

12-13-2023

Haiti and the Burden of History

Frédérique Beauvois
University of Lausanne

Follow this and additional works at: <https://repository.law.miami.edu/umialr>



Part of the [Civil Rights and Discrimination Commons](#), [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), [Law and Race Commons](#), and the [Public Law and Legal Theory Commons](#)

Recommended Citation

Frédérique Beauvois, *Haiti and the Burden of History*, 55 U. MIA Inter-Am. L. Rev. 122 ()
Available at: <https://repository.law.miami.edu/umialr/vol55/iss1/8>

This Article is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Inter-American Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact mperez@law.miami.edu, library@law.miami.edu .

Haiti and the Burden of History

Frédérique Beauvois¹

I. INTRODUCTION.....	122
II. FRANCE’S INDEMNITY DEMANDS FROM HAITI	124
III. CONCLUSION.....	130
<i>Table 1. The Indemnity’s Cost to the Taxpayer and the State.....</i>	131

I. INTRODUCTION

Instances of reparations for historical wrongs have become more frequent since World War II. The prime example being at the end of the twentieth century when Swiss banks began paying compensation for unclaimed Jewish assets.² This act of reparations came only after a hard-fought political campaign that lasted many years.

Reparations can take three main forms: (1) material (restitution of art works, skeletons of ancestors, etc.); (2) symbolical (apologies, education programs, memorials at particular sights or a commemoration day); and (3) financial.³ Restitution, however, has become

¹ Frédérique Beauvois received her doctorate from the University of Lausanne and Sciences Po Paris in 2011. She was awarded the Prize of the French Senate as well as the Prize of the Faculty of Arts of the University of Lausanne in 2012. She is currently researching perceptions of slavery in the United States from 1783 to 1865. Her recent work includes *Between Blood and Gold: The Debates over Compensation for Slavery in the Americas*.

² See Julia Collins, *Taking on the unfinished business of the twentieth century*, HARVARD LAW BULLETIN, (June 24, 1999) <https://hls.harvard.edu/today/taking-unfinished-business-twentieth-century/>.

³ See generally Hannah Stevens, *What are Reparations and What Forms Can They Take?* EACH OTHER (July 29, 2023) <https://eachother.org.uk/what-are-reparations-and-what-forms-can-they-take/> (The UN has set out five formal categories of reparations: (1) restitutions, (2) satisfaction, (3) damages compensations, (4) rehabilitation, and (5) guaranteed of non-repetition.).

more common because the inherent good in the act of restitution is more likely to garner growing public attention.⁴ The allure of restitution can also be attributed to successful judicial proceedings ordering States to pay restitution. The notion of respectability and states acting in a morally correct manner, has become important enough to convince some States to recognize their wrongs and accomplish justice to their victims.⁵

Even with this movement to atone for past atrocities, many states have refused to follow the lead. For example, communities and governments today continue to claim that they have been deeply scarred by the slave trade and/or slavery. Descendants of slaves and governments affected by the trade between the sixteenth and nineteenth centuries are putting the spotlight on the present-day consequences of these practices. In particular, they correctly fault their underdevelopment to the discrimination they faced from the slave trade and are now demanding reparations from the businesses and States that profited from the institution of slavery.⁶

Reparations for slaves and their descendants, which had been a serious issue and even a quasi-movement since the process of the abolition of slavery began in the eighteenth century, became more prevalent in the early 2000s. For example, in 2001, the United Nations World Conference against Racism declared the slave trade a “crime against humanity.”⁷ Though the issue of monetary

⁴ See generally Rashaan Ayesh, *The world's long history of reparations*, AXIOS, (June 22, 2019) <https://www.axios.com/2019/06/22/why-nations-pay-reparations>.

⁵ See *id.* (Some examples include (1) The U.S. paid Japanese American citizens reparations after wrongfully holding 120,000 people in internment camps during World War II, and (2) After World War II, Germany paid reparations to Holocaust victims, which totaled \$89 billion in reparations to individual survivors.)

