slave trade and slavery. It urges them to recognize slavery as a crime against humanity, to apologize and to engage in reparation measures for long-term damages still affecting societies, in particular the lives of people of African descent who represent the great majority of the population in many Caribbean countries. Reparations are broadly conceived as "righting a (historical) wrong" sought not for individuals, but as collective investments in infrastructure in education, health, culture, or development (CARICOM Reparations Commission 2014). The current agenda of the CRC references the United Nations declaration of Durban, South Africa, of 2001, which for the first time officially declared the transatlantic slave trade and slavery as a crime against humanity, recognizing that it has caused persisting structural marginalization and racial discrimination of Africans and people of African descent. Reparation claims are not new. They are the result of a long traceable history of reparation calls across the Americas, where Caribbean and US activists in different regions and periods have always been at the forefront.<sup>2</sup>

I focus on Jamaica as Great Britain's most valuable former colony in the Caribbean. Between the 17th and 19th century, enormous profits on the world market were generated through perfidious sugar plantation economies worked by enslaved Africans. Correspondingly, Jamaica is also

<sup>2</sup> I contextualize the history of activism as well as of the Durban agenda (see United Nations 2001 including the pivotal role of the Caribbean, in particular Jamaican Rastafarian activists; more in Rauhut 2018a, 2018b). An overview is also provided by Beckles (2013), Araujo (2017), and Frith/Scott (2018).

a forerunner for the Caribbean and even global reparation struggle, championed first by Rastafarians who petitioned the Queen to facilitate their repatriation to Africa as a form of reparation as early as the 1950s. Moreover, it was the first country in the region to establish a National Council for Reparations (NCR). The Jamaican government supported the foundation of the NCR in 2009, which has since organized various national and international public activities and is an important player in the CRC.

My study is based on the anthropological research and interviews I conducted with members of the NCR in Kingston in 2014, 2017, and 2020. The NCR is composed of scholars of the University of the West Indies (UWI), lawyers, human rights activists, and journalists. I include extracts from interviews with UWI faculty: Verene Shepherd, historian, co-chair of the NCR, and director of the Centre for Reparations Research; Rupert Lewis, Professor Emeritus of Political Science; Maureen Warner-Lewis, Professor Emerita of African-Caribbean Language; Clinton Hutton, Lecturer in Political Philosophy and Culture. Interviews with the lawyers Frank Phipps, Bert Samuels, and Lord Anthony Gifford are also cited. I further draw on publications and speeches by Sir Hilary Beckles, a historian from Barbados residing in Jamaica, current Vice Chancellor of the UWI, and chair of the CRC since 2013. All of them came across the topic through their own research and professions and continue to employ their expertise to mobilize the public to actively support slavery reparations nationally and internationally.<sup>3</sup>

I only engage with arguments in favor of reparations and not those raised against, aware that the

<sup>3</sup> I'm deeply grateful to all my interview partners for their confidence and support. I further thank Matthew Smith, who hosted me as a visiting scholar at the Department of History and Archeology in 2017, and Verene Shepherd for inviting me to the Centre for Reparations Research in February 2020, both at the University of the West Indies, Mona, Kingston.

issue is a highly politicized and polemical topic. I decided to allow this bias as the activist perspective is strikingly underrepresented in academic and political discourse on slavery reparations (Rauhut in press a).<sup>4</sup> Thus, by employing an actor-centered approach, this paper contributes on empirical grounds to literature on philosophy, legal studies, and political science, which often theorize on the legitimacy or illegitimacy of reparations without taking into account the agency of those advocating for it. It demonstrates how powerfully the notion of injustice relative to compensating slave owners still resonates in Jamaica, as do the respective expectations of reparatory justice. Although I focus on Jamaica alone, the need to redress slavery extends to other postcolonial relationships between Caribbean societies and countries formerly colonized by Europe. Case studies such as this might encourage further research and political debate on how to come to terms with historical injustices through a framework of reparations that address slavery, colonialism, and their long-lasting legacies.

## 2 THE SYSTEMIC EFFECTS OF SLAVERY AND COMPENSATION FOR GREAT BRITAIN

This essay starts with a historical account dating back to the years 1833–34, when slavery was abolished in British colonies in the Caribbean, Mauritius, and the Cape Colony. British plantation and slave owners, as a condition for agreeing to the “Slavery Abolition Act”, claimed compensation for the loss of property, as they considered their slaves property for which they had paid. The

<sup>4</sup> Analyzing the overlap between scholarship and activism and hence, of academic and political interests – as in the case of my interview partners as well as concerning my own approach – would require much more reflection, such as on the researcher's own positionality or on intertwined effects for research and politics. At this point, I thank my Cluster colleague Anne Menzel for the ongoing exchange on her work on the impact of increasing professionalization on grassroots activism within classical fields of transitional justice, see Menzel (forthcoming).



British Parliament, itself composed of members of a social elite who had links to the slave economy, agreed and paid £20 million to slave owners over the transition period. Enslaved persons, on the other hand, went into freedom without any compensation for injuries they had suffered, nor were they actually free as the British implemented a system they called “apprenticeship”, forcing the now formally free people to remain working on plantations without being paid for a further 4 years (originally designed for 12 years), very often for the same masters (D. G. Hall 1970; Wilmot 1984). This British model of “compensated emancipation” set a precedent which was later followed in the French and Dutch West Indies, and partly followed in Cuba and Puerto Rico as well as in Brazil. All over the Americas, the gradual abolition of slavery between 1804 and 1888 went along with some form of compensation to slave owners that could entail cash, loans, labor, land and goods, and in some cases a combination of these (Araujo 2017; Scott/Zeuske 2002). It secured maximum profit even after slavery had ended. The compensation was controversial and, similar to the abolition of the transatlantic slave trade (first by the British in 1807), subject to intense debate and negotiation in parliaments, public spheres, and commercial contexts. Both sides, those in favor and those against slavery, based their discourse on moral, philosophical, biblical, and legal grounds. There is comprehensive research on this, and the debates partly intersect with broader research on liberalism, enlightenment, and the ambivalence of slavery therein (see Conrad 2012; Davis 1975; Eckert 2010; Stuurman 2017; Swaminathan 2009).

In line with the scope of this paper, I only briefly engage with those aspects which reveal grounds for the claims of current reparation advocates. In their recourse to the archives of the 1830s, they not only question the legitimacy and legality of the compensation process, but of slavery in general – both historical dynamics are therefore still

subject to controversial debates in the present. Nowhere has the compensation of slave owners been so precisely administered and implemented as in Great Britain, which is considered by the Jamaican activists to be of great benefit for their cause. Academic research on slave owner compensation has been conducted during the 1980s and 1990s by several historians (Butler 1995; Higman 1986; Shepherd 1988). However, the archive of the “Slave Compensation Commission”, which administrated the compensation records between the years 1834 and 1845, became widely known to the public only in 2013, when British historians Catherine Hall, Nicholas Draper, and their research team from University College London launched an open access database, as part of the project *Legacies of British Slave-ownership* (Centre for the Study of the Legacies of British Slave-ownership 2013b; C. Hall/Draper/MacClelland et al. 2014; C. Hall/Draper/MacClelland 2014). This database provides the first open access to the 47.000 digitalized records documenting parliamentary papers, claims made by slave owners, and the different amounts of money given as compensation to them for their “property” in the Caribbean colonies, including Jamaica, Barbados, Grenada, Trinidad, Tobago, and British Guiana. By facilitating an advanced search by name, sugar estate, colony, and location, the database allows us to approach slavery not as something abstract and anonymous, but as a system that is personally and concretely traceable.

