

A Political Economy of Abolition

Introduction

The struggles recounted in this book have oftentimes been met with an academic question: what is the more universal project - emancipation from capitalist exploitation or white supremacy? Put another way, political economy is tasked with interrogating the relationship between capitalism and white supremacy logically, historically, and ethically. Did slavery create the conditions for the emergence of British industrialism and finance, as W.E.B. Du Bois posed?¹ Was, as CLR James opined, the struggle for freedom from slavery integral to the struggle for freedom from waged labor?² And, crucially, as asked by Eric Williams, what role did abolition play in this pursuit of freedom?³ Such questions are not new to our era of Black Lives Matter: the intellectual debate has longevity.⁴

The figure of Marx hovers over this literature. How did the architect of critical political economy envisage the relationship between capitalism and slavery; and what was his thoughts on abolition? Recently, these questions have been pursued through a scholarship that has re-interrogated Marx and his position on the American Civil War. Yes, confirm these scholars, Marx considered the civil war to be a war over slavery as a mode of production; yes, he supported the enslaved; and yes, he believed that abolition was consequential – pivotal even – to the prospects of a global proletarian revolution.⁵

But the Civil War begins relatively late in Marx's life and intellectual career, and spans the years that he wrote his magnum opus, *Das Kapital*, only the first volume of which was published in his lifetime. That volume charts the ways in which waged labor creates surplus value in exploitative ways which belie bourgeois claims that exchange is an equitable relation between individuals. This chapter asks: how might Marx's political position as an abolitionist put in relief the claims of *Das Kapital* that, out of a labor system predicated on contract and exchange, the revolution of all revolutions would occur?

In *Capital Vol.1* Marx set out his own materialist approach to political economy apart from the "classical" variant. Classical political economy sought to ascertain the "true relations of things" but could not "consciously formulate" that truth so long as it "sticks in its bourgeois skin". In Marx's notes and writings, the classical school is represented most acutely by Adam Smith and especially by the Scottish philosopher's torturous attempt to prospect the "liberal reward of labor" while at the same time never quite admitting that, out of all exchange relations, wage labor was unique in so far as it alone produces value.⁶ Marx's fundamental aim was to show, contra bourgeois ideology, that exchange was not equitable when it came to labor.

In the 1960s, the debate over whether capitalism advances or retards human freedoms began to consider the similarities and differences between Marx and Smith. Intellectual historians and political theorists sought to recast Smith as a precursor to Marx given their shared interest in the deleterious effects on the mind and bodies of workers caused by the capitalist division of labor.⁷ This retrieval was challenged by the casting, in the 1970s, of Smith as cheer-leader of the "free market" by neoliberal ideologues.⁸ The debate over Marx and Smith continues; and it continues to presume that waged labor is the fundamental connective tissue between classical (Smith) and materialist (Marx) political economy. This presumption, I submit, mis-identifies the era in which both Smith (late eighteenth century) and Marx (early to mid nineteenth century) wrote.

In this chapter, I will examine Smith's and Marx's relationship as part of a long intellectual dureen wherein the abolition of slavery was the most politically charged of political economy issues. I will argue that in Smith and Marx's times, rather than contract and exchange, status and servitude structured the legal, philosophical, and political disputes over the freedoms that labor might enjoy. Smith understood this. Marx did not. Marx's correction to Smith, eventuating in *Capital* Vol.1, obfuscated the concrete struggles over labor both in plantation economies and even in Britain.

Addressing this obfuscation helps to clarify what is at stake in excavating Marx's interest in slavery. What is universal might not be the political consciousness on freedom that waged labor uniquely provides, but rather the consciousness that servitude impels. In this respect, enslavement provides a window onto the present that proletarianization in-and-of itself might not afford. An abolitionist political economy need not be against Marx – or Smith for that matter; but it does track closer to Rastafari reason than either.

Servants and slaves

Political economists have yet to appreciate just how pivotal slavery was in the struggle by the English bourgeoisie for hegemony over the crown, a struggle moreover, pursued through legal disputes as much as armed conflict. And since this class was so crucial to the narratives of both Smith and Marx, we should begin there.

The right to inherit and dispose of private property independent of crown prerogatives was central to the ambitions of the landowning classes in seventeenth century England. By the end of the English civil war, the struggle over property rights had settled upon the crown's prerogative to grant monopolies.⁹ Mediated through Parliament, this struggle manifested in contention over the reach of "commercial law" and "common law". The landowning classes used common law to establish their right to inherited private property above and beyond even the claim of the crown. Commercial law, although emerging out of common law, evolved to govern merchant courts, especially the high court of admiralty.¹⁰

In 1660, Charles II granted a charter to the Company of Royal Adventurers Trading to Africa (reincorporated as the Royal African Company (RAC) in 1672) that provided a monopoly on West African trade, covering "redwood, elephants teeth, negroes, slaves, hides, wax, guinea grains, or other commodities".¹¹ After an appeal for clarification, the Solicitor General affirmed that slaves were to be classed as commodities. The RAC was empowered to establish admiralty courts on the West African coast in order to prosecute actors who broke the monopoly. Such courts held an unusual power to forfeit and seize ships and goods.¹²

It was this singular authority to alienate property that parliament confronted as it struggled to separate crown prerogative from legislative control over the economy. After all, parliamentary ambition depended upon its supremacy over governing property rights in home and imperial markets. Hence, essential to this ambition was property rights in the kidnapped African.

Wittingly or otherwise, those in the judiciary who distrusted the overreach of the crown provided the legal infrastructure for parliament's aspirations by clarifying the status of the West Africa trade's most valuable merchandise. In a 1678 case involving the RAC, Chief Justice John Holt ended the royal prerogative to provide monopoly bearing grants and charters and to forfeit his subjects' property.¹³ In 1689, Holt confirmed that the slave trade fell under this ruling: "Negroes are merchandise".¹⁴ With that, the adjudication of the status of slaves shifted from royally-controlled commercial law to Parliamentary-governed common law.