⁶ See generally Carrie Blazina and Kiana Cox, *Black and White Americans are far apart in their views of reparations for slavery*, PEW RSCH. CENTER, (Nov. 28, 2022) <https://www.pewresearch.org/short-reads/2022/11/28/black-and-white-americans-are-far-apart-in-their-views-of-reparations-for-slavery/> (For example, Around three-quarters of Black adults (77%) say the descendants of people enslaved in the U.S. should be repaid in some way, while 18% of White Americans say the same.”).

⁷ See *Law n° 2001-434 of May 21, 2001 tending to the recognition of the slave trade and slavery as a crime against humanity*, REPUBLIQUE FRANÇAISE, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000405369/> (last visited September 3, 2023); see also *World Conference against Racism, Racial*

reparations was naturally discussed in France, specifically because of French colonialism, and at the UN Conference, it ultimately was expunged from the official documents and became more of a moral and symbolic acknowledgement.

In 2003, the question reemerged on the world stage when Haiti's President, Jean-Bertrand Aristide, officially asked France for reparations for the indemnity Haiti paid to its former "home country" in 1825 in exchange for the recognition of Haiti as an independent nation.⁸ Haitian independence, of course, was the result of Haitians defeating France after a thirteen-year brutal war from 1791 to 1804 that resulted in the deaths of approximately 50,000 French soldiers and many Haitians.⁹ Measured by the yardstick of Haiti's request, present-day reparations are an after-effect of a phenomenon that occurred more than a century before.¹⁰ These twenty-first century demands for money echo a nineteenth-century practice. Reparations were present in all abolition processes in the Americas, namely as indemnities granted to planters after slavery ended.¹¹ Ironically, after the liberation of their human property, it was not the slaves, but the masters, who were compensated.¹²

II. FRANCE'S INDEMNITY DEMANDS FROM HAITI

The indemnity France requested from Haiti in 1825 was an unusual act that seemed to suggest a new set of complicated relations between colonial states and their former colonies, particularly where slavery had finally been abolished. However, like the two faces of Janus, the present-day reparations seem to be the after effect of

Discrimination, Xenophobia and Related Intolerance, UNITED NATIONS, <https://www.un.org/WCAR/durban.pdf> (last visited Sept. 3, 2023).

⁸ Catherine Porter, et al., *The Ransom: Demanding Reparations, and Ending Up in Exile*, N.Y. TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-aristide-reparations-france.html>.

⁹ Catherine Porter, et al., *The Ransom: The Root of Haiti's Misery, Reparations to Enslavers*, N.Y. TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

¹⁰ See generally Tera W. Hunter, *When Slaveowners Got Reparations*, PRINCETON UNIVERSITY, (Apr. 17, 2019) <https://aas.princeton.edu/news/when-slaveowners-got-reparations>.

¹¹ See *id.*

¹² See *id.*

1825.¹³ The objective of this article is to detail the reasons why France imposed an indemnity debt on Haiti and why the Haitians accepted it.

Two centuries ago, the richness of the French island of Haiti, also known as Saint-Domingue, made it very unique. Indeed, that colony was the “jewel” of the French Empire.¹⁴ It produced more than half of the world’s production of coffee and exported more sugar than Jamaica, Cuba, and Brazil combined.¹⁵ Ironically, present day Haiti is known for its poverty. Indeed, it is the poorest country in the Western hemisphere and is considered a bankrupt country, which has sunk inexorably into poverty and despair.¹⁶ What has happened to this once rich nation? How did it descend to the poverty plagued country it is today?

The answer - or at least a part of it - is found in its past. In history, the past often explains the present, which is the case with Haiti; the burden of its history doomed it to fail. Haiti’s indemnity is one of the central components of that dynamic, but not the only one. The history of slavery is riddled with many escape attempts, almost always proving unsuccessful. However, a slave revolution succeeded in the case of Saint-Domingue (Haiti). The successful revolution could have been the end of the story, with a “happily ever after” ending.

It is a common belief, that in 1825, the new king of France, Charles X, sent an armada to threaten Haiti and imposed an indemnity—compensation for recognition of freedom.¹⁷ That story,

¹³ See generally FRÉDÉRIQUE BEAUVOIS, INDEMNISER LES PLANTEURS POUR ABOLIR L’ESCLAVAGE? (2013); See also FRÉDÉRIQUE BEAUVOIS, BETWEEN BLOOD AND GOLD: THE DEBATES OVER COMPENSATION FOR SLAVERY IN THE AMERICAS 109 (2016) [hereinafter BETWEEN BLOOD AND GOLD].

