

The Formation of Normative Orders

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The Cluster of Excellence on „The Formation of Normative Orders“ invited fourteen international scholars to participate in a conference on slavery, serfdom and unfree labour at the Forschungskolleg Humanwissenschaften in Bad Homburg. The decision to abolish forced labour regimes is usually explained in (a combination of) one or two narratives. „Idealistic“ narratives highlight shifts in a society’s moral compass which made it impossible to defend and to practise extreme forms of economic exploitation. „Cynic“ ones highlight changes to economic rationales which rendered enforced labour less appealing, and argue that changes to profit and loss calculations were decisive for the abolition of practices which had been criticised on moral grounds for much longer. Though present-day historiography is dominated by multi-causal analyses which incline slightly to the one or other approach, the competition between narratives emphasizing shifts in normative orders and narratives disputing their practical effects made the field particularly appropriate to test the cluster’s assumptions about the importance of changes to normative orders, as ANDREAS FAHRMEIR (Frankfurt am Main) pointed out in his opening remarks. The symposium’s focus was thus to analyze when and why normative arguments have an impact on practices in specific times and places. It attempted to disentangle economic and non-economic arguments for abolition, to engage in cross-epochal and cross-cultural comparisons and to embark on transdisciplinary, conceptual approaches.

EGON FLAIG (Rostock) opened the conference with a thought-provoking paper proclaiming „why abolition cannot be explained in terms of social history“. In Flaig’s opinion traditional social history is not able to explain epochal shifts in history, particularly in a global setting. Flaig described aboli-

tion as catalysed by a specifically Western European intellectual discourse on universal human rights with roots in antiquity and particular influence on enlightenment abolitionists. Flaig argued forcefully that slavery was „killed“ rather than phased out. European imperialists were rightly convinced that colonialism was the only way of bringing about the end of slavery in nineteenth-century Africa, so that colonialism forms a key part of the story of abolition and emancipation, Flaig argued.

The first panel, chaired by David Lambert (London), sought to problematize categories which distinguish „unfree“ from „free“ labour, and „slavery“ from other forms of coercion. FRANK CAESTECKER (Gent) used aliens working in heavy industry in post-1945 Belgium as his test case. He pointed out that „unfree labour contracts“ existed which contradicted the prevailing liberal discourse of freedom of contract. The state exerted influence on the labour market by regulating and restricting labour migration. „Guest worker management“ gave rise to vehement protests from immigrant workers, because employers „bonded“ foreign workers by long-term contracts and the retention of passports (illegal, but practised regularly). While there was some normative critique of this „unfree labour system“ in Western Europe, Caestecker’s analysis privileged economic arguments in explaining why it was dismantled. This was a non-intended side effect of the liberalisation of the Western European Common Market, which granted formerly „unfree“ labourers additional rights and thus „emancipated“ them from a status of dependency, though clearly not of slavery.

According to JENS BARSCHDORF (Munich) slavery in late antiquity was accepted, provided social norms – for instance against physical abuse – were adhered to. Addressing the possibility of „emancipation“, Barschdorf argued that although freedmen received civil rights, they remained morally and economically obligated to their patron, with reciprocal obligations of patrons towards their clients. What remained open, due to the lack of representative evidence, was in how far these obligations differed from those of lower-ranking citizens who had been free by birth.

Finally, KRISTI GOURLAY (Ottawa) examined implications of the Somerset case for the development of the legal system and the political discourse on abolition in England. Gourlay highlighted the role of the new 'mass media' in building support for abolitionist ideas. She argued that campaigns in the name of a „common humanity“ were affected by a new concern for the human body and bodily practices, which increased revulsion at physical punishments imposed in the Caribbean plantation system, now graphically displayed in print.

Benjamin Steiner (Frankfurt am Main) chaired the second panel of the conference discussing unfree labour systems in colonial constellations. HAZEL PETRIE (Auckland) investigated bondage in Maori society. Did the British abolish 'slavery' in New Zealand in the nineteenth century? Hazel Petrie explained that the „musket wars“ and the establishment of formal British power brought about a dramatic transformation of Maori society. Maori chiefs not only lost their workforce of war captives (the group considered „slaves“ by the British), but also their „chiefly mana“ (power, status and authority). She showed that Maori and British had different concepts of „slavery“ – a status designated by many different terms in Maori. Petrie's study focused on the link between Maori language and cultural practices – and the problems involved in translating them into English, highlighting the „translational“ dimension of the colonial encounter.

NITIN VARMA (Berlin) presented a case study on tea plantations in Assam in Eastern India. In the mid-nineteenth-century a migration infrastructure developed, in which coolies were bound by long-term contracts in the framework of an extremely coercive labour regime. Even though plantation workers enjoyed legally guaranteed rights and contracts in theory since 1865, the oppressive labour system was justified by a discourse of colonial exceptionalism. At the same time, discourses of protection led by middle class advocates in the public sphere focused on standards of living for migrant labourers. Nitin Varma argued that „coolie labour“ in Assam reached a transitional status between slavery and free labour.

On the second day of the conference Till van Rahden (Montreal) opened a panel analyzing practices of abolition and eras of transition. MICHAEL ZEUSKE (Cologne) concentrated on South America, with particular emphasis on Cuba. His response to the terminological problem was to speak of „slaveries“ rather than „slavery“. In direct opposition to Flaig, Zeuske asserted that abolition in South America can be explained by social historical analysis; what came after slavery is more difficult to assess. Although admitting that documents produced by slaves and freed slaves are rare, Michael Zeuske argued that South American archives provide many sources, such as notarial protocols, which gave insights into slaves' agency and social status. Even after slavery was abolished by law, forms of racism and social and economic discrimination continued, based on knowledge of slaves' former status transported, for example, through the absence of maternal names.