But although this shift secured property rights to the ascendent landowning classes, it created perhaps a more intractable problem in the domain of labor law. To understand why, we must turn to a key element of the patriarchal institutions that governed the mobility and cost of labor in Britain, namely, common law's master/servant regulations.

By the later part of the seventeenth century, regulation of labor took place under the rubric of Master and Servant.¹⁵ Legislation initially made distinctions between, on the one hand, the servant as a skilled waged laborer who resided in the master's house for at least a year, and on the other hand, those who provided labor in housewifery, husbandry or as unskilled workers.¹⁶ Yet in common parlance and amongst justices and high court judges, the utilization of the term "servant" tended to elide the distinctions between these occupations. By the time that the RAC's privileges were being targeted by parliament, the status position of servant generically connoted one who "serves another for wages".¹⁷ This interpretation remained throughout the eighteenth century and into the latter decades of the nineteenth.

Crucially, in master/servant legislation, the laborer was not unfree; rather, they were deemed to have *consented* to a subordinate status relation in their master's household. This status held, regardless of whether the servant was a child ward, a live-in-woman servant, or a casual wage laborer.¹⁸ In the latter case, the servant status remained even if the laborer managed his own household as a husband/father; and compulsory labor clauses effectively returned such laborers who could not afford to manage their own small holdings back to the household of the master.¹⁹ Above all, the servant could not plead a *contractual* defense for breaches to duties and obligations; rather, they had to account for a breach in the *status* relationship.²⁰ In this respect, servants were liable to penal – not civil - sanctions while the master was liable only to civil sanctions, if accountable at all.²¹

Common law therefore ascribed to labor – even waged and contracted labor - the status position of servant, a status intimately connected to the patriarchal household. This was not an exchange relation of formal equals but a status relation of unequals – masters and servants. As we shall see, this long-lasting legal and political reality has significant implications for our understanding and adjudication of Smith and Marx's examination of labor/capital relations within the political landscape of abolition.

So much was labor conceived of as a status of servitude that the earliest references to the slave trade of the Royal African Company spoke of "negro servants".²² Terminological slippages of this sort did not produce a dissonance so long as the Black "slave" and the English "servant" remained separated by the geographies of empire. But by the late 1600s, the presence of slaves on English soil gave rise to a legal conflict created when the slave was brought into common law not as a servant to the master but as a piece of property of the master.

In a 1697 ruling, Chief Justice Holt claimed that while negroes overseas might be merchandise under commercial law (the navigation acts), such persons in England could not be chattel under common law. In England, argued Holt, if a slave were to be taken from the master, or was to run away, this would not count as a loss of property but a loss of service to an employer.²³ To acknowledge the slave as the property of the master *when in England* was to undermine the status relation through which that slave's labor should have been hierarchically incorporated into patriarchal institutions as a servant.

How, then, to reconcile property claims with patriarchal authority? Holt could only do so via the use of analogy, categorizing a slave in England as a slavish (property-adjective) *servant* (status-noun). And thus emerged a new category in common law: when in England, negroes were "slavish servants".²⁴

Only by virtue of this legal fiction could Holt comfortably opine in a 1706 ruling that “as soon as a negro comes into England, he becomes free” – free to serve.²⁵

So far, I have argued that the master/servant status of English common law accounted for labor regulation as a patriarchal element of household rule, bolstering the authority of the landowning classes’ *pater familias*. Slavery was an affront to this relation in so far as it removed labor from patriarchal authority. The prospect of freeing slave labor in England revealed to the rising capitalist class that property rights and patriarchal labor laws might not harmoniously coincide. And by the later eighteenth century concerns of this kind were expressed most formidably in the public debate over abolition.

The eruption of the abolition debate in the 1760s was not at all by happenstance. In that decade, inter-imperial competition compelled Parliament to aggressively transfer the rights enjoyed under commercial law into common law, just as the volume of slave trading as a percentage of Britain’s imperial ledger increased significantly.²⁶ At the same time, a Black community became recognizably resident in England;²⁷ their presence super-charged the political and legal stakes at play over the consolidation of bourgeois rule. The stakes, though, were not simply articulated in terms of property law but more saliently as a question of whether chattel property could be morally and practically reconciled to a patriarchal labor regime.

Tellingly, white abolitionists oftentimes pointed to the anarchical effects to social order induced by slavery in the Caribbean. Slavery, they argued, broke the virtuous chains of patriarchy that structured servitude because, as property themselves, male slaves could neither be fathers nor husbands. For this reason, as famous abolitionist Granville Sharp put it, slavery made “the minds of both masters and slaves utterly depraved and inhuman” and, if introduced in England, would bring “hateful extremes ... under every roof”, destroying the “happy medium of a well-regulated [patriarchal and paternalistic] liberty”.²⁸

Hence abolitionists feared categorical manumission, that is, an immediate and absolute freedom of laborers unmoored by the chains of patriarchal servitude. Rather, abolitionists advocated for the transfiguration of property (chattel) into servants. Take, for instance, the poet William Cowper, who could memorably proclaim that “if [a slave’s] lungs Receive our [English] air, that moment they are free”, but who could also make this manumitted African quip: “serving a benefactor I am free”.²⁹ Abolitionists sought to prescribe for slaves the freedom-in-service exemplified by the master/servant legislation in English common law. And this was the prospect at the center of the most famous lawsuit over abolition: the *Somerset* case.

In 1772, *Somerset*, an enslaved African, was brought to London from Virginia by his master, Charles Steuart. *Somerset* promptly escaped but was then recaptured. Before his ship was due to return to the colonies an application of *habeas corpus* was made by his abolitionist supporters, principal amongst them being Sharp. *Somerset*’s advocates claimed his freedom under the extension in 1679 of the Magna Charta (a medieval document propounding basic liberties) to all residents of England.

Lobbyists for the West India interest, seeing the implications for continued investment in plantation colonies and their particular properties, prosecuted the case on behalf of Steuart.³⁰ Meanwhile, *Somerset*’s attorneys, including Sharp, predicated their argument on the continued integrity of England’s master/servant laws. Francis Hargrave, for instance, claimed that slavery corrupted “manners in the master”, was thereby at odds with the “mild and just” informal constitution of England, and “ill adapted to the reception of arbitrary maxims and practices”.³¹

As Chief Justice of the Kings Bench from 1756 to 1788, William Murray, 1st Earl of Mansfield had led the judiciary in bringing commercial law under the purview of common law.³² Mansfield was no fool and clearly understood the dilemma inherent in any categorical ruling regarding manumission: either undermine property rights or destroy patriarchal institutions. He also presided over the Somersett case.