¹⁴ Zach Medeiros, *The Ebb and Flow of Freedom: Haiti, Cuba, and Jamaica in the Age of Bourgeois Revolution*, HAMPTON, (May 30, 2019) <https://www.hamptonthink.org/read/the-ebb-and-flow-of-freedom-haiti-cuba-and-jamaica-in-the-age-of-bourgeois-revolution>.

¹⁵ DAVID P. GEGGUS, THE IMPACT OF THE HAITIAN REVOLUTION IN THE ATLANTIC WORLD 4, (2001).

¹⁶ Rocio C. Labrador and Diana Roy, *Haiti’s Troubled Path to Development*, COUNCIL ON FOREIGN RELS., (Sept. 9, 2022) <https://www.cfr.org/backgrounder/haitis-troubled-path-development>.

¹⁷ Raymond Joseph & Anders Beal, *Haiti’s Heavy Historical Legacy*, WILSON CENTER (Feb. 17, 2023), [https://www.wilsoncenter.org/blog-post/haitis-heavy-historical-legacy#:~:text=In%201825%2C%20French%20King%20Charles,of%](https://www.wilsoncenter.org/blog-post/haitis-heavy-historical-legacy#:~:text=In%201825%2C%20French%20King%20Charles,of%20)

however, is not accurate. It was not the French but the Haitians who first suggested the compensation idea in exchange for freedom.¹⁸ There were many secret meetings from 1814 to 1825 in which Haiti proposed to pay the indemnity through reduction of taxes, preferential custom duties, or commercial advantages.¹⁹ However, Haiti never offered to pay it in cash.²⁰ Moreover, Haitians offered an indemnity valued between \$30 and \$80 million to be shared between the planters.²¹ There have also been suggestions that Alexander Pétion, the first president of Haiti, was inspired to take this step by France's sale of Louisiana to the United States for 80 million.²²

Haiti had three objectives for its offer: (1) buy peace, (2) have freedom to trade with occidental nations, and (3) have a place in the concert of nations.²³ At that time the country was territorially and politically divided between Black people and mulattoes.²⁴ After the civil war, production was destroyed, which deeply affected social and economic relations. Thus, what Haiti needed to do at that time was to concentrate on reconstruction and stabilization of the country.

However, Haiti was also afraid of a reconquest attempt by France. That fear was not unrealistic. There is evidence in the archives of French reconquest attempts; most of them likely exaggerated, but all of them real, even some attempts dated after 1825.²⁵ To be ready for such an invasion, it was said that Haitians lived with

20that%20debt%20in%201947.

¹⁸ BENOÎT JOACHIM, *LES RACINES DU SOUS-DÉVELOPPEMENT EN HAÏTI* 71, (1979).

¹⁹ *See* FRANÇOIS BLANCPAIN, *LA COLONIE FRANÇAISE DE SAINT-DOMINGUE : DE L'ESCLAVAGE À L'INDÉPENDANCE* 222-223, (2004); *See also* CHARLES MALO, *HISTOIRE D'HAÏTI (ÎLE DE SAINT-DOMINGUE), DEPUIS SA DÉCOUVERTE JUSQU'EN 1824, ÉPOQUE DES DERNIÈRES NÉGOCIATIONS ENTRE LA FRANCE ET LE GOUVERNEMENT HAÏTIEN* 393, (1825).

²⁰*See id.*

²¹ JEAN-FRANÇOIS BRIÈRE, *HAÏTI ET LA FRANCE, 1804-1848 : LE RÊVE BRISÉ* 187-88 (2008).

²² *Extract from the diary of the French emissary Jean-François Dauxion-Lavaysse* in Archives Nationales d'Outre Mer (ANOM) CC9 A48 216 MIOM 34, ANOM.

²³ *See generally* JOACHIM, *supra* note 18, at 71.

²⁴ *See* BETWEEN BLOOD AND GOLD, *supra* note 13, at 31, 49.

