

AFTER ABOLITION: CUGOANO ON ‘LAWFUL SERVITUDE’ AND THE INJUSTICE OF SLAVERY

JOHAN OLSTHOORN 

Associate Professor in Political Theory at the University of Amsterdam

What made colonial slavery wrongful? This article reconstructs the answer given by a radical Black antislavery theorist writing in late eighteenth-century Britain: Quobna Ottobah Cugoano (c.1757–c.1791). His answer drew on lived experience. Born in present-day Ghana, Cugoano was enslaved at age 13 and trafficked to Grenada before he was taken onwards to England, where he reclaimed his freedom. His *Thoughts and Sentiments on the Evil of Slavery* [1787/1791] highlights two central injustices blighting colonial slavery—robbery (‘theft of rights’) and dehumanization. On my interpretation, enslaved Black people are dehumanized in three ways: through instrumentalization; commodification; and racial inferiorization. A specific type of violence accompanies each. Significantly, unfreedom and exploitation *per se* are not among the injustices of slavery. Both feature in a condition Cugoano calls ‘lawful servitude’—part of his overlooked vision for post-abolition transitional justice. After abolition, enslaved persons should continue to work for their ex-owners, ‘without tortures or oppression’, until they have completed seven years in total, nominally to compensate ‘for the expences attending their education’ (98–9). Biblical laws of bondage provide the blueprint for post-abolition lawful servitude. Parsing its meaning and legitimating conditions allows me to clarify what in Cugoano’s view the injustice of colonial slavery exactly consists in.

Keywords: Quobna Ottobah Cugoano (c.1757–c.1791); slavery and antislavery; dehumanization; violence; human rights; transitional justice

Contact: Johan Olsthoorn <j.c.a.olsthoorn@uva.nl>

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Introduction

Slavery—and especially racialized, hereditary chattel slavery—ranks high amongst the worst injustices perpetrated in human history. Reasons for why enslaving human beings is morally abhorrent spring to mind quickly and copiously. It may therefore seem redundant, even crass, to inquire what exactly makes slavery a wrongful condition. I beg to differ. Since our belief in the injustice of slavery stands firm—a truth we hold to be evident amidst so much moral doubt—philosophers regularly invoke it to support more contentious moral claims and principles (e.g., about freedom, autonomy, equality). Its normatively basic status makes it important to get as refined a grasp as possible of what the injustice of slavery exactly consists in (Moore 2019: 87–8).

This article offers an analysis of the evil of colonial slavery through the philosophical writings of someone who himself fell victim to this ‘unparalleled injustice’ (10).¹ The Black antislavery theorist Quobna Ottobah Cugoano (c.1757–c.1791) was kidnapped from his home in present-day Ghana at age 13. He was enslaved, sold, and shipped to Grenada and then taken onwards to England, where the 1772 *Somerset* court ruling in effect freed him. Considered ‘radical even by abolitionist standards’ (Gunn 2010: 630), his short and powerful treatise *Thoughts and Sentiments on the Evil of Slavery* (1787/1791) broke new ground by calling for an immediate end of the slave-trade and of colonial slavery itself.

This article adopts a twofold interpretive strategy to theorize the specific wrongs of colonial slavery Cugoano recounts from lived experience. I first provide an analytic reconstruction of the numerous injustices he imputes to colonial slavery. All these are reducible, I contend, to two central ones—robbery and dehumanization. Unjust enslavement robs people of their natural rights and freedom (11, 35, 51). And it denies them their human status and dignity: ‘treated as a dog, and sold like a beast’ (52). More specifically, colonial slavery dehumanizes enslaved people in three ways: through instrumentalization, commodification, and racial inferiorization. Each is accompanied by a specific type of violence.

Second, I explore which elements of human bondage are, on Cugoano’s account, *not* wrong-making features of colonial slavery. To this end, I parse his vision for a post-abolition future. *Thoughts and Sentiments* makes several concrete proposals on how to transform colonial chattel slavery into just labour conditions. I critically analyse these proposals in order to reconstruct what legal rights, freedoms, and protections enslaved humans should acquire upon emancipation

1. All in-text citations by page number alone are to *Thoughts and Sentiments* (Cugoano 1999). Compare the reconstruction by Jagmohan (2022) of what the injustice of slavery consists in according to Harriet Jacobs (c.1813–1897)—a Black woman born enslaved in North Carolina.

in order to turn their condition into a rightful one. Which ways of treating Black people needed to be ended forthwith, as constitutive of colonial slavery?

Radical as Cugoano's abolitionism is, his blueprints for transitional justice have disappointed modern readers. The British government, we read, must 'require all slave-holders...to mitigate the labour of their slaves to that of a lawful servitude' forthwith (98). Lawful servitude is not a condition of freedom. It is a transitional period of mitigated bondage. After abolition, all enslaved persons should continue to work for their ex-owners, 'without tortures or oppression', until they have served seven years in total (including pre-abolition years). Their mandatory labour nominally serves to compensate their erstwhile owners 'for the expences attending their education' (98–9). Jarring with his plea for slavery reparations, these proposals may well reflect pragmatic considerations. Still, I argue, the normative principles underlying these proposals are ones Cugoano unequivocally endorses elsewhere. Moses's divine laws of bondage—which Cugoano calls equitable and just (35)—provide the model for post-emancipation 'lawful servitude'. By dissecting what exactly post-abolition lawful servitude consists in, I aim to clarify, inversely, what makes colonial slavery irredeemably unjust. What rights do people bound to lawful servitude have, and what freedoms do they lack? What makes this condition of subjection lawful—and different from slavery?

The article is structured as follows. Section 1 examines the core injustices Cugoano attributes to colonial slavery: robbery and dehumanization. Section 2 scrutinizes his blueprints for transitional justice. Sections 3–4 analyse what he means by 'lawful servitude'. I show that this state of bondage differs categorically from slavery, both morally and practically. Section 5 concludes by reconstructing, by way of contrast with lawful servitude, which aspects of human bondage are for him *not* part of what makes colonial slavery wrongful.

1. The 'unparalleled wickedness' of colonial slavery

Like other Anglophone abolitionists in the period, Cugoano stresses the extraordinary cruelty of modern colonial slavery (20, 35–8, 53, 85, 90, 113, 125–27).² What makes colonial slavery exceptionally heinous? Dahl (2021) provides the most extensive analysis of that question to date. He argues that for Cugoano, 'robbery' (instead of 'domination') is what makes slavery unjust. *Thoughts and Sentiments* indeed accuses slaveholders and slave-traders of robbery throughout: 'the ensnarings of others and taking away their liberty by slavery and oppression, is the worst kind of robbery' (11). For Dahl, robbery has a broad meaning:

2. E.g., Benezet 1772: 65; Ramsay 1784: 17–30, 56–8.

'[t]he theft of slavery is not simply a violation of individual liberty...[it] is the theft of familial and communal connections' (2021: 290; also Dahl 2020: 917).