To shape the argument, Sharp offered Mansfield the precedent of a previous ruling. The 1768 case of *Hylas v John Newton* pivoted on the status of Mary, a previously enslaved woman, married in England to a previously-enslaved man.³³ Ultimately, the case determined that husband and wife could be considered natural status positions that, even if contracted by two people outside of England, retained their force when that couple travelled elsewhere. What did not travel, however, were conventions attached to that status (i.e. polygamy) which could fall foul of common law. Mansfield applied this principle to Somersett. The “servant” was a natural status position that had to be respected across the empire. But slave-like treatment of that servant by the master – killing and fungibility (i.e. forced removal) - were local conventions of the colonies that could not be entertained in English common law.³⁴ By this logic, Mansfield argued that a master could not remove a slave by force from England.³⁵

In effect, Mansfield determined Somersett’s fate by reference to the local conventions of servitude provided by English common law. Skillfully, this ruling left the general status condition of servant untainted, meaning that, even if freed, Somersett still owed a service to his previous master. The problem was that master/servant legislation presumed that service had to be consensually given. If consensus was problematic under status hierarchy, it was impossible under property ownership: slavery was only ever coercive if not an abrogation of natural law. Therefore, Mansfield’s resolution had to presume that the slave contracted herself to the master willingly. In England, the “consenting slave” joined the “slavish servant” as analogical devices – and legal fictions - which held together the disjuncture between the slave and servant across imperial geographies.

Smith and Status

This was the fraught legal and political terrain upon which Adam Smith launched a lifelong inquiry into the putative ethics of commercial society and the kind of freedoms permissible therein. The status and condition of labor was a key criterion of his evaluative rubric. The influence of master/servant legislation upon Smith’s moral philosophy is clearly evident when, in the *Wealth of Nations*, he made the category of “free man” interchangeable with that of the “free servant”.³⁶ It was the servant of master/servant legislation that Smith had in mind when he talked admiringly of the “free man” who prudentially covered the cost of his family’s subsistence.

In the *Wealth of Nations*, Smith attributed to labor the “fund which originally supplies [the nation] with all the necessaries and conveniences of life”.³⁷ He even went so far as to present an idyllic pre-history to commercial society, wherein “the whole produce of labour belongs to the labourer”. Still, in Smith’s estimation, that compact could not have lasted beyond the introduction of land appropriation and the accumulation of stock, both of which necessarily placed the laborer in an unequal power relation with the property owner.³⁸

To redress the inequitable history of “previous accumulation”, Smith espoused a mutually conducive relationship between the increase in national wealth and the status of labor. This relationship, for Smith, involved the way in which growth in productivity and wages was linked to increased demand for labor, which was in turn beneficial to population increase.³⁹ An ever-increasing population was the sign of a progressive national economy - one where labor was maintained in a civilized fashion.⁴⁰ As part of his argument, Smith grappled, alongside abolitionists such as Sharp, with

the ethical relationship between masters and British “free men” in contrast to the relationship that held between masters and West Indian slaves.

In his *Theory of Moral Sentiments*, Smith used the status positions of the classical jurisprudential tradition to argue how mutual sympathy enabled individuals to live together. However, the individuating and self-interested nature of commercial society challenged Smith to account for how the labor relationship in such a society could retain a moral salve.⁴¹ Just as in society at large, here is where the implications of slavery began to concern Smith, as demonstrated in his *Lectures on Jurisprudence* given at Glasgow University between 1762 and 1763.

In these lectures, the importance of slavery to Smith’s thesis on mutual sympathy is found in the Part on Justice and the section on Domestic Law, comprised in classic Justinian jurisprudential form, of relations between husband and wife, parent and child, guardian and ward, and master and servant⁴². In Smith’s estimation, all but the last of these relations possessed a moral integrity. And, given the legal and political terrain described above, it is no surprise that Smith discussed the problematic nature of the master/servant relation by way of analogizing the state of “our legall slaves” in the West Indies with that of slaves in classical Rome.⁴³

Unlike the jurisprudential relationship between husband and wife and father and son, Smith noted that the master held an arbitrary power of life and death over the servant. Using abolitionist argumentation, Smith pointed out that the male servant could not hold property and further, as property himself, could not marry.⁴⁴ This was a penalty that had both practical and moral consequences: not only did marriage ensure an orderly inheritance of property; it was also – and here Smith turned to the issue of sympathy - the “naturall affection” that the father held towards his child that rendered the inheritance of property moral, i.e. constitutive of “due respect and filiall piety”.⁴⁵

In an argument that Marx (and others) would regularly return to, Smith calculated that the cost to the master of the “tear and wear” of the slave was more than that incurred to the master by the wear and tear of the free man.⁴⁶ Masters were usually negligent or careless towards the upkeep of their slaves; alternatively, the free man attended to the cost of his family’s subsistence from his own wage and thereby reproduced himself in a frugal manner. Therefore, Smith claimed that the cost of supporting the slave tended to be excessive to that paid by the prudential free man.⁴⁷

But this economic cost was not the normative point of his comparison. Sharing the abolitionists’ concern for a “well-regulated liberty”, Smith claimed that the encouragement of prudence and other deserving traits amongst laborers had a positive effect upon “all the different orders of the society”.⁴⁸ Masters of free men had no excuse but to listen “to the dictates of reason and humanity” and to govern their hires with moderation, avoiding overworking them so that they might offer reliable service in the long run.⁴⁹ This, claimed Smith, was the “liberal reward of labor”.⁵⁰

This line of reasoning eventually consolidated in Smith’s argument in *Wealth of Nations* for the “liberal reward of labor”. For Smith, capital accumulation through property inheritance and waged labor could be justified as a moral pursuit in so far as it did not breach the cardinal virtues of respect and piety found in the patriarchal institution of the household. But, by existing outside of these sanctions and customs, the male slave had no motive to be productive; moreover, idleness was not only a drag on the national economy but an affront to the morality of the national character and a destabilizer of society itself. In this estimation, slavery bred despotism by sundering the relations of sympathy that bound together the patriarchal household.