²⁵ ABEL-NICOLAS LEGER, *HISTOIRE DIPLOMATIQUE D'HAÏTI (TOME I : 1804-1859)* 30, (1930).

torches in their hands, ready to burn everything in case of a military attack.²⁶

When the French emissary, Baron de Mackau, and France's naval squadron of 12 warships and 500 cannons appeared in Port-au-Prince, Haitians must certainly have thought that their last hours of freedom had come to an end.²⁷ What they did not know was that it was a strategic move, almost a poker bluff from the French, and a successful one. It showed the Haitians that peace had a price.²⁸ As Mackau stated about the episode, "Haiti became a colony which brings a lot and costs nothing."²⁹ Haitians never imagined that the price for freedom would be so high. The amount of indemnity imposed by France in 1825 was far above the capacities of Haiti, as is evident in the effects the indemnity has had on Haiti and its people.

For France, the goal of the indemnity was clear. First, they wanted to rebuild and retain their dominance over the territory.³⁰ The new French King, Charles X, wanted to restore the ancient order in Haiti.³¹ In that respect, the period is called the "Restoration" era. Stated otherwise, even if France lost its richest colony, it would not let Haiti leave its sphere of influence, economically or politically. The French thought, and were correct in so thinking, that a compensation to be paid directly to France, including heavy loans contracted through French creditors, was a way to achieve that goal.³²

Second, in 1814, Louis XVIII and Charles X were confronted and restrained by the complaints of the ancient planters, who were constantly complaining about their ancient property and wealth that they had lost to the Haitians.³³ Monetary compensation was a way

²⁶ See JOACHIM, *supra* note 18, at 53-55.

²⁷ See J. Damu, *Haiti makes its case for reparations: The meter is running at \$34 per second*, THE FINAL CALL (Feb. 10, 2004), <http://www.hartford-hwp.com/archives/43a/628.html>.

²⁸ See JOACHIM, *supra* note 18, at 165.

²⁹ *Id.*

³⁰ BETWEEN BLOOD AND GOLD, *supra* note 13, at 64.

³¹ *Id.* ("Charles X, with the assistance of the ultra-royalist faction, was absolutely determined to reestablish the order that had existed under the Ancient Regime.")

³² See Frédérique Beauvois, *Monnayer l'incalculable? L'indemnité de Saint-Domingue, entre approximations et bricolage*, CAIRN.INFO (2010) <https://www.cairn.info/revue-historique-2010-3-page-609.htm>.

³³ See generally *id.* (French landowners were finally compensated more than thirty years later.).

to silence them. By the end of the process, it was only the richest planters who were able to recover their losses.³⁴ A significant majority of the planters received very little compensation.³⁵

Finally, France wanted to humiliate Haiti. There was certainly a desire to punish ancient slaves who had the nerve and the audacity to revolt, kill their masters, and to kick white people out of the country for the long term. One must remember the vast impact on occidental mentalities behind a slave revolt that birthed the first Black republic. The defeat of the prestigious arms of Leclerc, brother-in-law of Napoleon Bonaparte, was seen as a true tragedy, especially in a world where white dominance was important.³⁶ Haiti was the first violent breach in the political monopoly of whites and a threat against the social organization of the world.

Henri Christophe, the King of Haiti (1806-1820), said the following regarding his opinion on the idea of compensation in an 1819 letter to the King of England;

“What rights, what arguments can the ex-colonists then allege to justify their claim for an indemnity? Is it possible that they wish to be recompensed for the loss of our persons? It is conceivable that Haitians who have escaped torture and massacre at the hands of these men, Haitians who have conquered their own country by the force of their arms and at the cost of their blood, that these same free Haitians should now purchase their property and persons once again with money paid to their former oppressors?”³⁷

The Haitian indemnity was much higher than the other indemnities which were allowed after the abolition of slavery. It represented no less than 116.1% of the national expenditures.³⁸ France purposely overestimated the capacities of Haiti and knew it. Just before the compensation decision of 1825, the Haitian emissaries sent to negotiate the independence estimated that Haiti’s state of exportations

³⁴ *Id.*

³⁵ *See generally id.*

³⁶ Nathan D. Jensen, *General Victor-Emmanuel Leclerc*, FRENCH EMPIRE, <https://www.frenchempire.net/biographies/leclerc/> (last visited Nov. 19, 2023).