The archival base of the online database relies foremost on Draper’s book *The Price of Emancipation: Slave-ownership, Compensation and British Society at the End of Slavery* (2010), where he analyzes the records from the 1830s and 1840s and provides lists of individuals and corporations who benefitted, including “large scale and small-scale slave-owners”, merchants, bankers, rentiers, clergy, nobles, and Members of Parliament. Draper estimates that about 80 percent of the total amount of £20 million went to absentee



claimants – owners of Caribbean plantations residing in Great Britain (Draper 2010: 147). At the time, £20 million was an enormous amount of money, representing 40 percent of the total annual budget in Great Britain. Draper shows that most absentee claimants invested their compensation in British infrastructure, railways, banks, insurance companies, and credit, financial, and cultural institutions. Indeed, it stimulated a burst of economic growth in the mid-19th century. Draper reinforces the thesis of Trinidadian historian Eric Williams, who demonstrated in his book *Capitalism and Slavery* (1944) that British industrialization was heavily financed (although not exclusively) by capital extracted from the slave trade, and specifically Caribbean slavery. Instead of limiting the discussion to wealth creation from slavery in the 18th century (as Williams did), Draper focuses on the ongoing wealth creation following the end of slavery in the 1830s and its aftermath through the “prism of ‘slave-compensation’”. He states: “A real enquiry into Britain’s ‘debt to slavery’ does not end with the slave-owners and their creditors at the time the system came to an end, but it can start there” (Draper 2010: 15). The central contribution of the book is that it enables tracing back the compensation in terms of its consequences in the form of an intergenerational transfer of capital in cash, investment and social status. It further highlights the fact that slave ownership was not marginal, but central to British society in the 1830s, where many of the British elite had financial or family ties to slavery.

The scholars of the *Legacies of British Slave-Ownership Project* were aware that their project “inevitably bears on the international discussion of restitution or reparations for slavery” (Draper 2010: 12) and that, even if as historians they avoid political positions, they “understand that there are potential implications of our work for the debates around these issues” (C. Hall/Draper/MacClelland et al. 2014: 26). The implications seem evident: the project clearly identifies the

individuals who received compensation – in some cases enormous amounts – and demonstrates the subsequent investments they undertook. This allows them to establish links between recipients of compensation and influential economic, political, financial, cultural, and religious institutions still in place today. Such evidence grounds the reparation argument and leads to questions of accountability. Indeed, Draper was concerned with “locat[ing] the accountability for slavery more precisely”, focusing on individuals, firms, banks, credit systems and their specific links to the British state rather than assuming a sort of “systemic collective responsibility of white Britain” (Draper 2010: 14). These historians understand their emphasis on individual slave ownership as “complementary to studies of the systemic effects of slavery on the economy and of the British state”, acknowledging that the empirical evidence “will be of use to many other researchers – including descendants of the enslaved who are concerned to seek forms of reparation” (Centre for the Study of the Legacies of British Slave-ownership 2013a). Caribbean scholars and reparation advocates definitely make use of this research, first and foremost Sir Hilary Beckles, chair of the CRC and spokesperson for the case. In his book *Britain’s Black Debt. Reparations for Caribbean Slavery and Native Genocide* (2013), which has become a sort of guidebook for other Caribbean and global reparation activists, he draws intensely on Draper and reinforces the thesis of the intrinsic interrelationship between British industrialization, the slave trade, Caribbean slavery and compensation (Beckles 2013). Beckles and Shepherd delivered lectures at UCL and the Centre for the Study of International Slavery at the University of Liverpool while Catherine Hall and her team visited the University of the West Indies in the Caribbean. They acknowledge Shepherd “for her commitment to connecting the project with initiatives in the Caribbean” (C. Hall/Draper/MacClelland et al. 2014: xiii) – which are clearly those concerned with reparations.

### 3 PERSISTING LEGACIES OF SLAVERY AND OF NON-COMPENSATION IN THE CARIBBEAN

My research focuses on the dynamics around the work of Jamaican activists in reassessing compensation and reconstructing the persistent legacies of slavery as crucial grounds for their reparation claims. They work on records related to owners of Jamaican plantations and investments they undertook subsequent to receiving compensation money after the 1830s. Even more importantly, they put a spotlight on the other side of that wealth, on the impoverishment of former slaves who remained in the Caribbean colonies without any compensation:

We see the lack of compensation to the ordinary people in starting out a new life as civilians. They were given no assistance whatever. And this is one of the reasons why other groups have been able to come in and be successful, because the bulk of the people were left without land, without money, without anything to start off! (Warner-Lewis 2014)

In the interview I conducted with Maureen Warner-Lewis, Professor Emerita of African-Caribbean Language, and her husband Rupert Lewis, Professor Emeritus of Political Science, two scholars highly engaged in the reparation struggle since the 1980s, both draw attention to the long-term effects of non-compensation persisting in Caribbean economic structures today. In the context of Warner-Lewis' anthropological fieldwork on African oral traditions in Trinidad and Tobago and Jamaica, she came across historical narratives which refer to the compensation:

When I was going around and speaking to the old people in Trinidad, [...] ordinary people represented the fact that the slave owners received compensation and the ex-slaves received none. [...]. There was a Kumina group, for instance, in St. Thomas Parish here [in Jamaica] that I visited some years ago and they mentioned the

issue that blood money was owed, yes! It came out very strongly! So [...] there are people in Trinidad, and in Jamaica here, who have mentioned to me that injustice. So, while they have not formed a lobby over the issue historically, there is an awareness of ordinary people that injustice was done. (Warner-Lewis 2014)

Warner-Lewis reminds us that the compensation of slave owners is something that elderly people – who preceded the current organized political struggle for reparations in Jamaica – experienced as “injustice” and derive from it their right to reparations (“blood money owed”). For Rupert Lewis, this awareness of injustice, that something went wrong when compensating the slave owners instead of the enslaved, is a straightforward argument in favor of the claims:

People are receptive to the idea that if planters were paid reparations, actually given 20 million pounds, where is the justice? When those who labored received no start up, nothing to go into freedom with? (R. Lewis 2014)

In another interview three years later, he emphasized the general notion of injustice experienced that still resonates strongly within Jamaican society:

[...] the extent of squatting in Jamaica, where nearly 700.000 people are squatters, is evidence of the injustice in terms of the land tenure system. So, I would say yes, [the compensation] still matters to people. And it has probably been the most persuasive argument in support of reparations. When people hear that, well, it's broken down in terms of “Who benefitted?”. (R. Lewis 2017)

According to Lewis, unequal land distribution is one of the direct consequences of compensation paid to the white planter aristocracy, who invested the money to buy and secure access to the most fertile land. Most people, the great majority of whom were formerly enslaved, were left without land and still many Jamaicans do not have

legal titles for the land they live on. Without land titles they are not only in danger of being evicted at any time, they cannot invest in developing the land. The lasting legacies of slavery and non-compensation in Jamaica are not limited to land issues or economic deprivation. They persist in the form of colonial-racialized social orders that still today generate inequality, racial discrimination, and a lack of social mobility among people of African descent, who represent 92 percent of the Jamaican population.<sup>5</sup> Reparation activists point to extremely bad working and living conditions for freed slaves and their descendants, increasing control over their work and their bodies, racial repression, dependent forms of labor relations, and the violent oppression of rebellions, strikes and so on (Beckles/Shepherd 1996; Holt 1992; Hutton 2015). Numerous studies further emphasize the historical roots of persistent structural inequalities after independence, focusing on the interrelationship between poverty, unemployment, low education, and the high incidence of crime and violence (Gordon 1987; Thomas 2011). Caribbean scholars mostly agree that the independent governments have not had proper resources to deal with all emergent issues within their societies to confront these colonial legacies, nor did they have enough power to negotiate their path to sovereignty on a level playing field with Britain. Barbadian sociologist Linden Lewis critically questions the independence and sovereignty gained, arguing that big decisions were and are still taken not in the Caribbean, but in the metropolises (L. Lewis 2013). Jamaican activists feel that the social, economic, political, cultural, and psychological injuries caused by slavery and compensation have never been settled – neither after slavery ended, nor within the ongoing period of colonial domination and not even after Jamaican

independence in 1962, which had its own limitations and constraints.