Less a strictly “economic” argument about the cost of labor, Smith provided the comparison with unfree labor to convince his reader that the relationship between the free man and master could

retain its moral integrity in commercial society. These concerns over status and servitude – even with regards to waged labor - were what drove Smith’s inquiry, concerns that Marx, for reasons that I will presently explain, minimized and missed as he focused instead on contract and exchange.

Yet Smith’s philosophical resolution faced a political problem. There existed no legal mechanism in Britain’s empire that could count as equivalent to the historical move in England from villain to copyholder which enabled commercial society to provide labor with its liberal reward.⁵¹ Except, that is, for one instance:

We come now to consider the state of servants. A negroe in this country [Britain] is a [free] man. If you have a Negroe servant stolen from you, you can have no action for the price, but only for damages sustained by the loss of your servant.⁵²

For this prospect, Smith referenced Holt’s legal fiction of the “slavish servant” in England as the precedent for the one possible path to abolition in his own era.⁵³

However, between Smith’s Glasgow lectures and the publication of *Wealth of Nations*, Somersett had actually taken this path: to be freed, once stepping onto English soil. And Mansfield’s ruling on this path required a legal fiction – the consenting slave. Subsequently, in order to avoid a loss of property, it became commonplace after the Somersett ruling for masters to force slaves to sign apprenticeship agreements (that supposedly demonstrated consent to serve) before they set foot on English soil.⁵⁴ The analogical device, long used in English jurisprudence to suture slavery to servitude, reveals itself here to be a sleight of hand that provided no liberal reward to labor. At the very least, it was naïve to think that the coercion of slavery, justified under commercial law, could somehow yield the consent of servitude, required under common law.

Above all, Smith grappled with these political, legal and moral paradoxes as an abolitionist. His “classical political economy”, as Marx put it, was an abolitionist political economy predicated upon analogizing slavery to servitude so as to justify the liberal rewards of labor in commercial society. As we shall now see, Engels and Marx utilized the same analogical logic, but for a different purpose to Smith, that is, to present material proof of the world-historical uniqueness of the waged worker as an agent of radical liberation.

Engels, Marx, and the Slave Analogy

The logic of late eighteenth century abolitionism posited an analogy in the legal realm between slavery and servitude, unfree and free labor. I use the term “slave analogy” to express this process for a couple of reasons. Firstly, analogical thinking is not inductive (via experiment) nor deductive (via a general law); rather, glossed in the ancient Greek, one might define analogy as “according to speech” – and I focus on the rhetorical force of the concept. Secondly, this rhetoric was designed to connect slavery and waged work via a claim to dehumanization or abjection from a prior moral or social order: for Smith and the white abolitionists, this was the patriarchal order of servitude.

The slave trade was abolished in 1807. However, the slave analogy was reactivated in political debate during the 1830s in ways that exceeded its prior use as a legal conceit. This was a decade that witnessed both the abolition of the practice of slavery in most of the British empire and the enactment of harsh poor laws in England. Both legislations responded, in part, to uprisings amongst plantation workers in the Caribbean and rural workers in England.⁵⁵

In England, diverse political movements deployed the slave analogy as they sought to make sense of the social consequences of changes in agriculture and manufacturing. Most consequential, in their view, were amendments to the Poor Laws in 1834 that forced those who lacked work – along with their dependents – into workhouses, the conditions of which were kept below those suffered by the poorest of employed laborers. For reformers of all different persuasions, poorhouses came to stand in for factories per se.

Take, for instance, a group of conservatives known as “Tory radicals” who used the slave analogy to contrast workers of the poorhouse with the free and paternal yeoman of English lore. Richard Oastler, a Tory radical and previous follower of William Wilberforce, described factories as “plantations”, with “shiploads” of workers arriving at its gates; torn from paternal authority, the youngest of workers were given over to factory overseers in “child slavery”. This “slavery at home”, Oastler proselytised, was “...as demoralising, as debasing, and as killing as West India Slavery! – aye and much more so!”⁵⁶

In this respect, just as plantation slavery was formally abolished in the Caribbean, Tory radicals gleaned an alternative future for slavery, but in England. They worried that if servants could not be fathers, then the grand chain of paternalism would be severed, common law ousted, and true anarchy reign, as demonstrated in the poor and popular uprisings of the era. Tory radicals even suggested that the emergent factory slavery might be more odious than a declining plantation slavery.

Alternatively, and concurrently, Chartist newspapers of the period often paid attention to emancipation struggles in the Caribbean.⁵⁷ But, just like the Tory radicals, the working-class Chartist movement also analogized slavery to remonstrate against the evil of the factory system in England.⁵⁸ Chartists also gleaned in this homegrown system a mode of slavery worse than that which had just ended across the Atlantic. For example, commenting upon the extinction of the handloom weaver and, with it, the family economy, Peter Murray McDouall, leading Chartist and advocate of the general strike, argued,

I would rather be the slave of the West Indies and possess all the physical benefits of real slavery than be the white factory slave of England and possess all the hardships of an unreal freedom.⁵⁹

Where do Marx and Engels insert themselves in this political landscape?