Dahl's argument is correct but incomplete. *Contra* Dahl, I contend that Cugoano posits *two* central injustices of slavery: robbery and dehumanization. Robbery is what makes it unjust for someone to enslave or hold captive innocent persons. Enslaving and kidnapping are crimes because and insofar such acts unjustly rob people of their natural rights and freedom: 'taking away the natural liberties of men, and compelling them to any involuntary slavery or compulsory service, is an injury and robbery contrary to all law' (51). Yet robbery does not fully account for why slavery is a wrongful condition. The evil of slavery is not exhausted by deprivation of natural rights and liberties. We must turn to dehumanization to fully explain why and under what conditions human bondage is wrongful—and why racialized, colonial chattel slavery was so especially.

Thoughts and Sentiments mentions many ostensibly distinct wrongs in relation to the 'unparalleled wickedness' of transatlantic slavery, from subjection to physical violence to suffering hunger and want (61). Before showing that these wrongs are all reduceable to either robbery or dehumanization, I must sideline two orthogonal concerns.

A first recurring gripe is that enslaved people are made to work on Sundays—in violation of duties of divine worship (21–2, 37, 98–9, 106, 127). The lawfully enslaved Canaanites, we read, 'were not suffered, much less required, to labour in their own spots of useful ground on the days of sacred rest from worldly employment' (37). After abolition, servants 'should not be suffered to work on the Sabbath days, unless it be such works as necessity and mercy may require' (98). The grievance over sabbatical toil was frequently voiced by Anglophone abolitionists, a mostly religious lot.³ Curiously, this concern does not in the first instance reflect empathy with the horrendous plight of enslaved people. Rather, abolitionists worried that violations of duties of divine worship would draw God's wrath upon them.

Thoughts and Sentiments contains the same troublesome line of reasoning. Cugoano develops a striking theory of national complicity for structural injustice (76–84; see Bernasconi 2019: 34–5; Dahl 2020). The Bible teaches that war, famine, pestilence, earthquakes, and other 'awful visitations of God' are 'inflicted for the sins of nations' (77–8). Morally implicated, all British citizens should campaign

3. E.g., Benezet 1772: 90; Ramsay 1784: xi–xii, 91, 111–28; Clarkson 1786: xix. For a pro-slavery denial of the charge, see Tobin 1785: 126. The French *Code Noir* (1685) had expressly prohibited requiring or permitting enslaved people to work on Sundays. Its sixth article states: 'ni faire travailler leurs esclaves aux dit jours [de dimanche et fêtes], depuis l'heure de minuit jusqu'à l'autre minuit, à la culture de la terre, à la manufacture des sucres, et à tous autres ouvrages, à peine d'amende et de punition arbitraire contres le maîtres, et de confiscation tant des sucres que des dits esclaves qui seront surpris par nos officiers dans leur travail' (Sala-Molins 1987: 102). For the same prohibition in other legal codes, see Watson 1989: 49, 106.

to end instantly national involvement in colonial slavery and the slave trade. Less for the sake of cruelly enslaved Africans, than ‘for their own good and safety... lest they provoke the vengeance of the Almighty against them’ (84). In the same vein, the British government must establish national ‘days of mourning and fasting’ after abolition, to repent for ‘the horrible iniquity of making merchandize of us’ (98). The point of national atonement is not commemorative, as one recent commentator avers (Manjapra 2022: 84–5, 187).⁴ But religious: begging God for forgiveness for having tolerated sabbatical toil and other sins, to avert his fiery wrath. For Cugoano, I conclude, forcing enslaved people to work on Sunday is foremost an injustice to God. It is not what makes slavery deeply unjust to enslaved people.

Second, *innocents* are being enslaved in the colonies. Paradoxically, given its dedication to the total abolition of slavery, *Thoughts and Sentiments* defends on principled grounds the legitimacy of enslaving human beings in punishment (Glover 2017: 525–6; Olsthoorn [forthcoming]). Punishment is the only just ground for enslavement: ‘[t]hose that break the laws of civilization, in any flagrant manner, are the only species of men that others have a right to enslave’ (58). By committing grave injustices, malefactors forfeit their rights not to be enslaved. Penally enslaving deserving offenders is therefore not contrary to their natural rights (i.e., no form of robbery). Nonetheless, *conditions* of penal slavery can be wrongful to deserving offenders. Examples are subjecting repentant offenders to needlessly cruel corporal punishments (56–7) and selling enslaved convicts without their personal consent (59). Such treatment is unjust because it is dehumanizing.

Bracketing these two red herrings, what does the evil of colonial slavery for Cugoano consist in? Bagues (2003: 37) argues, rightly, that the answer must include dehumanization: ‘human beings are reduced from their human status’. Cugoano accuses ‘enslavers of men’ of lowering ‘their fellow-creatures to the rank of a brute’ (83). Bagues says little, however, about what dehumanization exactly means and involves.

Three distinct forms of dehumanization of enslaved people, I contend, are found in *Thoughts and Sentiments*.⁵ First, enslavers *buy and sell* enslaved people as if they were ‘chattels or goods...cattle and beasts of burden’ (36). Second, enslavers *value* Black people as less than fully human because of their race. Third,

4. Manjapra seriously misconstrues the character of Cugoano’s post-abolition proposals. He also claims, inexplicably, that Cugoano advocated ‘free education for all those under slavery who had been deprived of the right to read and write’ (2022: 85). In fact, we shall see, he pled for the contrary: enslaved people are obliged to serve their owners for seven years in total to pay off the costs of their ‘education’.

5. The institution of slavery also dehumanizes *enslavers*. By treating Black people like animals, enslavers degrade themselves, becoming ‘the most abandoned slaves of infernal wickedness’ (83, also 22, 66–7).

enslavers *treat* enslaved people as beasts, forcing them to ‘serve them as a kind of engines and beasts of burden’ (23). Call the first form of dehumanization ‘commodification’; the second ‘racial inferiorization’; and the third ‘instrumentalization’. All three forms of dehumanization fail to recognize the equal worth and dignity of all human beings—regardless of race, nationality, creed, or ethnicity. ‘The life of a black man is of as much regard in the sight of God, as the life of any other man; though we have been sold as a carnage to the market’ (90). As such, enslavers violate God’s basic law of morality, ordering us to love our neighbours as we love ourselves (50, 52).⁶

A pervasive feature of modern colonial slavery is its brutality and violence. Colonial slavery is exceptionally violent, Cugoano points out, precisely because enslavers dehumanize their victims so completely.

The vast carnage and murders committed by the British instigators of slavery, is attended with a very shocking, peculiar, and almost unheard of conception, according to the notion of the perpetrators of it; they either consider them as their own property, that they may do with as they please, in life or death; or that the taking away the life of a black man is of no more account than taking away the life of a beast. (85)

Analytically, we can distinguish three kinds of violence in *Thoughts and Sentiments*. Each is linked to a distinct form of dehumanization. All appear in the following passage:

For the slaves, like animals, [a] are bought and sold, [b] and dealt with as their capricious owners may think fit, even in torturing and tearing them to pieces, and [c] wearing them out with hard labour, hunger and oppression. (20; also 90).