Next, VIOREL ACHIM (Bucharest) presented his work on Gypsy slavery and its abolition in the nineteenth-century principalities of Moldavia and Walachia. Achim introduced a new element into explanations of abolition, namely international pressure which linked the status of a 'civilized' polity to the abolition of slavery or quasi-slavery. He suggested that liberal Western European discourse helped to initiate the abolition of slavery in Romania largely for humanitarian reasons. A key motive for taking up these ideas in government circles was that the principalities were eager to gain political and economic support from Western countries by demonstrating their modernity. However, the process of emancipation was also expedited by hopes of economic progress.

The final panel on „Debates“ chaired by Verena Steller (Frankfurt am Main) brought together the perspectives of an intellectual historian and considerations of an economist. Regarding liberal ideas, revolutions, and social crises, which had been „silent issues“ until this point, IHEDIWA NKEMJIKA CHIMEE (Nsukka, Nigeria) argued for their impact on the struggle of prohibiting the transatlantic slave trade. Thus the paper expanded the list of reasons for the decision to suppress the legal trade with human beings beyond British

humanitarianism and the logic of mercantile capitalism. CHRISTOPHER BROOKS (East Stroudsburg / Pennsylvania), whose paper was circulated at the conference, focused on the understandings of slavery in the U.S. and Germany, and suggested a useful comparison between justification narratives for slavery in nations with and without monarchical traditions.

MATTHIAS DOEPKE (Evanston / Illinois) addressed a major question of „development economics“: Why are some countries richer than others? Since attempts to link income differences exclusively to contemporary factors have proved to be less than helpful, Doepke is engaged in developing models which take historical dimensions into greater consideration. As massive income differences did not appear before industrialization, Doepke argued that practices of forced labour played an important role in the development of the unequal distribution of wealth in today's world, i.e. that slavery casts an extremely long economic shadow.

Although the conference showed that moral arguments played an important role in the struggle for abolition, several contributions highlighted that expectations of economic gain at a micro or macro level were crucial in providing anti-slavery majorities in bureaucracies, parliaments, or the public sphere. However, a binary opposition between moral and economic arguments – though present at times – was less characteristic of the conference than debates about conceptual approaches to a multi-dimensional phenomenon which eludes simple definitions. In many ways, the attempt to draw broad comparison led to the problem exemplified by Caestecker's paper, namely which indicators are decisive in marking unfree labour as 'slavery': the unlimited duration of dependency, the type of punishment meted out to labourers who disobey rules, the absence of rights to family life or individual property, or the attribution of a distinct social status.

The power to assign a label to specific practices – i.e. designating Maori war captives or Indian „coolies“ as „slaves“ – could be a powerful tool in economic and political struggles. The conference papers thus all highlighted the

„translation problem“, which also proved to be an issue of representation: How can various forms of slaveries and unfree labour be described adequately? How did contemporary observers deal with this difficulty? And what impact does this have on the form of contracts and the formation of normative economic orders such as 'free' trade, based on the ideal of a symmetric contract between autonomous, equal and rational individuals? Was 'emancipation' about doing away with unfree practices, or simply concerned with replacing the label of slavery, yet seeking to preserve economic exploitation? This question is of paramount importance when different systems of unfree labour were offset against each other in the colonial encounter, but also when it comes to evaluating the success of abolition and emancipation movements – particularly in colonial and post-colonial Africa. How can approaches of historical semantics and discourse analysis deal with the amalgams of text and practices in unfree labour regimes? Many case studies emphasised that while slavery and serfdom were abolished by law, discrimination tended to remain in place in more or less subtle forms, which could produce new patterns of oppression and perpetuate inequality. Memory discourses were considered one methodological approach to tackle the legacy of unfree labour regimes – an intriguing issue to be addressed in future.

Conference overview:

Andreas Fahrmeir (Frankfurt am Main):
Opening remarks

Egon Flaig (Rostock): „Why abolition cannot be explained in terms of social history“

Panel I: Challenging Categories

Chair: David Lambert (London)

Frank Caestecker (Gent): „Immigrant labour in 20th century Western Europe as unfree labour“

Jens Barschdorf (Munich): „The treatment of slaves and freedmen in late antiquity“

Kristi Gourlay (Ottawa): „Anatomy of the Sommerset case: the emergence of human form in eighteenth-century popular politics“

Panel II: Colonial Constellations

Chair: Benjamin Steiner (Frankfurt am Main)

Hazel Petrie (Auckland): „Abolition of slavery or Enslavement of Nobility? The British in nineteenth-century New Zealand“

Nitin Varma (Berlin): „Producing coolies: labour in colonial-capitalist tea plantations of Assam (19th and 20th century)“

Panel III: Practices of Transition

Chair: Till van Rahden (Montreal)

Michael Zeuske (Cologne): „The abolition of slavery in South America“

Viorel Achim (Bucharest): „The abolition of Gypsy slavery in the Romanian principalities, mid-nineteenth century“

Panel IV: Debates

Chair: Verena Steller (Frankfurt am Main)

Ihediwa Nkemjika Chimee (Nsukka, Nigeria): „The challenges of liberal ideas, social crisis, and rebellion: correlates in supporting the abolition of the transatlantic slave trade“

Christopher Brooks (East Stroudsburg, Pennsylvania): „Understandings of Slavery in the U.S. and Germany: Comparing Nations with and without Monarchical Traditions“

Matthias Doepke (Evanston, Illinois): „Colonization and emancipation: an economic perspective“

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