We don't see a complete separation from colonialism and its legacies and impact on what happened in the postcolonial period. We talk about infrastructural development, right? Money for schools, for hospitals. At the moment of emancipation there was no reparations for the freed people. In the moment of independence there was no development money. We continue to live and to suffer from underdevelopment because of the extraction of our resources! So, we think even in the postcolonial period the claim has to take into consideration the underdevelopment which has been an impact of that. That is how it comes into the present. (Shepherd 2017)

Shepherd emphasizes the systemic character of the exploitation of labor and resources that has created huge economic gaps that continue to shape Caribbean societies in the present. In pointing out the ongoing structural economic inequalities as a long-term consequence of slavery, the advocates crucially connect their agenda to the development discourse. They challenge the paternalistic tone of British and by extension Western development aid, in particular when it is proposed as a pretext to avoid answering reparation claims or even deny their legitimacy as such. In this view, advocates “reframe the discourse on development aid, shifting notions of charity or disciplining conditionality into an obligation to repair historical injustices” (Rauhut 2018a: 146). They explicitly argue that Great Britain owes the Caribbean some form of reparation not only for the injustice of slavery and compensation, but also for having left its Caribbean colonies undeveloped after independence, and still benefitting from structures established during the colonial period. They further state that colonial structures persist not only in the economy, but also in political and legal systems, in education, and more generally in patterns of colonial thought. They also admit failures of the post-independent Jamaican governments in adequately addressing the

5 According to the 2011 Census of Population and Housing – Statistical Institute of Jamaica, <https://statinja.gov.jm/Census/PopCensus/Popcensus2011Index.aspx> (accessed 6 May 2018).

colonial past – they point however to a major responsibility of Great Britain and therefore clearly address the British state.<sup>6</sup>

When activists and scholars stress the uneven development between Europe and the Caribbean as a result of slavery, compensation, and colonialism, they potentially deconstruct the arguments raised against reparations in British politics and the public sphere. These arguments against reparations basically state that slavery happened too long ago and that it is impossible to quantify the damage and therefore impossible to repair it. Jamaican activists, for their part, argue that reparations are not generally impossible, as the wealth of Great Britain and by extension “the West” is traceable, as are the devastating effects for those who experienced the lack of compensation in the colonies. They insist on demonstrating the legacies of a structurally unequal development started by slavery. Their exploration of the compensation money of the 1830s and where that money has gone in terms of subsequent development allows them to emphasize the long-term implications of both related, but counter-rotating processes: the enrichment of the British elite and the impoverishment of the Caribbean colonies. In doing so, they refute the assumption that slave owners and the enslaved faced equal conditions after slavery ended. On the contrary: while the wealth of the British was passed from one generation to another, the descendants of the enslaved remained, for generations, disadvantaged in terms of accessing land, property, and capital for doing business and investing, and many were forced to work and live in conditions similar to slavery.

<sup>6</sup> The topic of persisting colonial legacies after independence, problems of sovereignty of the former British-Caribbean colonies, and, in particular, how both conditions are linked to reparation claims as well as the inherent critique on the development discourse require more research. For now, see Rauhut (2019), Rauhut/Boatcă (2019), and L. Lewis (2013).

In order to link the gains to the losses, activists have calculated an equivalent to the £20 million paid as compensation in 1834 of around £16.5 billion today (Randall 2013). This amount has not yet been claimed as an official reparations sum but rather serves as a symbolic argument in order to illustrate the enormous wealth Great Britain extracted only from compensation. It is up to economists to further quantify the material damage this has caused for the Caribbean slave societies. In terms of non-material damage, my Jamaican interview partners have all underlined that it is impossible to quantify the trauma slavery has caused and even more impossible to repair it with money. As such, a simple pay-out today would be contrary to their vision of reparations as a holistic process involving recognition, history, culture, and politics. They do argue, however, that Great Britain could at least finance infrastructural investments in education and health, roads, houses, school reforms, and building museums and research centers, as all of this requires material resources. Reparations in this sense are sought as collective measures for the benefit of the whole society. The “Realpolitik” of reparations and the various ideas about how to implement, distribute, and administer them remains a matter of ongoing and controversial discussion among the activists. While it is important to include these internal negotiations in the analyses, the scope of this paper is limited to emphasizing the global level of the claims raised against the British government.

#### 4 HOW A BRITISH PRIME MINISTER'S LINKS TO JAMAICAN SLAVERY SHAPE THE PRESENT

In this paper, I look primarily at why it is important for activists to work with historical archives, since they empirically link a structural advantage and disadvantage of the past to present consequences, for Great Britain and the Caribbean respectively. Activists consider this generally necessary

in order to counter the British position of downplaying or even denying the impact of slavery in the present. To this end, activists demonstrate the devastating legacies of slavery and colonialism in terms of structural deficits still shaping current Caribbean societies. Furthermore, as a mobilizing factor, they pick up examples of prominent personalities such as David Cameron, Great Britain's Prime Minister from 2010 to 2016, whose remote ancestor, General Sir James Duff, received compensation for 202 enslaved people he owned at a sugar plantation in Jamaica. On the eve of Cameron's visit to Jamaica in September 2015, the NCR organized a public lecture on reparations in Liberty Hall in Kingston where, according to Rupert Lewis, who was among the speakers that night, over 400 people attended, some of them wearing T-shirts with "Mr Cameron say sorry" written on them (R. Lewis 2017). Various members of the NCR, among them the lawyer Bert Samuels, appealed to Cameron as an individual and as head of a former enslaving state "to atone, to apologize personally and on behalf of his country" (Dunkley 2015). Beckles addressed him in an open letter on 26 September 2015 as "a grandson of the Jamaican soil who has been privileged and enriched by your forebears' sins of the enslavement of our ancestors". He pointed out Britain's share in the "monumental mess of Empire" left in the Caribbean and connected this to political responsibility to share in present duties (Jamaica Observer 2015).

A short time before, the Jamaican Parliament had approved a motion brought in by Minister Mike Henry which affirms that the government of Jamaica not only supports, but is going to seek reparations from Great Britain, though the appropriate legal and political form is still under discussion (Phipps 2017). Subsequently, the former Jamaican Prime Minister Portia Simpson Miller raised the issue of reparations when meeting Cameron (The Gleaner 2015). Lewis welcomed her statement as it brought hope for a potential shift

in the political relationship between the UK and Jamaica concerning the matter of redress: "It was the first time in our history that our political leaders stood up and said to the British Government 'We don't agree with your denial of the justice of the claim for reparations!'. That was very important!" (R. Lewis 2017).