Consider: [a] Enslavers commodify people, trading humans on the market as if they are mere property, without a will and interests of their own. This matches the *violence of natal alienation*. [b] Enslavers disvalue Black people, acting as if Black lives do not matter. This induces the *violence of wanton cruelty*. [c] Enslavers instrumentalize enslaved people, treating them as if they were machines or beasts of burden, extracting their labour at the lowest possible cost. This ties to *violence in production*: swinging ‘the bloody whip’ to spur enslaved people to work harder (75). Let us look more closely at each form of violence and dehumanization.

6. Sangiovanni (2017) also makes protections against dehumanization theoretically central to human dignity. For a reconstruction of Cugoano’s moral theory, see Olsthoorn [forthcoming].

[a] Cugoano condemns the colonial practice of selling enslaved people without their consent on grounds of both robbery and dehumanization. Involuntary sale equals robbery: ‘if any man should buy another man without his own consent, and compel him to his service and slavery without any agreement of that man to serve him, the enslaver is a robber’ (59). Furthermore, selling human beings as if they are things—without regard of their will, social ties, and interests—is profoundly dehumanizing (22, 25, 52, 80). Human dignity is priceless: ‘all their vast estates in the West-Indies is not sufficient to buy one [person]’ had the person sold into slavery set their own price (86).⁷ Trading humans as if they are ‘chattels and goods...without their own consent’ is never permissible (36, 125).

Commodification of human beings is an intrinsically violent phenomenon. Cugoano was painfully aware of how the colonial slave-trade violently separated individuals from their families and loved ones: ‘torn away by their unfeeling masters, entirely destitute of a hope of ever seeing each other again’ (74, also 27; Dahl 2020: 916, 2021: 286–7). Commodification manifests the violence of natal alienation (Patterson 2018: 5–6). A constitutive element of slavery, natal alienation consists in severing enslaved persons from any prior social ties, claims, and obligations. Social relations to one’s parents, partners, and progeny are legally denied any weight. ‘In law, the slave has no wife, no children, no country, and no home’ (Douglass 2022: 159). Being liable to forced separation is deeply emotionally distressing—the mere threat of involuntary sale is an act of violence by the slaveholder (Jagmohan 2022: 676).

Furthermore, commodification puts a price on the head of enslaved people. This produces pervasive insecurity and tremendous fear: an absconded slave is nowhere safe. Many passages in *Thoughts and Sentiments* stress the dehumanizing nature of hunting down fleeing human beings, treated callously as property on the run: ‘we have been hunted after as the wild beasts of the earth, and sold to the enemies of mankind as their prey’ (90; also 85–6). Within the colonies, Cugoano exclaims, anyone who kills a Black person breaking free from unjust enslavement is not punished but *paid* (37). This makes colonial slavery exceptionally brutal. Enslaved Canaanites ‘were not hunted after, and a reward offered for their heads, as it is the case in the West-Indies for any that can find a strayed slave’ (37, 126).

[b] Cugoano was fully cognizant of how deeply racialized the system of transatlantic slavery was. He argues spiritedly for the natural equality of all races as vouchsafed by Scripture, to quash biblically-inspired racist apologetics for enslaving Africans (29–45, 118–35). Moreover, he points out that the great

7. Compare the dictum of Kant (1996: 84, also 579): ‘what...is raised above all price and therefore admits of no equivalent has a dignity’.

cruelty of colonial slavery was due in part to what I call racial inferiorization: ‘our lives are accounted of no value’ (85).⁸ Many colonial enslavers ‘have such a prejudice against Black People, that they use them more like asses than men’ (106; also 12). Racial inferiorization makes possible and encourages wanton physical violence. ‘[They] torture and lash us as they please, and as their caprice may think fit, to murder us at discretion’ (90). Racist enslavers treat enslaved Africans so very brutally, Cugoano explains, because they believe Africans lack human dignity: ‘taking away the life of a black man is [considered] of no more account than taking away the life of a beast’ (85).

[c] Lastly, colonial slavery is distinctly unjust precisely because it utterly *instrumentalizes* human beings, reducing people to exploitable capital. Cugoano cites the *Zong* slave ship atrocity from 1781, tragically immortalized in J.M.W. Turner’s painting. Just off the coast of Jamaica, the captain of this vessel threw overboard 132 sick and enslaved people, shackled two-by-two, to collect insurance money. What was insured were not the lives of the trafficked Africans, but their status as cargo (Webster 2007). ‘[T]heir argument was, that the slaves were to be considered the same as horses’, Cugoano writes, and that ‘it might be more necessary [i.e., cost-effective] to throw them overboard to lighten their vessel than goods of greater value’ (85).

Instrumentalization is linked to violence in production. Enslavers resort to severe corporal punishments, rather than to monetary incentives, to stir enslaved people to work harder—handling them as mere ‘beasts of burden’ (23). Instrumentalization violates the natural rights of the person abused: ‘robbed of our natural right as men, and treated as beasts’ (91; also 12). And it is intrinsically dehumanizing: ‘to deal with their fellow-creatures as with the beasts of the field, or to account them as such’ (25).⁹ Significantly, treating people as humans requires providing them with a ‘just reward’ for their labour. Providing enslaved people merely with bare essentials needed for survival is to treat them like beasts, to be kept alive so they can toil on for the enslavers’ profit. ‘The barely supplying his slave with some necessary things, to keep him in life, is no reward at all, that is only for [the enslaver’s] own sake and benefit’ (35, 125). Humane treatment, Cugoano implies, requires rewarding workers with an eye on *their* benefit. Not all past practices of slavery were equally dehumanizing. Colonial slavery was vastly more inhumane than age-old slavery practices in his native West-Africa: ‘some of the Africans in my country keep slaves, which they take in war, or for debt; but those which they keep are well fed, and good care taken of them, and treated well’ (16).¹⁰

8. On Cugoano’s valuation of Black skin colour, see Wheeler 2015: 28–34.

9. Also, Sharp 1776a: 45; Ramsay 1784: 93: ‘In these we behold a wretched race of mortals, who are considered as mere machines or instruments of our profit, of our luxury, of our caprice’.

10. Equiano (2018: 25) made the same point.

2. Blueprints for transitional justice

Existing interpretations of Cugoano's proposals for transitional justice focus largely on his bold demand for slavery reparations (Best & Hartman 2005; Dahl 2020, 2021). Abolishing slavery voided the legal property titles slaveholders had to the human beings they claimed ownership over. European governments would later pay out huge sums to colonial slaveholders to financially compensate them for this 'expropriation'. Cugoano denied enslavers any right to be indemnified for loss of their 'property'. Compensation should rather be made to all persons who were unjustly enslaved. The British government must 'make restoration, as far as could be, for the injuries already done to [enslaved Africans]' (102).¹¹ Full restitution for the enormous harm done to enslaved individuals and their native communities, interpreters have rightly argued, is impossible. Reparations will inevitably fall short (Best & Hartman 2005: 1; Dahl 2020: 918, 2021: 290).

