International Law Started with the Haitian Revolution

By:

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The newly-formed International Economic Law Collective has already brought something new to how we understand economic thought in international law. Compared to other groups in international law, the Collective is distinct because it places the concept of equality as both an analytical focal point in the work its members produce and as a main feature of how the group organizes itself.

The Collective is also driven by an associated desire to create new international legal practices grounded in notions of fairness. I don't think it's useful to start with an argument of what is fair or just and then apply such an abstract notion to particular cases. Instead, fairness is most acute when understood in relational and historical contexts. The difficulty with any historical narrative, however, is figuring out when to start the story. Today, any understanding of international law (economic or otherwise) should start with Haitian Revolution of 1791-1804.

The Haitian Revolution was the only slave revolt in history that succeeded in emancipating all the slaves. What makes this anticolonial insurrection a key event of contemporary international law is that the former slaves obtained their freedom by creating a sovereign state. This was the first time that sovereignty was used as a means to successfully resist imperial power and create a new political order, and not as an argument justifying territorial expansion or as part of the language of inter-imperial rivalry. When people in what was then known as Saint-Domingue, liberated themselves from France and created the first Black republic, it sent shock waves across European empires. The newly-named Haiti echoed throughout all types of literatures. For centuries, people all over the world used its story of liberation to generate new political and legal imaginaries.

In Haiti then, like in many places now, international law was used to define and lace together ideas about sovereignty, property, and debt. After Black liberation, colonialists lost their property interests in people (slaves) and land (plantations). They demanded that the new state of Haiti fairly recompensate them for their expropriated property. In 1825, with canons from a fleet of French warships aimed at the island, Haiti was compelled to pay 150 million gold francs — estimated to be ten times the country's annual revenues — in indemnities to compensate colonialists. France was not going to easily relinquish its most valuable colony, its flotilla a brutal reminder that war is "a shooting phase of commercial struggle" and that international law has been pivotal in this adventure.

The sum would be later reduced to 90 million gold francs (estimated at about €17bn today). This, however, was little consolation since Haiti did not have the money. The newly independent country had to borrow from French (and later US) banks to pay their former French masters – now with interest. Haiti was unable to pay off this debt until 1947. This meant that for over a century, people in Haiti were caught in a debt trap and forced to pay their former overlords compensation for their freedom. Haiti's revenue from exporting commodities like sugar, coffee, cotton, and indigo did not bounce back to pre-revolution returns. It's economy has never recovered from 1825.

The ongoing relationship between Haiti and France exemplifies a common way

that industrialized countries systemically under-develop the periphery and colonial powers ensure former wards remain dependent after liberation. In 2003, the Haitian government demanded repayment of the “independence debt” from France, and started mounting a law suit. Instead, France (and the US) backed the overthrow of the Haitian government in 2004.

Rob Knox has recently provided a capturing story about Haiti’s present and past. He deftly argues that in order to understand how international law enables inter-imperial competition and capitalist expansion, you must often look to how race and economic value define each other. What I also extrapolate from Knox’s account is how Haiti’s history is key to understanding how the particular racial categories of indigenous and black operate in different yet parallel ways.

The island was originally inhabited by the Taino people, who named it Ayti. In 1492, Columbus landed on the island, naming it Hispaniola claiming to have discovered a new world. The Spanish occupied the entire island, unsettled the Taino people’s relationship with their land, and extracted tribute from newly-organized local communities. Spanish rulers, driven by their own sense of racial superiority, and supported by arguments made by the likes of Bartolomé de las Casas and Francisco de Vitoria, sometimes put their genocidal policies aside and treated the indigenous peoples in their empire like wards of the state in need of civilizing.

The colonialist looked at the island and saw untapped economic opportunity. But to get the most financial return on their investment, the Spanish needed more labor since indigenous populations were not sufficient in character and number to meet colonial economic needs. They, therefore, brought in new laborers to work on the plantations. Like many other Europeans, Spanish colonialists bought or captured Black people in Africa, pulled them out from their homeland, and turned their bodies into private property to work on occupied land. As a result, settlers produced more sugar, which created a greater demand for slaves.

At first, Europeans organized slavery through religious difference. But since slaves were primarily obtained from Africa this “buttressed the connection

between slavery and blackness." By the time that French colonialists were settling in parts of western Hispaniola in the late 1600s, slavery was increasingly understood in terms of color. France took control of the west-end of the island in 1665 and named it Saint-Domingue. Soon after in 1685, King Louis XIV passed the Code Noir formalizing the racial character of slavery across his entire empire.

The story of Haiti and international law, with its patterns of denigration, dispossession, and deliverance continues today. International law deems you to be indigenous when a state is trying to stake a claim in your land by turning your territory into property. States use international law to devalue your land by turning you invisible (terra nullius) or irrelevant (wards of the state). States then treat you like a noble savage, purport to be doing you a favor by granting you education and housing, all while expecting you to be grateful for the culture they give you no matter what price you had to pay. After Haiti, however, Indigenous Peoples' have also used international law to fight back not ceding discursive or literal ground.

International law deems you to be black, brown, yellow, and all shades in between when you are estranged from your land. States use international law to evaluate the worth of your labor through categories such as slave, migrant worker, permanent resident, native born, citizen, illegal alien, and refugee. States then treat you like a brute threat, purport to be doing you a favor by letting you enter their borders and offering you a job, all while you are expected to be grateful for the work they give you no matter what price you had to pay. After Haiti, however, people of colour have also used international law to fight back and treat international migration as a matter of redistributive justice and not charity.

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