Cameron however rejected, as have all previous British politicians and the Royalty, any talk of reparations when he addressed the Jamaican Parliament on 30 September 2015:

I acknowledge that these wounds run very deep indeed. But I do hope that, as friends who have gone through so much together since those darkest of times, we can move on from this painful legacy and continue to build for the future. (Government of the United Kingdom, Prime Minister's Office 2015)

This statement was widely perceived as an affront in Jamaica, in particular when he offered, instead of a dialogue on reparations, to provide funding for a prison to receive Jamaican deportees from the UK. This resulted in indignation in the national and international media<sup>7</sup> as well as among my interview partners:

When he told us to move on, people were angry. Which shows that also people that are not coming out for strongly campaigning for reparations, there is feeling, and I think that the rejection of the prison kind of symbolized the contempt where the Jamaican people expressed itself. (Gifford 2017)

Cameron is by blood related to a slave owner [...] and he is coming out that we should walk away and forget the past? That was an insult to us! So we felt [...] he had the scorn and the disrespect for people who were enslaved! (Samuels 2017)

<sup>7</sup> Beyond the Jamaican daily newspapers *The Observer* and *The Gleaner*, also the British *Guardian*, the BBC and the *New York Times* have largely reported on it.



Oh well, we have come a long way as friends! And his forebears benefitted from slavery, because they were directly involved! So they [the British government] are actually tying themselves up [...] I mean, those arguments are not sustainable! (Hutton 2017)

Activists disapproved of Cameron's refusal to recognize and apologize for the past, as well as for his use of the word "friends", which he used as someone who represents the unequal power relations between Great Britain and its former Caribbean colonies. In doing so, they dismantle British politics and the ideology of "moving on" as cynical and false: "Mr. Cameron himself had slaves here. And he had the brazenness to come and say 'move on'? This was an affront to us! But he has sparked much stronger backing for reparations within the population!" (Phipps 2017). I do not know if Frank Phipps unconsciously or intentionally stated that "Cameron himself had slaves". He might have used this rhetoric to underline a crucial argument for reparations: it does not matter if it was Cameron himself or his ancestor who received the compensation money. What matters is that generations have profited – and there is empirical evidence that has traceable links to the present. Moreover, even if Cameron had not profited as an individual, as Prime Minister of the successor state of the principal European enslaving power, many believe he should be committed to a dialogue on reparations. The general argument emphasizes the structural more than the individual traces of slavery. However, the symbolic reference to powerful public personalities is used to denounce moral shame, to incite public outrage and to mobilize support for the case. Cameron's statement was classified as a scandal but at the same time as an "incident" that has "lightened the road for the reparations movement" (R. Lewis 2017).

Yet, the story went on through another incident uncovered by the *Guardian* article "When will

Britain face up to its crimes against humanity?" in February 2018. Author Kris Manjapra, a historian at Tufts University and close to the Caribbean reparation activists, engaged with a tweet posted by the Treasury of Her Majesty:

Here's today's surprising #FridayFact. Millions of you have helped end the slave trade through your taxes. Did you know? In 1833, Britain used £20 million, 40% of its national budget, to buy freedom for all slaves in the Empire. The amount of money borrowed for the Slavery Abolition Act was so large that it wasn't paid off until 2015. Which means that living British citizens helped pay to end the slave trade (Manjapra 2018).

The Treasury deleted the tweet after 24 hours. But the information had already been seen and triggered immediate and vigorous reactions in the media and among activists. Manjapra deconstructs the tweet, correcting first that it was not the slave trade but slavery that was abolished in 1833. Secondly, no freedom was brought to the enslaved, as in fact they were forced into unpaid labor within a harsh system of apprenticeship that increased the level of exploitation, punishment, and torture. Therefore, instead of affording a new life without bonds to the now free people, "the process of emancipation marked a new phase of British atrocities and the terrorization of blacks" (Manjapra 2018). Ironically, the tweet suggests that generations of British taxpayers "helped to end the slave trade" (actually slavery), and this implicitly creates the illusion, I would argue, that they helped the enslaved. In reality, their taxes were used for a period of 180 years, apparently without their knowledge, to pay off a loan that compensated the slave owners rather than the enslaved. The Caribbean activists immediately countered the tweet, which misinterpreted and decontextualized the whole process that ended slavery. In a media conference at the Centre for Reparation Research at the UWI on 21 February 2018, they uncovered the false assumptions behind the tweet and opposed it with their own

analysis and interpretation of slavery and compensation, providing new arguments in favor of reparations.<sup>8</sup>

When Cameron spoke in the Jamaican Parliament, he was aware that the Bank of England and the Treasury department and British taxpayers are still paying those persons who held the bonds on the slavery loans. [...] Which means that this transfer of public money to the private holders of the slave bonds makes it a present-day activity [...]. For me this is the greatest political act of immorality in my time and we were told consistently that this happened in the past, let's get away, let's move on. And now we learn from a tweet of Her Majesty's Treasury that it's only two years ago that these bonds have been repaid! (University of the West Indies / Centre for Reparation Research 2018)

According to panelist Beckles, the evidence of the bank loan demonstrates that slavery is not as far away as European politicians wish. He criticizes Cameron for his discourse of "let's move on" that systematically ignores the concerns of Caribbean societies, who still have to confront the legacies of slavery and therefore cannot look upon it as a closed chapter of the past. He exposes the double standards of the British position, which on the one hand claims that slavery dates back too far and therefore cannot be the subject of any political or legal regulation, but on the other hand conceals the fact that the bank loan, and thus the legacy of slavery, is "present-day activity". Further, Beckles refutes the assumption that Britain abolished slavery due to moral doubts and instead shifts the attention to driving economic forces. He classifies the apprenticeship system as a second form of compensation given to the British planter aristocracy in addition to cash money, which was only half of the total amount of £47

million planters claimed as the commercial value of all the enslaved Africans they owned in the Caribbean. As the latter had to pay for their freedom, Beckles exposes the frequently used argument: "The British therefore can no longer say as they did over the decades 'We freed the Africans!'" (University of the West Indies / Centre for Reparation Research 2018). I would furthermore add that enslaved Africans and their descendants not only paid with forced labor: they also paid by risking their own lives in the many rebellions and uprisings in order to fight slavery – so the end of slavery first and foremost has to be attributed to them and not to the British abolitionists.

Additionally, the expression "help to end" once more perpetuates the British abolition narrative that prefers to highlight Britain's efforts in ending the trade instead of talking about the centuries of slave-trading and slave-owning that predated it. The whole story to tell is that Great Britain benefitted for a period of 300 years, similar to other European powers, from an economically profitable system based on the exploitation and dehumanization of millions of Africans and their descendants. The compensation records clearly show that this was not limited to the time of slavery. And finally, the British Slave Trade Abolition Act of 1807 did not at all result in the end of slavery itself. It did not prevent slave traders and the planter aristocracy from continuing to invest in and maintain the still profitable slavery economies in the Americas. Caribbean activists have long criticized Britain's unilaterally reductive narrative of abolition. Already in 2007, they disapproved of former Prime Minister Tony Blair's statement during the celebrations of the bicentenary of the abolition of the slave trade, when he admitted a "deep sorrow" that slavery ever happened but stated that "it was legal at the time". Already then, many people were outraged as this statement was not followed by a long-expected apology and recognition of the crime (Beckles 2013; Shepherd et al. 2012).