Others have explored his attitude to the disastrous Sierra Leone repatriation expedition (Peters 2017: 68–70). Egged on by the Committee for the Relief of the Black Poor, the British government adopted a plan to repatriate hundreds of its Black denizens to present-day Sierra Leone. In February 1787 ships set sail from the London docks for what would become Freetown. One of the officers onboard was the Black antislavery thinker Olaudah Equiano (c.1745–c.1797)—though he was soon discharged after conflict with another officer. Deadly diseases, poor harvests, and fire doomed the new free colony (Hochschild 2005: 145–51, 174–77).¹² *Thoughts and Sentiments* discusses the disastrous start of the Sierra Leone project at some length (104–106). Cugoano was not opposed to the project, endorsing 'colonizing our native soil, as most of us wish to do, under the dominion of this country [i.e., Britain]' (191). He did worry greatly, however, about the fragile safety of inhabitants of a free Black colony surrounded by slave-trading territories (106). Security guarantees were needed. Cugoano pled for British warships to patrol the coasts of West Africa to prevent slave trading among other nations (100). Black freedom would stay brittle, he worried with reason, until racialized slavery had been outlawed everywhere.

After abolition, what new socio-legal status should people enslaved in the British colonies acquire as a matter of justice? Which ways of treating Black people must end in order for slavery to be abolished? Little has been written on this key aspect of Cugoano's vision for a post-abolition future—perhaps because his proposals on this point are underwhelming. Commentators have duly stressed how radically he breaks with the gradualism advocated by

11. The first known case of reparations for slavery paid to an individual dates to 1783 Massachusetts. Belinda Sutton was the name of the successful plaintiff (Finkenbine 2007).

12. For a selection of letters related to this expedition, see Edwards & Dabydeen 1991: 83–98. The plan for a free Black settlement in Sierra Leone was originally proposed by Smeathman (1786).

contemporary antislavery thinkers (and some proslavery ones) (Bernasconi 2019: 34). Cugoano boldly demands that the British government immediately end the slave-trade and the institution of slavery itself, across all its dominions: ‘total abolition, and an universal emancipation of slaves...without any hesitation, or delay for a moment’ (91; also 95).¹³ Yet were Cugoano’s post-abolition proposals to be adopted, many formerly enslaved people would in effect have to wait years to become legally free.

What was the content of these proposals? ‘A total abolition of slavery should be made and proclaimed’ forthwith and ‘an universal emancipation of slaves should begin from the date thereof, and be carried on in the following manner’ (98):

it should be made known to the slaves, [i] that those who had been above seven years in the islands or elsewhere, [ii] if they had obtained any competent degree of knowledge of the Christian religion, and the laws of civilization, [iii] and had behaved themselves honestly and decently, [iv] that they should immediately become free. (99)

Legal freedom is deferred, however, for people enslaved for less than seven years.¹⁴ They await a transitional period of ‘lawful servitude’.

And accordingly, [i] from the date of their arrival to seven years, [ii] as they arrive at some suitable progress in knowledge, [iii] and behaved themselves honestly, [iv] that they should be getting free in the course of that time, and at the end of seven years to let every honest man and woman become free; for in the course of that time, they would have sufficiently paid their owners by their labour, both for their first purpose [sic], and for the expences attending their education. (99)

These passages raise various interpretive puzzles. No motivation or explanation is offered for the various conditions and qualifications attached to individual emancipation. Why is acquiring freedom contingent on good behaviour and possession of knowledge of Christianity? What standards of civic virtue and religiosity must be met? Why the need for seven years of colonial domicile? And what happens to people who fail this ‘seventh year test’ (Edwards & Dabydeen

13. In eighteenth-century Britain, ‘abolition’ generally referred to terminating the slave-trade; ‘emancipation’ to legally freeing enslaved people. For ease, I use both terms interchangeably.

14. Importantly, freedom is postponed not because Black people are not ‘ready’ to be free. Advocates for gradual abolition, like James Ramsay (1784: 101), had taken this condescending line: ‘such at present is the ignorant, helpless condition of far the greater part of the slaves, that full liberty would be no blessing to them. They need a master to provide and care for them’.

1991: 40)? In addition, the passage raises questions about the internal consistency of Cugoano's position. What, if anything, makes the immediate abolition of slavery compatible with withholding legal freedom to enslaved people for up to seven years? Why is such compulsory service to their ex-owners not a continuation of personal slavery? What does abolition of slavery mean if not immediate freedom for all?

Modern readers have not been impressed by Cugoano's detailed proposals: 'his plans for post-abolition training are rather less than radical' (Edwards & Dabydeen 1991: 39).¹⁵ A charitable explanation for his ostensible lack of boldness has been put forth. Cugoano would have assessed, realistically, that 'little more can be proposed as a practical aim than humane treatment, Christian teaching, instructions in trades, and freedom (subject to good conduct) after seven years' (Edwards & Dabydeen 1991: 40). On this pragmatic reading, Cugoano's post-emancipation proposals should not be taken at face value. They express, not what he believed justice requires, but what he felt was realistic to demand in times of great oppression—a price to pay for social progress.¹⁶ The pragmatic reading is facially plausible. Elsewhere, Cugoano claims that colonial enslavers owe compensation to enslaved people for the numerous injuries inflicted upon them (102). What's more, 'merchandizers and enslavers of men' deserve to be punished in retaliation for their crimes—potentially in kind: 'for he who leadeth into captivity, should be carried captive' (59, also 82; citing Rev. 13:10). Justice demands punishing slaveholders and slave-traders with either death or enslavement (51–3, 140–42). Reparations and punishment of enslavers are hard to square with his post-abolition plan (neither is mentioned or implied by it). The pragmatic reading provides a credible explanation for these intertextual tensions.

We should not conclude that Cugoano's post-abolition proposals *in no way* reflect his considered normative views. Support for the pragmatic reading derives from two claims that clash when applied in practice to the same 'owners' (99). How can enslavers deserving harsh punishment have rights to post-abolition service, potentially for years, from their unjustly enslaved victims (who are themselves owed reparations)? Even so, the post-emancipation scheme is articulated in normative terms he elsewhere roundly endorses. *Pace* the pragmatic reading, I submit, Cugoano's post-emancipation proposals reflect

15. I will not examine here how progressive these proposals were for the time, compared to those of other Anglophone abolitionists. Even if they prove to be so, his blueprints would continue to startle philosophically-minded readers today. On what moral grounds did Cugoano propose these very policies? Are they consistent with his damning indictment of colonial slavery? This article answers those questions.

16. Best & Hartman (2005: 1) provide another pragmatic reading—about reparations. Restorative 'justice is beyond the scope of the law, and redress necessarily inadequate'. Best & Hartman voice no scepticism about the political feasibility of establishing just social relations after abolition.

principles which he believed had biblical authorization. Temporary continuation of mitigated bondage is lawful, I contend, on the same grounds and conditions as Mosaic bondage was—a condition of servitude he expressly affirms is lawful (35). People freed from ‘unlawful captivity’, Cugoano maintains, can be justly reduced to compulsory servitude to pay off their own ransom (36). The next section examines his depictions of several forms of lawful bondage—to determine what post-abolition lawful servitude exactly looks like.