Between 1838 and 1841, Engels apprenticed with the trader Heinrich Leupold in the city port of Bremen. After the signing of a free trade agreement with the US post 1776, the port became heavily involved in Atlantic trade and hence connected to goods produced through slavery. Leupold himself traded in linen, coffee and cigars.⁶⁰ Perhaps this residence prepared Engels for his subsequent years in Manchester where he became acquainted with the slave analogy, most probably as a foreign correspondent to Chartist newspapers.⁶¹

In his earliest critiques of political economy, which greatly impressed Marx, Engels connected the factory and plantation: both were economic practices that “yield nothing in inhumanity and cruelty to ancient slavery”.⁶² Engels deployed the slave analogy in *The Condition of the Working Class* – an influential ethnographic analysis of Manchester factory life.⁶³ Therein, Engels claimed that the Tory radicals “were right when they gave the [factory] operatives the name *white slaves*”.⁶⁴ That he did not translate this English phrase into German is proof of his conceptual debts to the Tories and Chartists.⁶⁵

Engels then went on to argue that “the slavery in which the bourgeoisie holds the proletariat chained, is nowhere more conspicuous than in the factory system”. Not only was the waged “slave ... sold like a piece of goods, rise and falls in value like a commodity”;⁶⁶ additionally, and unlike the plantation slave, the waged worker had to sell himself repeatedly, every day. Furthermore, unlike slave masters, the bourgeoisie had no responsibility to ensure their workers’ basic needs.⁶⁷ Here, Engels unwittingly repeated a comforting propaganda, spread by pro-slavery interests, that the slave master of the US South was paternalistic rather than despotic and did indeed secure basic needs for his slaves.⁶⁸

Nevertheless, this claim allowed Engels to argue that the freedom experienced by waged workers was fundamentally contradictory: every time the worker entered the factory, and gave himself over to the command of his buyer, “there ends all freedom in law and in fact”.⁶⁹ Indeed, it was only this “disguised” nature of factory “slavery” that allowed the bourgeoisie to make the claim that capitalism provided for unprecedented political freedom. Yet it was precisely this contradictory experience of freedom that cultivated in the English proletariat – the “slave” of the bourgeoisie - a unique political consciousness. Engels prophesied that the yearning for meaningful freedom, affirmed in the midst of economic oppression, guaranteed that “white slaves” will “one day see to it that this principle is carried out.”⁷⁰

This contradictory experience of freedom is what, for Engels, equipped the proletariat with a unique and historically unprecedented agency that could be turned towards breaking the bonds of class exploitation thus resulting in both formal (political) and substantive (economic) freedom. But it bears emphasising that Engel’s empirical observations in Manchester led him to a quite different worry: there, Irish working-class immigrants seemed to be culturally and politically degenerating the native English working-class.

The point I would like to underscore is that Engels gleaned the world-historical agency of the English waged-worker not directly from empirical observation or even a materialist analysis, but rather through an analogy to a geographically displaced, socially different, and legally distinct category of unfree workers. The English working-class were therefore enlivened to their world-shaking role only through an analogy to the Caribbean slave.

Conversely, Engels deadened the world-historical impact of struggles over bondage by the enslaved. By the time he sketched out his Credos - confessions of faith in Communism - in 1847 he had turned the analogical conjectures of Tory radicals and Chartists into a sociological proposition: the plantation slave now represented the historical archaeology of the proletariat.

In the Credos, Engels repeated his earlier claims that the proletariat represented the “totally dispossessed”⁷¹ because, while, “the slave [of the Americas] is sold once and for all, the proletarian must sell himself by the hour”.⁷² For this reason, the proletarian, unlike the slave, experienced a contradictory freedom: “the slave is counted an object and not a member of civil society; the proletariat is recognized as a person, as a member of civil society.”⁷³ True, says Engels, a working class had always existed, as had “slaves” both in antiquity and, contemporaneously, “in the southern part of the United States”.⁷⁴ Still, “the proletarian belonged to a higher stage of [historical] development of society than the slave”, for when the slave was freed, he became a proletarian.⁷⁵

By this reasoning, Engels consigned the slave-holding American South of his day to a past that had already been superseded by European capitalists.⁷⁶ An abolition political economy shifted into a

post-abolition political economy. And with this, Engels repurposed the slave analogy away from the Chartist's concern for social disintegration in England towards a prospect of social revolution.

Influenced by Engels' engagement with Tory and Chartist debates over the condition of the factory worker, Marx himself utilized the wage analogy in a famous letter to Pavel in 1846.⁷⁷ Above all, though, Marx used Engel's Credo in good part to frame the argument of the Communist Manifesto. Consider its central line of argument. The factory workers are "chattel servants ... hourly and daily enslaved by the machine, by the overseer, and above all by the individual bourgeois manufacturer himself".⁷⁸ Every oppressed class must at least be able to "scrape a slave-like existence".⁷⁹ But due to the wage-labour contract, and the exigencies of crises-prone markets, the bourgeois class, unlike the slave-master, cannot assure "its slave any kind of existence within his slavery".⁸⁰ Even the labourer's family - that provider, in the last instance, of care - is "torn" apart by bourgeois rule.⁸¹ Everything that is patriarchally solid is melted into anarchical air. It is for this reason that the proletariat *must* be revolutionary. And whilst they have a world to win, they "have nothing to lose but their chains."⁸²

Years later, in *Capital* Vol.1, Marx presented, once more, Engel's idea of contradictory freedom as freedom "in the double sense". Under capitalism, workers were positively freed from oppressive feudal relations at the same time as they were ironically "freed" from direct access to the means of their subsistence: political freedom/economic unfreedom.¹ By the time he had written the first volume, Marx had completed Engels' turning of the slave analogy away from the abolitionist logic of social disintegration towards a post-abolitionist prospect of social revolution against the partiality of bourgeois freedom.

However, it is important to note that in completing this turn from abolitionist to post-abolitionist political economy, Marx updated the historical pivot away from Caribbean emancipation towards the American Civil War.