8 The stream is posted on social media, the websites of CARICOM, and quoted in Jamaican and international media. I reflect more on the criticism raised by the panelists and the politicization of the "incidents" relating to Cameron and the bank loan in Rauhut (in press b).



## 5 WAS IT RIGHT TO COMPENSATE THE SLAVE OWNERS? REPARATIONS TO THE ENSLAVED AND THEIR DESCENDANTS AS LONG OVERDUE

Many people in Jamaica today, even outside the context of reparation advocacy, perceive the compensation of slave owners as unjust, immoral, and as a legally dubious process that requires corrective action. Moreover, my interlocutors question not only the legitimacy and legality of the compensation process, but of slavery in general. They refer to reparations as something overdue, as expressed and expected already by the enslaved and their descendants after the end of slavery. Elaborating the activist's criticism on the stated legality of slavery in relation to legal-historical scholarship leads us again back to the 18th and 19th century and the archives, which they use to support their argument of a legal connection between past and present. Frank Phipps emphasizes the compensation in the 1830s as a crucial argument for reparations not only in a moral, but even in a legal sense: "Because you recognize that there was a legal relationship. You choose to compensate one – did you compensate the right person?" (Phipps 2017). The court proceedings and decisions of the 1830s constitute, according to Phipps, a legal precedent that shows the general possibility of reparations. The redress of slavery therefore includes, next to the historical, moral, political, and economic dimension, an explicitly legal aspect.

Moreover, Phipps draws attention to a serious doubt that many people share, then and now: Was it right to compensate the slave owners instead of the enslaved? By today's moral-political standards, "you might expect this so-called 'slave compensation' to have gone to the freed slaves to redress the injustices they suffered", as Manjapra (2018) suggests. The Jamaican activists go even further and stress that this view is not only obvious from today's perspective but was already

expressed 200 years ago – first and foremost by the enslaved themselves, but also publicly in the British Parliament. Draper also refers to the enslaved who expected reparations after the end of slavery – something still resonating in the region:

What the compensation process did not set out to do, of course, was to compensate the enslaved, or make any financial provision for the transition of the enslaved to freedom. The economic and social consequences for the enslaved of the structure adopted for the abolition of slavery were therefore disappointing relative to expectations prevalent ahead of Emancipation, and are arguably still evident in the former colonies of the West Indies and the Caribbean today. (Draper 2010: 271)

Research reveals that enslaved people not only expected compensation, they went to courts and claimed it, charging either their former owners or governments for unpaid labor, unlawful enslavement, deprivation of freedom, or mistreatment. Araujo provides an overview of the manifold anti-slavery pamphlets, public speeches, and legal actions spanning the Caribbean, the US, and Brazil, which have implicitly and explicitly conceptualized the idea of reparations for the enslaved (Araujo 2017). Manjapra (2018) shows, referring to contemporary press coverage of the 1820s that "[m]any mainstream abolitionists felt uncomfortable about the compensation of slave-owners, but justified it as a pragmatic, if imperfect, way to achieve a worthy goal". Some were not only opposed to the idea stating that "[i]t would reconcile us to the crime", they even suggested that it should be the enslaved instead of the owners to get compensation: "To the slave-holder, nothing is due; to the slave, everything", as an antislavery pamphlet from the 1820s proclaimed (Manjapra 2018). This position however was, as Araujo (2017) concludes, rather marginal within the parliaments and public debates of the time.

The slaveholding elites dominated the debates and profited from the particular way in which emancipation was negotiated all over the Americas. Based on their enormous economic and political power, they were able to underscore respect for their property rights on human beings above all other rights and that they were entitled to compensation “just as for any other property” (Araujo 2017: 59). Nevertheless, this was not unquestioned even then and can at least be criticized according to today’s ideas of justice: “when governments compromised indemnifying former masters and planters, they took the clear decision to engage existing resources to subsidize those who over more than three centuries already benefitted from slavery, rather than supporting [...] freed people.” (Araujo 2017: 6). Within the British debate, the voices of those Members of Parliament who represented the economically and politically influential West Indian (Caribbean) planter lobby owning still profitable plantations due to enslaved labor were louder than those in opposition to compensation. As slavery was so central to British economy, finance, and credit system, they convinced Parliament that emancipation without compensation “would endanger the whole frame of society”, as John Palmer, Governor of the Bank of England, had warned (Draper 2010: 82). The only way to negotiate abolition with slave owners was to compensate them, as they exercised their property rights and the “chattel nature” of their slaves.

Chattel slavery was a particular form of slavery invented within the transatlantic trade in enslaved Africans, first introduced by Spanish and Portuguese slave traders, and advanced by the planter elite in the Caribbean and American colonies since the 17th century. They have defined their slaves as livestock, as cargo, as a “thing” comparable to household possessions, as exchangeable economic goods, not as human beings, at best as “human animals” (Davis 2006). The Africans were stripped of their human qualities, degraded to the

status of property over which the owner had unlimited power of disposal, including sexual violence and arbitrary sale and separation. Chattel slavery was racialized and linked to racial discrimination, consolidated by special laws prohibiting interracial marriages or determining the unfreedom of their descendants. Italian philosopher Domenico Losurdo argues that precisely this form of racial chattel slavery, based on property of persons, emerged together with liberalism in a “twin birth” (Losurdo 2011: 35–37). This form of chattel slavery never existed in England and was exclusively invented to be practiced in the British colonies, Jamaican activists assert. They find backing in research on corresponding court decisions since the end of the 17th century, which forbid the possession of property over people on the territory of Great Britain and thereby rejected slavery as contrary to English law (Wittmann 2013: 117–120).

## 6 HOW JAMAICAN ACTIVISTS COUNTER THE NOTION OF LEGALITY OF SLAVERY

Activists refer above all to the well-known 1772 case of James Somerset that symbolizes, also for broader historical and legal research, a landmark case that outlawed slavery. Somerset was a slave from Virginia who was taken to England and escaped. After his recapture, Somerset was imprisoned on a ship bound for Jamaica with orders from his owner to be sold. With the support of prominent abolitionist Granville Sharpe, Somerset obtained his release before the Court of Kings Bench in London, in 1772 (van Cleve 2006: 610). Sharpe convinced Chief Justice Lord Mansfield that the personal freedom of the plaintiff Somerset outweighed the property right of its owner, which cannot be transferred from the colonies to England (Swaminathan 2009: 68, 87). Precedents since 1696 ruled that “as soon as a negro comes to England, he becomes free: one may be a villein in England, but not a slave” (van Cleve 2006: 618). Whereas in the colonies the ownership of

slaves was regulated by the “slave codes”, the legal and social status of slaves in the motherland was rather vaguely described as “near slavery” or “slavish servitude”, clarifies van Cleve (2006: 603). Most courts of the time definitely agreed that “no one can have a property in another” and “slaves who came to England were no longer subject to chattel slavery” (van Cleve 2006: 614; Witmann 2013: 117).