3. ‘A lawful servitude was always necessary’

The phrase ‘lawful servitude’ occurs thrice in *Thoughts and Sentiments* (34, 98, 124). We read twice that ‘a lawful servitude was always necessary’ (34, 124). Some commentators have overlooked these passages. According to Bagues (2003: 41), for instance, ‘Cugoano establishes in *Thoughts and Sentiments* that in human history there were different forms of human servitude, all of which violated natural liberty’. On his interpretation, ‘slavery and servitude in any form are not compatible with civilized human society’ (2003: 43).¹⁷ This reading must be rejected as directly contrary to the text. Indeed, the subtitle of the abridged 1791 edition already attests to the possibility of lawful servitude: ‘the nature of servitude as admitted by the Law of *God* compared to the modern slavery of the Africans in the West-Indies’ (113).¹⁸

The law of *God* referred to is the law of bondage instituted by Moses (Exod. 21:2–6; Deut. 15:12–8). *Thoughts and Sentiments* stresses at length the tremendous moral and material differences between this divinely sanctioned system of bondage and modern colonial slavery. It thereby aims to rebuff a popular justification for transatlantic slavery in the period. To wit, that ‘it was sanctioned and regulated by Moses and the prophets’ (Tobin 1785: 8; also e.g., Demarin 1772: 8–9; Thompson 1772: 12–5; Nisbet 1773: 3–8).¹⁹ Cugoano counters fiercely that nothing in ‘the law written by Moses’ could ‘warrant the modern practice of slavery’ (38; also 41, 127).

17. Bagues (2003: 38) is aware of his endorsement of Mosaic bondage but, mistakenly, regards this bondage as voluntary in nature. Taking Cugoano to have outlawed *all involuntary* servitude, he considers his justification of penal enslavement ‘a contradiction’ (2003: 41).

18. *Thoughts and Sentiments on the Evil of Slavery* (1791) is an abridged summary of the 1787 *Thoughts and Sentiments on the Evil and Wicked Traffic of the Slavery and Commerce of the Human Species*. It contains those sections from the 1787 edition that quash any biblical warrant for modern colonial slavery; mostly lifted verbatim from the earlier text. The new title reflects its narrow polemical focus. Since the abridged 1791 text differs only marginally from that of the 1787 edition, I treat *Thoughts and Sentiments* as if it were a single work.

19. For a general overview of pro-slavery rhetoric in late eighteenth-century Britain, see Swaminathan 2009: 127–70.

The claim that colonial slavery is biblically warranted should not be confused with another pro-slavery argument: ‘the pretence which the favourers of slavery make use of in their defence, that slavery was an ancient custom’ (34, 124). All over the world humans have been enslaving their fellow-humans for millennia. ‘This must be granted’, Cugoano writes, ‘but not because it was right’ (34, 124). Persistence across time and space does not render injustices any less unjust. Moreover, even if—counterfactually—ancient slavery had been justified, then this would not buttress the pro-slavery case. For ancient slavery was much less vile than modern colonial slavery is: ‘in ancient times, in whatever degree slavery was admitted, and whatever hardships they were, in general, subjected to, it was not nearly so bad as the modern barbarous and cruel West-India slavery’ (35, 125). For these two reasons, any attempt to vindicate colonial slavery by appeal to age-old custom falters.

Custom cannot justify human bondage (48). Divine authorization *can*. Cugoano agrees with his opponents that the Bible provides a divinely authorized social and political model that warrants emulation. To refute pro-slavery appeals to biblical sanction, he argues that Moses introduced a benign form of bondage radically different from the inhumane forms of slavery practiced across the colonies. ‘[T]he servitude which took place under the sanction of the divine law, in the time of Moses...was in nothing contrary to the natural rights and common liberties of men’ (37–8). This held true for all laws of servitude instituted by Moses—both those applying to the Israelites (‘God’s chosen people’) and the harsher laws imposed upon the conquered Canaanites. The ‘vassalage’ of Israelite ‘bond-servants’ was a ‘lawful servitude’—‘a state of equity and justice’ (35–6). Consequently,

the service which was required by the people of Israel in old time, was of a far milder nature, than that which became the prevalent practice of other different and barbarous nations; and, if compared with modern slavery, it might be called liberty, equity, and felicity, in respect to that abominable, mean, beastly, cruel, bloody slavery carried on by the inhuman, barbarous Europeans, against the poor unfortunate Black Africans. (37)

Ward (1998: 83) sums up Cugoano’s rebuttal as follows:

Cugoano replied that the kind of servitude that Moses’ law allowed was not slavery, but a kind of bond-servitude in which the individual worked for the master for a specified length of time to regain the bond. Such servitude was not, he claimed, “contrary to natural liberties.”

Ward does not explain *why* biblical servitude is not ‘contrary to the natural rights and common liberties of men’ (38). Subjection is unlawful, I submit, either if it

lacks *just grounds* or if it violates *just limiting conditions*. Let us probe the grounds and conditions of Mosaic bondage.²⁰

Several commentators equate lawful servitude with voluntary service (e.g., Bogues 2003: 38; Gunn 2010: 648; Dahl 2021: 288; Hasan-Birdwell 2024: 476–77, 483–84). That reading chimes with how Cugoano introduces the notion. ‘A lawful servitude was always necessary, and became contingent with the very nature of human society’. Lawful servitude is contrasted with the ‘compulsive servitude’ diabolical enslavers introduced (34, 124; also 38). Elsewhere, we read that ‘a free, voluntary, and sociable servitude...is the very basis of human society’ (51, 140) and that ‘voluntary service, and slavery, are quite different things’ (35, 125). Combining these passages, some readers conclude that the only just ground for lawful servitude is voluntary agreement.

That conclusion must be rejected. Cugoano’s interpretation of Mosaic servitude proves decisively that not *all* lawful servitude is voluntary. Mosaic servitude was a ‘state of bondage’ (36; also 37, 125–26). It was nonetheless rightful: ‘that kind of servitude which was admitted into the law of Moses’, we read, ‘was not contrary to the natural liberties of men, but a state of equity and justice’ (35, 125). Cugoano proceeds to mention three just grounds of Mosaic servitude, each producing a distinct type of bondage. Only the first results in voluntary service. [1] Voluntary bondage: persons may out of need choose to enter a condition of bond-servitude (traditionally understood as service without wages) (35–6). [2] Debt bondage: ‘there could be no harm in paying a man’s debts, and keeping him in servitude until such time as an equitable agreement of composition was paid by him’ (36, 125). [3] Redemption bondage: people ‘bought from such as held them in an unlawful captivity’ may likewise be rightly compelled to work in compulsory service until the ‘debt’ to their redeemer is paid off. ‘There was no harm in buying a man who was in a state of captivity and bondage by others, and keeping him in servitude till such time as his purchase was redeemed by his labour and service’ (36, 125).²¹ People can rightfully be compelled to serve in

20. I bracket a special justifying consideration. The deity had benevolent purposes in instituting human bondage in Israel (through his spokesperson Moses). It served to ‘prefigure and point out, that spiritual subjection and bondage to sin’ to which depraved humanity would succumb; providing instructive analogies to the eventual deliverance and emancipation through Christ (131, also 37–47, 127–36). Figuring in God’s plan does not render bondage itself just. At most, it explains why God is justified in tolerating and promoting this evil. Sharp (1776a: 4–14) had portrayed the biblical enslavement of Canaanites as harsher than Cugoano—and as permissible only by divine dispensation, to carry out his vengeance upon a sinful people. On Cugoano’s hermeneutical strategy dealing with biblical slavery, see Stewart 2021: 642–46.