³⁷ *Lettre d’Henri Christophe à Clarkson, le 20 novembre 1819*, in EARL L. GRIGGS ET CLIFFORD H. PRATOR (EDS), *HENRI CHRISTOPHE AND THOMAS CLARKSON: A CORRESPONDANCE* 176 (1952).

³⁸ *See infra* Table 1.

for the year 1823 was approximately \$30 million dollars.³⁹ The French estimated that half of this sum represented the cost of production, and the other half was revenue.⁴⁰ Accordingly, the indemnity represented ten years of estimated Haitian revenues, but due in five years, from 1825 to 1829.⁴¹ These numbers were only presented to convince France to accept a compensation in the form of reduced custom duties. The higher the Haitian exportations, the higher the benefit for France.

However, it is quite certain that the real numbers for exportations and the revenues of Haiti were much lower. For instance, Haiti's income in 1830 was only \$7.5 million.⁴² Out of that sum, about four-fifths of income was used up by the army expenses.⁴³ As the primary historical sources suggest, as reflected by the French emissary in Haiti – Esmengard – when he wrote to the French Minister of the colonies in August 1823, “I don't believe the amount of 30 million suggested by the Haitian General Boyé. But I will let him get richer. So, I will appear to be less demanding when we set the final cost of the indemnity in proportion to the amount he had initially announced.”⁴⁴

The financial situation of Haiti would not get better with time. It was quickly evident that Haiti did not have the means to pay the indemnity that considerably affected its financial situation. A British “chargé d'affaires” (diplomat) in Port-au-Prince underlined that by exclaiming, “This cursed debt to France has caused half of Haiti's misfortune.”⁴⁵ We must remember that Haiti had to construct itself out of the ashes of a colony devastated by a revolution. After the revolution, Haiti lost numbers of middle-class managers and professionals, and sources and means of production were destroyed.⁴⁶

Haiti faced the challenge of having no money to invest in infrastructures for production, roads, schools, and health. The indemnity

³⁹ ROBERT LACOMBE, HISTOIRE MONÉTAIRE DE SAINT-DOMINGUE ET DE LA RÉPUBLIQUE D'HAÏTI JUSQU'EN 1874 57 (1958).

⁴⁰ Beauvois, *supra* note 32.

⁴¹ *Id.*

⁴² BRIÈRE, *supra* note 21, at 206.

⁴³ *Id.* at 214.

⁴⁴ Archives Nationales d'Outre Mer (ANOM) CC9 A46 216 MIOM 34.

⁴⁵ JOACHIM, *supra* note 18, at 180.

⁴⁶ JACQUES DE CAUNA, HAÏTI, L'ÉTERNELLE RÉVOLUTION - HISTOIRE DE SA DÉCOLONISATION, 1789-1804 251, (1997).

drained money out of the country at the moment when it was the most needed – to invest in the infrastructure of the new country. We know from the other instances of slave abolitions that this period was extremely tricky, both economically and socially. It is a time of difficult transition from coerced labor to free and wage labor. It was a very delicate moment and the compensation granted to the planters had the objective of supporting the colonial society faced with that transition. Colonial banks were established to assure financial supplies to support production for the colonial powers, which was the case in Britain, France and the Dutch colonies.⁴⁷

In his time, Pétion wanted to establish a Haitian bank.⁴⁸ This never came to fruition due to the lack of financial capital.⁴⁹ In 1826, Boyer tried to create a bank with a capital of 6 million gourde to help pay back the French and to invest in the country.⁵⁰ However, this attempt was as unsuccessful as Pétion's attempt. The National Bank was finally created in 1880, but not for the purpose of investing in the country.⁵¹ Haiti's treasury was controlled by the French, and the Haitian government could not deposit or spend money without paying a commission to France.⁵²

III. CONCLUSION

The indemnity came at such a crucial moment in the development of a new nation, and it set up Haiti for failure. It was not only a question of cash, but also of time. Considering what subsequently happened, it is possible to doubt that this money would have been invested in infrastructure if it was not paid to the French. There were other problems facing Haiti, including an elite class who refused, and in fact, fought against the creation of a more equal and democratic society. Even if Haiti never had to pay an indemnity to France, it is possible that it still would not have spent the necessary money

⁴⁷ See BETWEEN BLOOD AND GOLD, *supra* note 13, at 135-141.