The separation of legal systems between the metropolis and the colonies was the key point – in the Somerset case, Judge Mansfield achieved a balance of interests between powerful slave owners on the one hand and the ideas of British freedom and national identity on the other (Swaminathan 2009: 50). Scholars agree that the Somerset decision does not condemn the institution of slavery, it only says that colonial laws such as the slaveholder’s right to property of human beings can only be adopted in the colonies and not transferred to England (van Cleve 2006: 639). So, the ruling was neither in opposition to slavery, nor the notion of chattel slavery as far as its practice was limited to the far away colonies, which were declared as “corrupted satellites” of the motherland (Swaminathan 2009: 52). Ultimately, according to Hulsebosch (2006), this legal division consolidated the status of slavery in the colonies and created legal certainty for planters to continue investing in human property. The imperial legal order of the time not only established conflicting laws between the motherland and the colonies, it reflected a difference in identities within the Empire. This finally “allowed Mansfield to rationalize the brutality of slavery while locating it offshore, thus facilitating the co-existence of slavery and freedom [...] admitting that slavery was an unfortunate ‘necessity’ in the colonies” (Hulsebosch 2006: 655, 657).

Somerset represents a certain standard in colonial regimes based on gradated systems of rights and sovereignty. Sebastian Conrad has clarified

that the difference in rights, between metropolis and colony, was rather the norm than the exception.<sup>9</sup> The Somerset case illustrates the controversial legal status of slaves within British-Caribbean colonial laws and represents an application in practice, however, legal inequality and its different nuances in colonialism requires more research. For the purpose of this paper, I want to draw attention to the particular interpretation of the Somerset case by Jamaican activists – a prominent case that, despite its narrow legal scope, serves as evidence that slavery was not unconditionally legal. This might contribute to expanding research on legal contestations within colonialism and, further, on the fragmentary postcolonial condition itself. It includes similarly the non-acceptance of “legal inequality as standard” as well as of “legality of slavery”. One of the pioneers of this legal struggle is the British lawyer and human rights advocate Lord Anthony Gifford, who holds Jamaican citizenship and has campaigned for reparations in the Caribbean as well as in other global contexts since the 1990s. Joined by Jamaican lawyers Bert Samuels and Frank Phipps, who all form a legal subgroup in the Jamaican National Council for Reparations, Gifford explores the options to claim reparations within the international legal system. In our interview in 2017 he states:

I think the idea that slavery was legal at the time is wrong. If you look at the many court judgments in England, it was always recognized, particularly the kind of chattel slavery, the concept of human beings as property, treated and abused like animals, this concept was always illegal. [...] It was the particular characteristic to treat people as cargo which was certainly illegal in that time. In fact, it was made legal in Jamaica by the colonist law, it doesn’t make it legal in the decisions of the English courts. You see Somerset – this case shows that it was not

<sup>9</sup> I thank Sebastian Conrad who brought up this point during my paper discussion at the SCRIPTS colloquium on 7 July 2020 at Freie Universität Berlin.

legal in England! They couldn't enforce the so-called propriety rights. (Gifford 2017)

According to Gifford, chattel slavery was inhumane and illegal not only from today's point of view, but already by moral and legal standards of that time. For him, to redress this form of dehumanization by appropriate political answers today is a fundamental aspect of reparations. He criticizes the legal division between colonies and the motherland and the duplicity of the imperial concept of law. Samuels expands this criticism to current British politics:

Of all the things we have looked at, that hurt us again, they said that slavery was not illegal in Jamaica. Therefore, the Somerset case was something that I researched and connected to our claim. And we know that the case came down on the side that slavery is illegal in England. But the point is, how could you have slavery illegal in one part of the British Empire and not in another part? It was made legal just in the colonies in order to serve the interest of the slave owner, of the planter aristocracy! And do you believe that they [British government] are using that as one of the obstacles for reparation, claiming that it was a legal activity, that no damage has gone through from it! (Samuels 2017)

He clarifies that the British position, both of "slavery was legal" and of "the damage is not traceable" becomes weak in view of the Somerset case. For Samuels, this position, in moral-political and legal terms, is not acceptable as it refuses to acknowledge the pain and suffering and suggests furthermore that nothing can be done today. Using the word "hurts" demonstrates the strong affective disagreement – we have seen a similar indignation in relation to Cameron's statement. This is why Samuels and his legal subgroup counter the assumption of legality of slavery, in particular when British politicians use it for the purpose of banishing any conversation on reparations at all. According to Beckles, the British

attitude "does not stand up to the strict scrutiny of British law", as the illegality of chattel slavery in England created double moral and legal standards: "How did the English allow positive law to enforce slavery in the colonies and yet allow 'negative' law in the metropolitan context? And how was Britain able to proceed in a world in which there was one law for its domestic citizens and another for its colonial chattels?" (Beckles 2013: 20, 21). For him, this fundamental contradiction lies in the racialized classification of Africans as non-humans, as chattels. He states that this invented brand of property "was a moral and legal break from any African and European tradition of labor" and constituted, as an unprecedented system of labor, a most "dehumanizing, violent and socially regressive form of human exploitation" (Beckles 2013: 19).

Moral doubts were ignored because chattel slavery was the basis of British wealth and was therefore accepted as a lesser evil as long as it took place outside the metropolis. This discrepancy between two different legal systems was justified by the fact that it was in the service of national prosperity, unity, and the strengthening of the nation. With regard to the Somerset case, Beckles leaves no doubt that the role of the court was to protect national interest, which was "embedded in the investment returns of slave trading and slavery" and dependent on the British West Indian economy, which in itself was first and foremost based on investments in human property (Beckles 2013: 69). Finally, the Somerset case shows that the right to freedom over the right to property has only prevailed in England. In the colonies, a stronger "proslavery position" was developed especially after Somerset (Swaminathan 2003). We have seen that 60 years later, in 1834, British slave owners and capitalists in the colonies were still able to assert their right to property and obtain an enormous amount of compensation from Parliament.

The comprehensive legal and historical research on the Somerset case demonstrates how fiercely proponents and opponents of slavery argued about the complex legal status of slaves and thus about slavery itself, interpreting court rulings in different ways. For current activists, the Somerset case, despite its legal limitation, serves as evidence that even in 1772, slavery was not legal, at least not throughout the Empire. Interestingly, this reveals, in my view, a certain similarity to the interpretation by abolitionists around Somerset, who, according to Swaminathan, discursively ascribed to the case a much greater significance than its narrow legal scope actually had. The 1772 judgment did not abolish the slave trade and slavery, but it did prepare the way for it. The abolitionists have set it as a precedent for their political aims in the public discourse (Swaminathan 2009: 87). Similarly, today's advocates use the court rulings of the time for their own political goals. Thus, they emphasize that the Somerset case, as well as the archives on compensation of slave owners, and finally the entire debate on the legality of slavery itself were already controversial at the time and remain as unresolved contradictions in the present.

The selective reference to prominent cases serves to support advocates' arguments symbolically and discursively. In this manner, Beckles mentions the Anti-Slavery Leader of Parliament Thomas Buxton, who stated in the year 1834 that the system of slavery was a national crime committed against Africans and that the enslaved should be compensated, not the enslavers. According to Beckles, his discourse was not taken seriously because the beneficiaries of slavery dominated the debates. He further states that "with these views he [Buxton] outraged the Parliament on the eve of Emancipation to the same degree that Blair has enraged the reparations movement" and finally, "the 1834 antipathy to the enslaved continues to be echoed in the British Parliament that continues to reject the idea of compensation for

slavery" (Beckles 2013: 194, 195). The crucial point is that Beckles creates an analogy between the position of the British government of the 1830s and its position today. He condemns Tony Blair's statement of 2007 in relation to slavery ("deep sorrow – but it was legal"). My paper shows that this same criticism is being made of David Cameron, and here too, a sort of political continuity of all previous British positions is implied. At the same time, Beckles establishes another continuity between the demands for compensation to the enslaved in 1834 and today's claims for reparations. By historicizing this struggle, he points out the long-standing expectations of justice and creates another analogy: just as it was unimaginable for the majority of Members of Parliament at the time to compensate the enslaved, it is not conceivable for members of the reparations movement then and now that Britain is not talking about slavery and redress.