21. Though not as widespread as debt bondage, redemption bondage was a real historical practice as well: ‘in most Greek states a prisoner of war ransomed by a fellow citizen remained a slave to his ransomer until he repaid the debt’ (Patterson 2018: 125). In a 1775 pamphlet, Paine (1906: 5) denounced redemption bondage as a justification for colonial slavery, attesting to the rationale’s continuing circulation.

debt bondage and redemption bondage until their creditors are fully indemnified (36, 125). Since it serves to settle debts, such coerced bondage is nonetheless ‘liberating’ — ‘a deliverance from debt and captivity’ (36). In *this* sense, Israelite bondage was ‘a state of equity and justice’ (35). All three types of Mosaic bondage are just by divine proclamation. The concept of lawful yet compulsive servitude is crucial for grasping his blueprints for transitional justice.²²

The idea of redemption bondage seemingly clashes with claims made elsewhere in *Thoughts and Sentiments*. Everyone who buys a person robbed of their liberty and keeps them enslaved is a robber themselves (59). Slaveholders cannot avail themselves of the excuse that they had bought contraband goods unwittingly. Slavery being theft plain and simple, they ought to know *all* trafficked humans ‘to be stole’ (86). These passages can be reconciled. Redemption bondage in no way justifies *enslaving* people ‘rescued’ out of ‘unlawful captivity’ (36). Rather, it justifies keeping them in temporary *servitude* until their toil has paid back the redemption price. Slavery and lawful servitude, we shall see, differ immensely in theory and practice. Cugoano’s reasoning remains normatively problematic—including for internal reasons. He posits an individual duty to help abolish slavery worldwide (Dahl 2020). Suppose someone bound by this cosmopolitan duty saves another person from slavery by buying their freedom. What could justify obliging the person so saved from serving their ‘liberator’ in turn, to repay the favour? The duty to help end slavery seems rather undemanding if the obligor can shove all financial costs onto the person rescued.²³

For servitude to be lawful, I have argued, there must be justifying grounds to hold servants in thrall. Absent such justifying grounds, subjection to bondage violates their natural rights and common liberties (35, 51). In addition, Moses placed strict *limiting conditions* on rightful bondage, thus greatly curbing the legal powers of masters. These conditions are necessary to humanize servitude. Thus, first of all, servants could not be sold without their own consent: ‘those who were reduced to a state of servitude, or vassalage, in the land of Israel, were not negociable like chattels and goods; nor could they be disposed of like cattle and beasts of burden, or ever transferred or disposed of without their own consent’ (36, 126). Selling

22. Cugoano mentions a fourth form of lawful bondage: penal slavery. ‘[E]very free community might keep slaves, or criminal prisoners in bondage’, provided such ‘criminal slavery and bondage...[is] according to the nature of their crimes’ (58–9). Penal bondage being a just form of *slavery* (not of *servitude*), I leave it here undiscussed.

23. The only justifying consideration that comes to mind is that the institution of redemption bondage incentivizes and makes possible buying people out of slavery. Provided it does not also encourage kidnappings, sanctioning redemption bondage may morally improve obtaining states of affair (atrocious though they are). Even Rawls (1999: 218) imagined ‘transition cases where enslavement is better than current practices’. Enslaving prisoners of war ‘is less unjust’ than killing them—and tolerable, Rawls reasoned, only ‘as an advance on’ the institution of executing war captives.

servants *with* their personal consent *is* legitimate in principle: ‘not one man in all the land of Israel would buy another man, unless that man was willing to serve him’ (36, 126; also Sharp 1776a: 14–7). Presumably, consensual sale is in principle legitimate since it does not reduce enslaved persons to mere commodities, traded without concern for their voice, social ties, and interests.²⁴ Second, we read that ‘every man who keeps a slave, is a robber, whenever he compels him to his service without giving him a just reward’ (35, 125). Those subjected to mandatory service are instrumentalized, and hence dehumanized, unless they are paid commensurate to their labour. In ancient Israel, Cugoano writes, even the Canaanites ‘were paid...in such a manner as the nature of their service required’ (37, 126).

Third, Israelite bondage was essentially time limited. Not just because of the jubilee: in the fiftieth year, all Hebrew bondservants were set free and all debts forgiven (Lev. 25:8–16, 39–55). But also because debt bondage and redemption bondage cease once the creditor is indemnified. While Mosaic bondage extends to offspring as well—‘the state of bondage which they and their children fell under, among the Israelites’ (36, 125)—its time-limited nature prevents the formation of a permanently enslaved transgenerational class (Dahl 2021: 288–89). Fourth, neither Israelite bondservants nor enslaved Canaanites were subject to arbitrary violence. Their condition ‘was of a far milder nature’ than bloody colonial slavery. And, fifth, unlike enslaved Africans in the colonies, ‘[t]hey were not hunted after’ when they ran away (37, 126; also Sharp 1776a: 49–50, 56).²⁵

4. A Biblical model

The blueprint for post-abolition lawful servitude, I argue, is found in the Old Testament. Moses’s laws of bondage express the very condition of ‘lawful servitude’ into which personal slavery should be transformed after abolition (35–8, 124–27). Like the ‘vassalage’ of Israelite ‘bond-servants’, post-abolition imposed servitude is ‘a state of equity and justice’—a deliverance from debt and unjust captivity (35–6). Cugoano’s insistence upon the morally benign nature of Mosaic bondage thus serves a dual role in his antislavery argument. It counters the objection that modern colonial slavery is biblically warranted (38, 127). And, surprisingly, it provides a model for just social relations to come.²⁶

24. Early modern jurists had commonly adjoined the same consent-requirement to so-called ‘imperfect slavery’, limiting their owner’s market powers (e.g., Pufendorf 1729: 6.3.4; Thomasius 2011: 3.5.16; Hutcheson 2007: 3.3.1.4).

25. Deut. 23:15: ‘Thou shalt not deliver unto his master the servant which is escaped from his master unto thee’. On slavery norms and practices amongst the ancient Jews, see Hezser 2011.

26. Glover (2017: 525–26) makes a slightly different point—namely, that Cugoano turns to the Bible for rules for justified *penal* slavery.

Recall that, after abolition, many enslaved people will have to endure a transitional period of lawful servitude. Emancipated slaves are obliged to toil for their ex-owners for a total of seven years (including time served pre-abolition). The rationale Cugoano offers indicates, I contend, that such servitude is a combination of redemption and debt bondage—both biblically warranted. Unlike those commentators (cited above) who equate lawful servitude with voluntary service, my interpretation can explain why for Cugoano post-abolition servitude can be coercively imposed and yet lawful.

After ‘seven years’, Cugoano proclaims, ‘let every honest man and woman become free; for in the course of that time, they would have sufficiently paid their owners by their labour, both for their first purpose [sic], and for the expences attending their education’ (99). The phrase ‘first purpose’, found in all modern editions of *Thoughts and Sentiments*, is likely a typographical error. ‘First purchase’ makes more semantic sense: years-long labour allows owners to recoup the financial investments they made in buying slaves. The proposed emendation is corroborated by the 1788 French translation of *Thoughts and Sentiments*: ‘car son travail aura alors payé sa rançon [i.e., ransom] et les frais de son education’ (Cugoano 1968: 166).