In a famous address of the International Workingmen's Association to Abraham Lincoln, one reproduced in W.E.B. Du Bois's famous *Black Reconstruction*,⁸³ Marx deployed the slave analogy to predict the effect of the war on the sharpening of contradictions over the nature of bourgeois freedom. Previously, Marx conjectured, the contrast with the oppressive nature of "negro" slavery led the "white-skinned laborer" to prefer his proletarianization, that is, to "sell himself and choose his own master". For this reason, the "workingmen" could never attain "the true freedom of labor" or, indeed, enter into an international of laborers, until this "barrier to progress" – the contrast of a so-called indirect slavery to direct slavery - was "swept off by the red sea of civil war".⁸⁴

It is fair to say, then, that the Civil War prompted Marx to refresh Engel's consignment of slavery to the past. But that said, if Marx and Engels disagree deeply over the martial vitality of the Confederate army, both viewed the political stakes of the war principally in terms of setting the stage for a social revolution of the white proletariat in the North and in Europe. Marx even prefaced the first German edition of *Capital* Vol.1 with precisely this prospect:

Just as in the eighteenth century the American War of Independence sounded the tocsin for the European middle class, so in the nineteenth century the American Civil War did

¹ *Ibid.*, 272-273.

the same for the European working class. In England the process of transformation is palpably evident.⁸⁵

And Engels repeated the rhyme in his preface to the English edition, nineteen years later. Marx, Engels remembered, “never forgot to add that he hardly expected the English ruling classes to submit, without a “pro-slavery rebellion”.”⁸⁶

The question that remains to be answered is how the slave analogy informs Marx’s analysis of the capital/labor relation in *Capital* Vol. 1.

Marx and Contract

To answer this question, we need to return to Smith who, it will be remembered, grappled with the challenge of slavery to the ethical integrity of commercial society by drawing on abolition debates concerning the status condition of servitude. By the early nineteenth century, those debates had led to an analogizing of slavery to factory work, debates that Engels drew upon in turn to prospect the radical agency of the waged-worker. Engels did not reconstruct Smith as a source through which to think about this radicality. But Marx, as a philosopher, did, using a French translation of Smith’s *Wealth of Nations* to help structure his *Economic and Philosophical Manuscripts*, which he began to write just a couple of months after the publication of Engel’s *Critique*.⁸⁷

Crucially, Marx reads Smith as a theorist of contract and exchange rather than of status and service. And status and service, as we have seen, was foundational to Smith’s argument that the liberal reward of labor is that which salvages commercial society from unjust domination or uncontrollable anarchy. Marx does not realize that Smith’s “classical political economy” is an abolitionist political economy – deliberating on the transmogrification of slaves into servants. Instead, Marx presents Smith’s world of commerce as, effectively, a post-abolition world of political equality, wherein parties to exchange “originally confront each other only as possessors of commodities”.⁸⁸

Now, it is true that Smith’s Glasgow lectures, which help to contextualize the *Wealth of Nations* in an abolitionist light – that is, concerned with status and servitude - are not published in Marx’s times. But far more importantly, Marx interprets Smith via Engels’s influence, whereby the slave analogy references social revolution rather than social disintegration. This is the framing by which Marx addresses Smith’s answer as to what is distinct about the contradictory freedom of waged-labor rather than the pure unfreedom of slave labor. But Marx’s very premise of the contradictory nature of freedom depends upon an assumption of contract rather than status, and exchange rather than service.

This repurposing of Smith established, Marx is drawn to those moments in *Wealth of Nations* wherein Smith struggles to demonstrate the equitable nature of exchange, especially when it comes to labor. Marx asks of Smith: if exchange is virtuous because it is predicated upon an exchange of equivalences, from whence does wealth accumulate? This leads to Marx’s criticism of Smith’s notion of “previous accumulation”.

Marx then reinterprets the logic of Smith’s argument as follows. One class -the capitalist - comes to own the “conditions of labour” while another class – the proletariat - has at its disposal only “labour power”.⁸⁹ The historical form of exchange between capitalist and proletarian leads Smith to notice that the “living” labor used to produce a commodity is rewarded less than that which the “materialised” labor is sold for as a commodity.⁹⁰ In this moment, the principle of equivalent exchange seems to

disappear. Instead, surplus-value – wealth – is created, even though wealth is supposed to provide for the liberal reward of labor. Smith, argues Marx, cannot quite face the fact that labor-power is a “specific” commodity in so far as it alone of all commodities, when exchanged, creates surplus value which is alienated from the laborer.

Then Marx turns to Smith’s famous argument on the relative costs of maintaining slaves versus free laborers. Recall, though, that Smith was principally concerned with arguing that servant and master could retain a virtuous status relationship even in commercial society. And remember that to make this argument, Smith contrasted West Indian slavery with the relative freedoms of English servitude. These freedoms were not predicated on exchange but upon service.

However, Marx uses this example to show that Smith confuses exchange value with wages or commodity prices. Therefore, the only value of the slave argument, for Marx, is to demonstrate that Smith cannot bring himself to face the fact that the value of labor is internally differentiated between the time necessary to pay for the reproduction of the laborer themselves, and the time that which “labor power itself can perform” (i.e. for the buyer of labor power).⁹¹ This is the internal distinction in wage labor that Marx will develop further in *Capital Vol.1* to draw out the historical specificity of exploitation under industrial capitalism. Yet, to repeat, it is a distinction that elides Smith’s assessment of the legal and political stakes of labor as a status relation.

Let us follow Marx for a little, before returning to this problem.

In *Capital Vol.1* Marx rescripts his engagement with Smith, presenting the labor process first in the abstract and then as it concretizes under capitalist relations. In the abstract, says Marx, the labor process does not in and of itself reveal the “conditions under which it takes place, whether it is happening under the slave-owner’s brutal lash or the anxious eye of the capitalist”.⁹² Likewise, the exchange value of a commodity, unlike its use value, only measures labor of a quantitative amount rather than as a qualitative kind and character. Under exchange, “equivalent has been exchanged for equivalent”.⁹³ Marx makes this argument with Smith’s famous note on slavery’s wastefulness in mind. But whereas wastefulness in Smith speaks to the regulation of a virtuous status relation, for Marx wastefulness references solely the law of equivalence that makes slave labor “more expensive”.⁹⁴

The second step of Marx’s argument is to explicate the historical specificity of surplus extraction under capitalism. This, he identifies in the difference between a mode of production wherein the use value of a product predominates and surplus labor is limited by a “given set of wants” and a mode of production wherein exchange-value predominates and whereby, in contrast to other forms, the “boundless thirst for surplus labour will arise from the character of production itself”.⁹⁵ Crucially, Marx now makes a substantive distinction between different forms of labor.