## 7 THE EXTERNALIZATION OF SLAVERY WITHIN LIBERAL THOUGHT

Beyond the legality of slavery, reparation activists draw attention to a crucial blind spot of the liberal order in past and present: the existence of slavery, or better said, the externalization of slavery. They argue that slavery was outsourced from Europe not only in legal and territorial terms, but from the idealistic foundation of liberal thought. Beckles deconstructs this process, referring to philosophers such as John Locke (1632–1704), whose ideas preceded the Somerset decision by almost a century. Locke, commonly seen as the father of liberalism, invested in the slave trade and in slavery, having shares in the Royal African Company and in another company involved in slave trading in the Bahamas (Beckles 2013: 19; Blackburn 1997; Stuurman 2017). Although Locke was aware of the objection to slave trading on moral, ethical, and legal grounds, his political advice to the British King and Cabinet was to



uphold colonial slavery because “he thought it an institution necessary to the productive exploitation of English colonies” (Beckles 2013: 40, citing Blackburn 1997). Arguing that “blacks would benefit from serving the English national interest” as the higher aim, Locke was, according to Beckles, able to bridge the blatant contradiction between his theory of freedom, liberal norms, and slavery (Beckles 2013: 19). This implies that the liberal ideals of freedom, self-determination, and possession were not valid universally for the whole of humankind, but only for white European men.

Although many philosophers of the Enlightenment, theologians, poets, and not least, some of the abolitionists of the 17th and 18th century might have been idealistically opposed to slavery, they have constructed a temporal, spatial, philosophical, and epistemological difference between white Europeans and non-white others. Slavery was banned from the metropolis and located somewhere far away in the colonial peripheries of the British Empire – in the Caribbean – where extra laws were created to enable slavery. These laws were not in accordance with liberal values. It is precisely these contradictions in the historical and philosophical genesis of liberalism that Beckles explicitly exposes, similar to other interlocutors who do this implicitly: liberal ideals did not apply to all humans and were therefore incomplete because of the fact that slavery was accepted for one part of humankind and not for another. Even those who clearly criticized slavery were confronted by a majority of profiteers who gained enormously from slavery economies and asserted their economic interests over moral doubts.

The externalization of slavery and unfreedom outside of Europe was characteristic for all slavery in the Atlantic world. Eckert recalls, in reference to Osterhammel (2000: 49), that slaves who produced products and goods that were later consumed in the metropolises remained completely invisible there. Slavery itself was thus

made invisible in the European centers by being relocated to the colonial periphery (Eckert 2010: 254). I further argue that this externalization took place not only on a territorial, economic, and legal but also on an epistemological level. By avoiding and making taboo the terms slavery, chattel, and property in persons – in the legal system, in public discourse, and everyday life in England – slavery, as a violent system of oppression, dehumanization, and deprivation of freedom also disappeared in an epistemological sense from England’s self-image as a free, liberal nation. This relates to what Losurdo calls the paradox of slavery and liberalism: while chattel slavery, based on property of persons, remained invisible in England, it flourished in the colonies and generated great prosperity for the British nation. Precisely because chattel slavery was outsourced and happening far away, it could emerge with liberalism in what he calls a “unique twin birth” (Losurdo 2011: 35–37, 302). Thus, when liberal thinkers defended values of liberty and freedom this does not necessarily mean that they objected to slavery (Davis 1975: 255).

Even though Locke did not see any inconsistency in condoning slavery in the colonies, we can argue that this does not resolve the contradiction in liberal thought itself. From a present-day perspective, Losurdo even asks if we can continue to pay tribute to Locke as father of liberalism and to other philosophers when we are aware of their positions in relation to slavery (Losurdo 2011: 3). This opens a huge discussion that might include reconsidering the icons of enlightenment such as Immanuel Kant when we seriously deal with their theories of racial superiority which fortified the slavery-based colonial hierarchies (Mills 1997). This definitely requires more theoretical engagement – for now, it might inspire the SCRIPTS Cluster to look at the various “contestations of the liberal script” from the angle of its historically established blind spots.

## 8 CONCLUSION

### 8.1 COUNTERING THE BRITISH DENIAL OF RECOGNITION

In light of these interpretations, we must come back to our polemical question: Was it right to compensate slave owners instead of the enslaved? Or more generally, was slavery even legal? Under strict legal consideration of the law applicable at the time, this question may be answered by YES. However, if we open the question with regard to perspectives that have not been considered for a long time, it becomes much more uncertain. The enslaved and their descendants would have answered NO to this. Activists today point to the rightlessness of enslaved people within colonial laws, wherein they had no voice. What does law mean in a colonial, extremely violent setting of highly unequal power relationships, in which the enslaved majority were denied any rights, as they were declared to be chattel? They oppose the notion of chattel slavery by pointing out the deep and long-lasting consequences that still impact people's lives. This form of dehumanization alone should be a matter of redress, they implicitly argue. Moreover, by deconstructing the legal double standards in applying this category ("what makes it legal in the colonies doesn't make it legal generally") they question the legality of slavery.

Conceptions and norms of justice and legal standards shift over time. As scholars, we have to be careful in analytically judging decisions and events of the past by applying current standards. I argue however, that the British government today should have an expanded repertoire of political answers to historical injustice, in particular when taking into account the magnitude and scale of the transatlantic slave trade and slavery, both declared by the United Nations as crimes against humanity in 2001. What was considered unalterable two centuries ago can no longer count

as an answer today, as standards of international law and political relations as well as public discourse have evolved over the last 200 years. In other words, even if we assume that slavery was legal and morally acceptable in its time, this view is no longer sustainable from today's perspective. This is precisely what requires different political responses and responsibilities in dealing with the past. The British failure to adequately come to terms with its slavery legacy, and in particular with the compensation of slave owners after this practice was revealed to the public, seems indeed problematic and weakens the argument that "Slavery was legal, nothing can be done today". The Jamaican activists counter the British position through moral, affective, legal, and political terms. They dismantle the duplicity, not only of the legal system of the Empire, but more generally, of the British attitude toward slavery in past and present, and their unwillingness to negotiate reparations. Furthermore, by addressing the rightlessness of the enslaved, they reassess the legality of slavery and the compensation of slave owners, retrospectively declaring both processes illegal and unacceptable. In doing so, they condemn the injustice done to those people who were dehumanized and not considered legal subjects at the time. This is, in my view, in itself a self-empowering act of reparations and restoring dignity.