The emendation is deeply normatively problematic, however. Why should enslaved people redeem the inhuman investments of their enslavers? Cugoano writes elsewhere that *justly* enslaved convicts sold to foreigners likewise ‘ought to become free, as soon as their labour has paid for their purchase’ (156n, also 59). Why impose the same condition on *unjustly* enslaved people? Cugoano defended this outrageous position, I contend, not for pragmatic reasons but because he believed it had biblical warrant. Post-abolition, freed slaves have to endure a temporary period of ‘redemption bondage’. People ‘bought from such as held them in an unlawful captivity’ could be kept ‘in servitude till such time as his purchase was redeemed by his labour and service’ (36, 125). The same principle, I conjecture, Cugoano extends to Black people enslaved in the colonies: they are divinely ordained to work to repay their own purchase price after abolition.

Post-abolition, owners must pay their ex-slaves for their labour during their spell of mandatory servitude: ‘their owners should give them reasonable wages and maintenance for their labour’ (99).²⁷ Mandatory wages may seem to clash with enslaved people’s duties of repayment. For this reason, and because the line

27. What counts as ‘reasonable wages’ is not made clear—but there is reason to think Cugoano had fairly low salaries in mind. He writes elsewhere that prices of essentials should be fixed at such a level that ‘the industrious poor could live, without being oppressed and screwed down to work for nothing, but only barely to live’ (103). Sharp (1776a: 64, also 62–5) maintained that wages are just when they ‘enable a poor man to maintain himself a family upon a small farm, or lot of spare ground’.

immediately follows the claim that ‘those who had been above seven years in the islands...should immediately become free’, some readers may conclude that reasonable remuneration is owed only to freed slaves (rather than to persons kept in lawful servitude). Two considerations militate against that interpretive proposal. First, those who have ‘become free’ clearly no longer have ‘owners’ to pay them wages. Second, Cugoano avers elsewhere that anyone compelled to ‘service without giving him a just reward’ is a slave—and their owner a robber (35).²⁸ Servants receive wages, enslaved persons only bare maintenance. Unpaid compulsory service instrumentalizes and hence dehumanizes people.

The second mentioned rationale for imposing lawful servitude, although likewise normatively problematic, should at least be textually uncontroversial. On what grounds could Cugoano justify compelling unjustly enslaved people to repay ‘the expences attending their education’? What schooling have they received? All but none: enslavers consciously keep ‘Black People in total ignorance as much as they can’ (108). Cugoano apparently had post-abolition instruction in mind. Former slaveholders should be legally required to arrange for the religious schooling of their ex-slaves—‘instruction...in the knowledge of the Chistian religion’ (98). If they fail to do so, then their ‘slaves [sic] should be taken away from them and given to others who would maintain and instruct them for their labour’ (99). Incidentally, this line shows that upon emancipation many formerly enslaved people remain bound to their erstwhile owners (heavily legally curtailed though their owners’ powers are). ‘By being thus instructed in the course of seven years, they would become tractable and obedient, useful labourers, dutiful servants and good subjects’ (99).

State-mandated training makes Cugoano’s transitional period resemble the periods of ‘apprenticeship’ many colonial governments imposed upon abolishing slavery.²⁹ Yet insofar as he justifies post-abolition lawful servitude by appeal to duties to repay schooling costs, such servitude is for him really a form of debt bondage—and as such divinely approved. Dahl (2021: 286) has argued that Cugoano pushed for abolishment of slavery ‘without compensation to slaveholders’. That last clause needs qualification. No compensation is due to

28. As rightly stressed by Hasan-Birdwell 2024: 484–85, 492.

29. The British Abolition Act of 1834 introduced a period of ‘apprenticeship’ in which ex-slaves had to serve their former owners without salary. Only children younger than six became free immediately. Originally scheduled to last for fieldworkers until 1840, the scheme was discontinued after four years. During the decade-long period of apprenticeship the Dutch government instituted in Surinam, formerly enslaved people were legally obligated to work for wages at plantations by signing a labour contract (either with their previous owner, or with another planter). The turn to legal contract notwithstanding, ‘the continuity between slavery and the period of apprenticeship was much greater than it seemed on paper’ (Emmer 1993: 98). For succinct overviews of major post-abolition apprenticeship schemes, see Drescher 2009: 264 (British West Indies); 282–83 (Dutch West Indies); 346–47 (Cuba); cf. 369–70 (Brazil).

enslavers for ‘expropriation’. But costs for training and education do require restitution—by the very people enslavers unjustly held captive.

In the eighteenth century, imposing debt bondage for schooling was neither a novel nor an outlandish concept. It was received legal doctrine. The Roman law view that anyone who owns the parents therefore owns their children had long lost appeal. Many early modern natural lawyers either rejected that doctrine altogether or endorsed it only for the harshest forms of slavery (e.g., war slavery). To justify enslaving the offspring of enslaved parents, they usually advanced a rival apologetic argument (e.g., Grotius 2005: 2.5.29.2; Pufendorf 1729: 6.3.9; Thomasius 2011: 3.5.27; Hutcheson 2007: 2.14.3; Achenwall 2020: 2.3.75). Enslavers, jurists reasoned, may rightfully compel these children to years of unpaid service in order to be reimbursed for all costs related to their upbringing: ‘since born slaves are assumed to be incapable of repayment otherwise than by offering their services, they are obliged to offer the master their services up to the value of what it cost to rear them’ (Carmichael 2002: 143). After all, Carmichael surmised, not typically being blood-relatives, enslavers can hardly be assumed to feed, shelter, and educate these kids for free.

I have argued that post-abolition lawful servitude should be understood along the lines of the ‘lawful servitude’ Moses introduced. Both in terms of its just grounds (debt and redemption bondage) and its strict limiting conditions. A range of legal obligations must be placed upon owners in order to transform personal slavery into a condition of lawful servitude. My interpretation can make sense of some curious qualifying conditions of post-abolition servitude. Why time-limited to seven years? Exod. 21:2 provides the answer: ‘If thou buy an Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing’.³⁰ Post-emancipation, ex-enslavers owe a duty of care to their ex-slaves. They should ‘not cause them to go away unless they could find some suitable employment elsewhere’ (99). This right not to be involuntarily expelled from service protects the elderly and infirm—liable to be thrown out whenever owners judged their continued employment no longer profitable. Moses had likewise prohibited masters to force willing servants to leave (36; alluding to Exod. 21:5–6). Both Mosaic and post-abolition lawful bondage forbid physical violence against the subjected: ‘without tortures, or oppression’ (98). Lastly, upon abolition, all enslaved people should receive ‘reasonable wages and maintenance for their labour’—just as in ancient Israel (98–9). Cugoano’s post-abolition plans depart from the Mosaic model in one key respect. While Moses’s laws only banned involuntary sale, Cugoano advocates complete prohibition of the ‘traffic either in buying or selling men’ across the British empire (98).

30. Sharp (1776b: 4–6) cited the same verse to prove that Mosaic law sanctioned neither slavery nor bond-servitude but ‘*Hired Servants*’—a labour contract lasting seven years (cf. Lev. 25:39–40).