To do so, Marx returns again to Smith’s example of the costs of slavery. Under slave labor, Marx says, there is no internal differentiation in the labor process: all labor appears as unpaid labor. Under waged labor, a distinction appears between the labor necessary to reproduce the worker and the surplus labor that provides, for the capitalist, surplus value. But paradoxically, wages also constitute “the basis of all the juridical notions of both laborer and capitalist”; in other words, wages, in the sphere of exchange, accord with the principle of equivalent for equivalent. Marx therefore claims that wages mystify the extractive element of capitalism such that “all labour appears as paid labor”.⁹⁶ Wages provide for “capitalism’s illusions about freedom”.⁹⁷ Perhaps the most important purpose of *Capital*

Vol.1 for Marx is to reveal that illusion for what it is and to identify the proletariat as the only force that can dispense with it.

One might reasonably ask: even if Marx misapprehended Smith's framing of the liberal reward of labor, wasn't he indeed writing in a new industrial age of waged labor?

In fact, the juridical notion governing labor in England, even during Marx's time, was the status relation of master/servant rather than a contractual relation of exchange.⁹⁸ Master/servant law did not disappear after Smith's era but became more punitive as the 19th century progressed. In fact, by the 1850s, the veneer of paternalism imputed into the master/servant status relation thinned even more as penal sanctions increased for the breaching of contract.⁹⁹ From 1858 to 1875, 10,000 workers were prosecuted each year, on average, under the legislation, peaking at over 17,000 in 1872, albeit perhaps with low imprisonment ratios.¹⁰⁰

No doubt, such increasingly punitive applications of master/servant law was an effect of ever-increasing trade union activity and Chartist agitation.¹⁰¹ Until the 1825 Trade Union Act, collective bargaining was tantamount to conspiracy under common law, and the Act only provided for limited exemptions. Moreover, strikes, in order to be effective, had to breach employment contracts suddenly. Each worker's breach could result in criminal liability whereas employers' breaches would result at best in civil liability.¹⁰² Indeed, the 1823 Master and Servant Act criminalized absconding from or refusing to enter the workplace with up to three months imprisonment.¹⁰³ Clearly, workers and owners of capital did *not* meet in the market place as formal equals but as carriers of different legal status.

Contractual equality did emerge during the course of the 19th century, but only for the managerial class and higher-status occupations associated with "office".¹⁰⁴ For the kind of workers that Marx was interested in, it was as late as 1867 that a new Masters and Servants Act replaced imprisonment with fines. In 1871, an act of Parliament ensured that trade unions were no longer subject to criminal prosecution. Finally, in 1875, an Employers and Workmen Act replaced Master and Servant legislation, removing employment offences from criminal liability.¹⁰⁵ In other words, only after 1875 could it be said that employment moved from a status to contract relation, and even then, this was a slow process still being undergone when World War One began.¹⁰⁶ In the meantime, domestic servants and working class married women continued to serve, legally and practically, under their masters; meanwhile, Master and Servant laws continued in the British empire and became ever more draconian.¹⁰⁷

Capital Vol.1 was published in German in 1867, the very year that criminal liability started to be replaced with civil liability for breach of contract. Extracts of Capital Vol.1 were first printed in English newspapers after the end of Master and Servant law, between 1876 and 1878, with the full English translation of the book appearing in 1887. By that point in time, one might have read Capital in the English - with its focus on exchange and contract and assumption of formal equality between sellers and buyers of labor power - as if it had prefigured a new world. Perhaps. But Marx's method was not supposed to prefigure a new world; it was designed to provide a material explanation of the existing world.

Where did Marx think that status and servitude existed in this world? In his engagement with Smith in Theories of Surplus Capital, Marx consistently confined service to a pre-capitalist world in order to present the proletariat as historically unique in so far as they experienced the contradictory freedom

that exchange supposedly delivers. In doing so, Marx incorrectly attenuated the status relation of servant to particular sectors of employment - domestic or personal service, the “unproductive” occupations.¹⁰⁸ What is more, he claimed that those who occupied such positions did so as artefacts of bourgeois society rather than as continuations of feudal society:¹⁰⁹ or, as he puts it in *Capital* Vol.1, with an analogical flourish, they were “modern domestic slaves”.¹¹⁰

The point is that a move from status to contract was in no way linear nor complete during the entire era that Marx studied England’s capitalist system.¹¹¹ Rather, labor struggles – even and specifically the “industrial” struggles that Marx was obsessed with - manifested principally as struggles over the status relation of servitude.¹¹² Charles Dickens’ novels presents this world of struggle with perhaps more fidelity than Marx: paternal authority pulls with and pushes against the profit motive.¹¹³ Alternatively, Marx made status and servitude serve - and subsumed under - the dialectic of contract and exchange. Only in this way could Marx clear the way to the factory gates, where he consistently mobilized the slave analogy to charge the proletariat with transformative agency. Let us follow him there.

Marx gleans two different ways in which surplus value can be increased: one, in an absolute sense, by extending the working day, and with it, the time that workers undertake surplus labor; the other, by making workers relatively more productive within the time that their labor is surplus to the time socially necessary for their own reproduction. For Marx, it is relative and not absolute surplus value that gives capitalism its historical specificity, demonstrated in a consistent revolutionizing of the technical and social conditions that cheapen commodity prices in service of the competitive pursuit of profit.¹¹⁴ Mechanization of the means of production in factories is the high point of this revolutionary process.¹¹⁵

However, Marx is just as clear that capital has no conception of the natural limits of human endurance. Capital is specifically interested in the shortening of socially necessary labor time rather than the shortening of the working day per se.¹¹⁶ What is more, the life of modern industry, Marx asserts, is a “series of periods of moderate activity, prosperity, over-production, crisis and stagnation”.¹¹⁷ As such, he sketches out a tendency of capital to extend the working day and increase the populations who are drawn into waged labor, a subsequent meeting of natural limits, resistance of workers, followed by state legislation to curtail the length of the working day, a response by capitalists that intensifies productivity via mechanization (i.e. shortening socially necessary labor time), the lowering of commodity prices and the bankrupting of small-scale manufacturing, all leading to the consolidation of industrial production in the factory system.