Jamaican activists have used public information on the compensation of slave owners and the related bank loan as well as revealing the British position of denial to the public as a mobilizing momentum for their case on various points: They have increased public awareness and focus on compensation in the 1830s, on slavery and its aftermaths in general, and on the need for reparations. These activities have resonated greatly within and beyond the Caribbean. By anchoring their discourse not only at a historical, economic, and moral level, but explicitly at a political level when addressing the British government, they



underline that, more than just being an academic endeavor, reparations are a political struggle. The activists took evidence from compensation records as an opportunity to dismantle Britain's duplicitous politics. They reject the argument "it is too late to talk about slavery" pointing out that until the year 2015, British taxpayers (including those of Caribbean descent) had to pay back a loan that is linked to slavery. Naturally, they appeal to moral outrage and implicitly ask: is it really too late to repair past damage when it seems not too late to accept the existence of a bank loan for perceived "property loss" dating back to the same period? I would furthermore say that, by placing Cameron's scandalous denial of recognition under public scrutiny, they intervene as academic activists in politics and counter the hierarchy of global power relationships. Indeed, it is the power of denial which they lay open: to know about the loan but to not act; to not admit historical, moral, and political responsibility. Britain's denial of recognition echoes the position of most Western European governments, which have until now systematically ignored or rejected the various calls for reparations for crimes they committed in their former colonies. The Caribbean reparation advocates challenge this position as politically unacceptable in the 21st century. Their public criticism has spread transnationally and may ultimately strengthen political pressure on the British and by extension other European governments to take the concerns of their former Caribbean colonies and their postcolonial governments more seriously as well as to establish a political relationship based on a more level playing field.

The refusal to recognize historical injustice is in itself an epistemological problem: who can assert, from what position of power and geopolitical knowledge, that the past is over, and that there are no causal consequences? How can the past be over for those who have to deal with it in their daily struggle against poverty, in feeling

disadvantaged, or in the burden of suffering from a fundamental violation that has not been acknowledged? In other words, how can anyone expect them to "move on" from something that, for some, still exists as long as it is not dealt with? This denial of recognition, apology, and restorative measures increases harm in a way that the people I have talked with feel: are we not worth it? Why are our concerns not taken seriously? I would argue that denying recognition in itself represents one of the most profound legacies of slavery. This legacy is having the power to not answer the activists' demand to negotiate about the need to come to terms with the compensation of slave owners today, and with slavery legacies more generally. Activists continue to demonstrate the long-term unaddressed legacies of slavery in the form of persistent poverty, racism, limited upward mobility, and other structural inequalities. This argument would already give enough reason to engage in a dialogue on reparations before ever knowing about the compensation records and the bank loan. Thus, the information now available about the magnitude of compensation in terms of timescale and money gives it even more force. This indeed seems to have strengthened the campaigners' crucial argument: the wealth extracted by slavery and compensation is traceable and reaches all the way to the present.

By incorporating these new sources in their public outreach activities, activists mobilize support for a broader understanding that slavery is not a thing of the past and still shapes the present of Caribbean states and Great Britain through unequal burdens. Jamaican activists emphasize that the formal end of slavery in 1834 did not mean the end of suffering, forced labor, colonial injustices, dependencies, and social inequalities. Instead of regarding the year 1834 as a closure of the past, they point to continuing damage transcending generations. They expose the essential wrong not only of slavery, but also in the way

the British legislated on abolition and emancipation through compensation to slave owners. They stress the view that people already at the time, but even more now, 200 years later, still expect reparations, connecting this expectation to the fields of history, economics, politics, knowledge, and even law. The consequences of not compensating the enslaved are widely considered an unresolved issue. For those involved in the reparation struggle, it grounds their claim: what should have been paid in 1834 after the end of slavery or at the latest in 1962 after the formal end of British colonialism did not happen, and so it has once again been formulated in a clear political demand on the British government: to commit itself to reparations as a long overdue duty. Jamaican activists urge holding a conversation about the unequally shared burdens and profits between the Caribbean and Europe, relying on the lack of freedom, the lack of compensation, the lack of development, and the lack of sovereignty due to the *longue durée* of slavery and colonial domination. In this light, the whole process of abolition, emancipation, and freedom must be revised.

## 8.2 CONTESTING THE CONTRADICTIONS WITHIN LIBERAL THOUGHT AND WESTERN MODERNITY

This paper centers on the various responses of Jamaican reparation activists to Britain's position of denial. Evidence from new research on the long-term legacy of compensation dynamics escalates the appeal to British, and by extension other European states, to assume historical and political responsibility for slavery and the colonial past. I further argue that in a broader sense, this represents a contestation of the liberal order in past and present in the sense that it uncovers the inherent inconsistencies within the genesis of liberalism itself. This form of internal contestation relies on reassessing the contradiction in liberal thought which externalized slavery not only

in legal and territorial terms, but from its ideal framework. The Somerset court decision of 1772, which during the climax of liberal norms partly outlawed slavery, serves as a paradigmatic case that underlines the ambivalent relationship between law, slavery, and the values of liberalism. In this sense, the externalization of slavery constitutes possibly the main contradiction in liberal thought and order. It endorses a narrative of Western liberalism as an ongoing success story. Reparation advocates challenge this normativity by pointing to the very rise of liberal thought that simultaneously allowed people to be enslaved and exploited.

I further argue that advocates show that these inconsistencies continue to reach into the present and are mirrored in current British politics. When they go far back into history (be it the Somerset case or the compensation archives), they urge Great Britain to look more closely at its own inconsistencies of understanding, and its own history and self-conception that usually says little about its profiteering role in slavery. Thus, activists not only object to the double standards of the historical foundations of liberalism, they question the current liberal order of global political hierarchies that still deny responsibility for the past. Countering the normative and selective discourse of Western modernity and liberalism is part of a broader epistemological challenge to those historical narratives and global political asymmetries that disconnect European capitalism, modernity, and liberalism from slavery. Already decades ago, scholars such as Eric Williams (1944) or Sidney Mintz have pointed out the interwoven dimensions between capitalism and slavery, and the crucial role the Caribbean played as a departing point for modernity (Mintz 1985). It is time to address the often neglected "darker sides of Western modernity" (Mignolo 2011) including the transatlantic slave trade and slavery. This involves taking responsibility for historical injustice, recognizing the victims and legacies, as

well as the historical roots of present global inequalities.

Slavery was not an exception, an anomaly, or an accident of the “civilized north”, but intrinsically connected to the rise of capitalist modernity that in Zeuske’s view clearly was a “slaving modernity” based on the “capitalization of human bodies” (Zeuske 2018: 104, 114). This “slaving modernity” is fundamentally based on liberal norms; therefore, we need to critically engage with normative discourses that single out the liberal order as a success story while silencing its darker sides. This narrative does not tell the whole story, because the rise of liberalism and modernity is also a history of slavery, colonial oppression, racism, and inequality – legacies which persist on a global scale.

The self-conception of the liberal Western states is still disconnected from slavery, from their colonies, and in that sense, from part of their own history. In contrast to that vision, reparation advocates insist that the history of slavery is entangled between Europe and the Caribbean and that consequently the task of confronting these legacies and finally overcoming today’s global inequalities as long-term consequences of centuries of enslavement must be a shared concern and cannot be left to the Caribbean alone (Rauhut 2019; Rauhut and Boatcă 2019). Britain’s position of neglecting slavery and political responsibility towards the former colonies not only causes a tense political relationship, it perpetuates the blind spots of the past and present liberal order. This paper has demonstrated how strongly these unresolved issues resonate in Jamaica. It might provide a pathway of sensitivity towards a more complete understanding of the long-lasting impact of slavery for which redress is needed.

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