⁴⁸ See BRIÈRE, *supra* note 21, at 278.

⁴⁹ *Id.*

⁵⁰ LACOMBE, *supra* note 39, at 56-57, 59.

⁵¹ See generally Lázaro Gamio et al., *The Ransom: Haiti's Lost Billions*, N.Y. TIMES (May 20, 2022) <https://www.nytimes.com/interactive/2022/05/20/world/americas/enslaved-haiti-debt-timeline.html>.

⁵² See *id.*

in infrastructure. The new society reproduced the same social organization that had existed before the war of independence, a mass of laborers and a small minority of owners. Indeed, the ruling class moved from a parasitic minority to major criminals. They became “vultures,” who used the humanitarian aid sent to Haiti to enrich themselves and to steal any benefits that may accrue to the vast majority of Haitians.

Indeed, that is how France depicted Haiti in its reply to the Aristide’s demand for reparations in 2004. The report of the commission directed by the French Minister of Foreign Affairs compared Haiti to a “danaid’s tomb.”⁵³ The report also stated, “Haiti is a part of our history but not of our memory. The weak knows the strong, the strong ignores the weak. Haiti is sick of a too much memory, France is sick of a too less memory.”⁵⁴

France attributes Haiti’s actual situation to the “selfishness of the dominant class, expert in pushing their personal interests at the expense of the collective ones, using as examples the capture of the humanitarian aid by small local chiefs”⁵⁵. If not paid to France, nothing is less sure than saying that this money would have been invested in the country. Whatever the truth may be, the indemnity of Saint-Domingue left Haiti no choice.

*Table 1. The Indemnity’s Cost to the Taxpayer and the State*⁵⁶

<i>Place</i>	<i>Indemnity (millions of £)</i>	<i>Slaves (thous.)</i>	<i>Residents (thous.)</i>	<i>Res. per Slave</i>	<i>Indemnity per Res. (£)</i>	<i>Indemnity as Percentage of Expenditures</i>
Haiti	3.6	465.4	608.4	1	5.9	116.1
Great Britain	20.0	666.7	13,897.0	21	1.4	40.8
Denmark	0.2	26.9	1,357.0	51	0.1	14.1
The Netherlands	1.1	61.2	3,416.0	56	0.3	12.9
France	5.0	248.6	35,520.0	143	0.1	7.1
Puerto Rico	1.4	31.0	16,622.0	536	0.1	0.1
District of Columbia	0.2	3.0	31,443.0	10,481	<0.1	<0.1
Sweden	<0.1	0.5	3,317.0	6,634	<0.1	<0.1
Southern U.S.*	616.0	3,954.1	31,443.0	8	19.6	977.8
Brazil*	85.0	1,510.8	9,930.0	7	8.6	755.4
Cuba*	9.9	370.6	16,622.0	45	0.6	37.2

⁵³ Régis Debray and Dominique de Villepin, *Haiti et la France: rapport au Ministre des Affaires étrangères* 17, (Jan. 2004), https://www.diplomatie.gouv.fr/IMG/pdf/rapport_haiti.pdf.

⁵⁴ *Id.* at 8.

⁵⁵ *Id.* at 18.

⁵⁶ BETWEEN BLOOD AND GOLD, *supra* note 13, at 215.

Notes

Indemnity data were converted to pounds sterling (£) using the following exchange rates: £1 = 25.23 francs (1848); 12.11 guilders (1860); \$4.87 (1862); 25.225 pesetas (1870); or 8.890 Brazilian mil-réis.

* The indemnity numbers are “virtual” results, since no compensation was granted following abolition in the southern United States, Cuba, or Brazil. The amounts of these “virtual” indemnities correspond to the total value of slave property of £9,887,608 in Cuba; £84,967,954 in Brazil; and £616,016,427 in the United States. It should be noted that except in Puerto Rico, none of the compensation provided recovered the full value of the slaves. Should payments actually have been made by Cuba, Brazil, or the United States, they certainly would not have been so high. For an idea of what compensation amounting to half the slaves’ value would be, simply divide the figures in the last two columns by two.