With these limiting conditions in place, debt and redemption bondage are neither dehumanizing nor necessarily in contradiction with natural rights. Both forms of subjection are in principle lawful in all times and places, not just in periods of transition from injustice. People should fulfil their obligations, after all, and repay their debts. Even unjustly enslaved persons can be compelled to do so, Cugoano claims (36). Because debt and redemption bondage are lawful forms of servitude, I conclude, ending slavery did not necessarily mean immediate legal freedom for all—as a matter of justice.

5. The injustice of slavery, reconsidered

Are any features of colonial slavery *not* intrinsically unjust for Cugoano? Are there elements of unfreedom and subjugation, in other words, that do *not* need to be eradicated for colonial slavery to have ended? His endorsement of post-abolition ‘lawful servitude’ shows, decisively, that this question must be answered in the affirmative. My analysis of the just grounds and limiting conditions of such enduring bondage helps reveal, by way of contrast, what exactly the nature and injustice of colonial slavery consist in for Cugoano. The contrast allows me to highlight aspects of slavery that may justly persist.

Mind you, my aim is not to criticize Cugoano. It is not for me to say what someone who lived through it should have written about the evils of colonial slavery. My analysis rather serves an expository goal. Writing from lived experience during the struggle for abolition, Cugoano’s treatise provides a unique vantagepoint to explore what the wrongs of colonial slavery consist in. Acquiring a more precise understanding of his view is valuable for that very reason.³¹ This requires a willingness to look unflinchingly at aspects of his thought that readers today may deem unpalatable and wish to skip over—perhaps in charity to someone once subjected to an excruciating plight. Doing so would, however, deprive us of important textual resources to reconstruct Cugoano’s abolitionist arguments, and must therefore be resisted. Hagiography serves scholarship but poorly.

Some great injustices of colonial slavery go unmentioned in *Thoughts and Sentiments*. For example, few passages zoom in on the specific horrors and injustices suffered by Black enslaved *women* (but see 74–5). We should not deduce from this silence that unrestrained sexual violence against women was not for Cugoano a key injustice of chattel slavery. After all, his notion of instrumentalization—of treating human beings as if they are exploitable resources—can

31. For a defence of the idea that victims have privileged epistemic access to diagnosing the injustices foisted upon them, see Engelstad 2023: 678–83.

at least partially capture the profound injustice of systematic rape of enslaved women under colonial slavery. Prudish sensibilities among his intended audience provided him with a reason not to draw public attention to this unspeakable evil. By contrast, his principled endorsement of post-abolition 'lawful servitude' shows, positively, that some alarming features of colonial slavery are not in fact intrinsically unjust in his view. I conclude by singling out two such features: [1] deprivation of freedom; and [2] exploitation.

[1] The first point should be uncontroversial. Cugoano states explicitly that legal freedom is deferred for unjustly enslaved people held captive in the colonies for less than seven years: 'from the date of their arrival to seven years... they should be getting free in the course of that time, and at the end of seven years to let every honest man and woman become free' (99). During this period, enslaved people lack freedom of self-direction and are denied rights of control over their labour, remaining bound to their erstwhile owner. Provided the conditions of their labour are 'mitigate[d]...to that of a lawful servitude', such transitional bondage is not unjust (98). The noun 'servitude' indicates, tellingly, that the transformed condition is *not* one of full freedom. The adjective 'lawful' shows it is nevertheless *not* unjust. Robbing people of their freedom is always unjust. Yet on the just grounds of debt and redemption repayment, humans can be rightfully withheld basic legal freedoms without violation of their natural rights. Involuntary deprivation of freedom, I conclude, is not necessarily unjust for Cugoano.

[2] Instrumentalization of human beings—treating them as exploitable resources—is dehumanizing and as such always unjust. People are treated as mere instruments for profit if they are provided only with the bare essentials needed to keep them working, and nothing more. Humanizing servitude requires paying a 'just reward' for labour (35). Labour relations can still be exploitative, however, without being dehumanizing. Cugoano did not regard coercive service to redeem debts as necessarily dehumanizing (36). Presumably because such service holds persons accountable for living up to their obligations—including for repayment of 'expences attending their education' (99). We should deem those obligations exploitative, though, if only because they are incurred in conditions of unjust enslavement.

This article has argued that we must turn to Cugoano's post-emancipation proposals to fully reconstruct his account of the evil of colonial slavery. Some readers may judge that account overall defective, tarnished by his faith in the righteousness of biblical bondage. Colonial slavery is accompanied by more injustices than Cugoano countenanced. Witness the exploitative and unfree temporary condition of lawful servitude that in his view should replace colonial slavery. Sympathetic as I am to that critique, three points can be ventured in his defence. First, for Cugoano, deprivation of freedom and exploitation, even if

not *always* unjust, remain wrongful absent suitable justifying grounds. They are hence for him *prima facie* wrongful features of colonial slavery. The second point grants the critique, yet it rejoins that Cugoano nevertheless shows us that human bondage comes in more forms and degrees of atrocity than commonly recognized—and that colonial slavery truly was an exceptional evil. This point may matter, for instance, for moral analyses of certain forms of modern-day slavery, such as forced labour and debt bondage (Mende 2019).

Third, whatever else its shortcomings, Cugoano's account of the wrongfulness of slavery remains much richer than those advanced by recent analytic philosophers.³² Darby (2009: 155–69), for instance, argues that the injustice of legal slavery consists in the state's non-recognition of socially constituted moral rights of enslaved people. Yet the idea of basic rights-violations, Cugoano makes clear, cannot fully capture the wrongfulness of slavery. Roberts-Thomson (2008) contends that the injustice of slavery consists in treating people as social and legal inferiors. Cugoano's threefold notion of dehumanization can explain why inferiorization is wrongful—and do much more. For Hare (1979: 121), the evil of slavery consists in the extreme vulnerability enslaved people experience due to lacking any legal protection against abuse:

By being subjected to the threat of legal and other punishment, but at the same time deprived of legal defences against its abuse (since he has no say in what the laws are to be, nor much ability to avail himself of such laws as there are) the slave becomes, or is likely to become if his master is an ordinary human, the most miserable of all creatures.³³

That enslavement makes people vulnerable to abuse is no news to Cugoano. Over and above this, he points out that the dehumanization at the heart of colonial chattel slavery permits and promotes three kinds of physical violence. Colonial slavery is intrinsically brutal and exceptionally violent, he claims, precisely because enslavers utterly dehumanize their victims—through commodification, instrumentalization, and racial inferiorization. Regardless of whether all of his ideas merit redemption, these surely are insights with promise.³⁴

32. The most penetrating analyst of the evil of slavery may still be Frederick Douglass (c.1818–1895). See especially his 'Reception Speech' [1846], 'The Nature of Slavery' [1850] and 'Inhumanity of Slavery' [1850] (Douglass 2022: 136–44, 158–64, 166–67).

33. Hare (1979: 103) claims to know what he is speaking about, having himself *'been* a slave... in a manner of speaking' while subject to forced labour as a prisoner of war in WOII Myanmar.

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