Put bluntly, Marx’s overall narrative of state regulation ends with every resolution increasing the productive power of capital and the ability of capitalists to extract ever more surplus value from labor. It seems difficult to present the shortening of the working day as a victory for labor.

Yet despite this, Marx characterizes the Factory Act of 1802 (technically, the Health and Morals of Apprentices Act) as a first - albeit “meagre” - concession “wrung from capital”.¹¹⁸ And he documents an evolving “struggle of classes” - even a “civil war”¹¹⁹ - between “collective capital ... and collective labor”.¹²⁰ The language is telling. As Raya Dunayevskaya notes, the chapter in *Capital* Vol.1 on the working day was written last, and possibly under the influence of those English workers who considered the Civil War to be a war of and for labor.¹²¹

Against his own logic and narrative, then, Marx celebrates the “English factory workers” as the “champions, not only of the English working class, but of the modern working class in general”, and imputes into them a theoretical leadership in the struggle.¹²² Notably, for Marx, the spirit of revolution does not move across the Atlantic with the Civil War. The American proletariat, in his view, have been ideologically neutered by slavery - “Labour in a white skin cannot emancipate itself when it is branded in black skin”.¹²³ In contrast, Marx identifies the “first fruit” of the Civil War to be proletarian agitation for an eight-hour working day.¹²⁴ In this regard, he trusts that the American working class will follow the lead of the English in dispelling the contradictions of bourgeois freedom; or, in legal motif, “[i]n the place of the pompous catalogue of the ‘inalienable rights of man’ there steps the modest Magna Carta of the legally limited working day”.¹²⁵

Where does this marked optimism come? It cannot come from his materialist narrative of struggles over the length of the working day. There, under a regime of contract and exchange, there exists only the crushing tendency of capital to extract surplus value. What of freedom? Once again, the slave analogy helps to animate the working class in ways that are excess to such tendencies.

Firstly, Marx presents the disposability of English workers in the same light as the disposability of slaves: “For slave trade, read labour-market”.¹²⁶ He even describes the “surplus- population” from England’s southern agrarian districts making their own type an Atlantic crossing into the factories of the north.¹²⁷ He compares parliamentary legislation in the 1830s that effectively allowed children under 13 to labor 72 hours a week in the “hell” of factory labor to the 1833 Slavery Abolition Act that forbade planters from working “any Negro slave for more than 45 hours a week”.¹²⁸ In so doing, he follows Engels and leans upon long entrenched southern propaganda that the exploitation of the English bourgeoisie has had more detrimental social effects than the oppression of American slavedrivers.

Secondly, and returning to the foundational concerns of abolitionists, Marx claims that this effect pertains to the dissolution of “old family relationships”.¹²⁹ As children enter the factory, the “capitalistic mode of exploitation” replaces “the economic foundation which corresponded to parental power” with its “misuse” by factory overseers.¹³⁰ The workman’s individual labor power is “depreciated” because all of his family now works.¹³¹ In this way, mechanization “revolutionizes, and quite fundamentally, the agency through which the capital-relation is formally mediated, i.e. the contract between the worker and the capitalist”.¹³² Previously, argues Marx, the “worker sold his own labour-power, which he disposed of as a free agent”; now, “he sells wife and child.” He has, in effect, “become a slave-dealer”.¹³³

For these reasons, Marx claims that the “legal relationship between buyer and seller of labour-power” loses the “appearance of a contract between free persons”.¹³⁴ Of course, Marx is now close to describing the status relation of master and servant. Yet, predicating the radical agency of the proletariat on exchange and contract, he can only fathom the radicality of their labor struggle via the slave analogy.

In sum, it is the slave analogy and not the labor theory of value that allows Marx to present the industrial factory as the site where the contradictory freedom of waged-labor is exposed as never before. Within the factory, social gradations between workers become almost inconsequential.¹³⁵ Special and acquired skills vanish in front of the power of the mechanical “master”, which deprives work of all interest.¹³⁶ And so it is with the advent of machinery, that the “worker for the first time revolts savagely against the instruments of labour”.¹³⁷

But, in dialectical fashion, Marx claims that mechanized factory work also depends upon and cultivates the “co-operative character” of the labor process.¹³⁸ Consistent changes in the “combined working personell” create a faculty of inter-changeability, and such work also produces a far more “totally developed individual” than the artisan.¹³⁹ Factory workers are flexible and able to exercise “social functions” with greater scope and flexibility than before.¹⁴⁰ Women, children and unskilled laborers now partake in factory work along with skilled men, and the backward vestiges of prior orders, found in domestic industry, are swept away.¹⁴¹

Marx thus intonates that, with the contradiction of bourgeois freedom fully exposed, even purified, the worker becomes attuned to the co-operative nature of work and the power of collective labor that offers the prospect of working-class liberation. A class appears, for the first time in history, in and for itself. Less via materialist analysis, the universal liberatory class bursts onto the historical stage via an analogy to slavery. And so, the status and service politics of labor struggle – politics associated with abolition - haunt the freedom dreams of this epoch-shaping moment.

Conclusion

.....

¹ W. E. B. Du Bois, *The World and Africa: An Inquiry into the Part Which Africa Has Played in World History* (New York: The Viking Press, 1947), chap. 3.

² C. L. R. James, *American Civilization* (Cambridge, MA.: Blackwell, 1993).

³ Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1944).

⁴ Christopher Morris, “With ‘the Economics-of-Slavery Culture Wars,’ It’s Déjà Vu All Over Again,” *The Journal of the Civil War Era* 10, no. 4 (2020): 524–57; Scott Reynolds Nelson, “Who Put Their Capitalism in My Slavery?,” *The Journal of the Civil War Era* 5, no. 2 (2015): 289–310.

⁵ see Kevin B Anderson, “Marx’s Intertwining of Race and Class during the Civil War in the United States,” *Journal of Classical Sociology* 17, no. 1 (February 1, 2017): 28–40; Hannah Holleman, Brett Clark, and John Bellamy Foster, “Marx and Slavery,” *Monthly Review*, no. July (2020): 96–117; Abraham Lincoln and Karl Marx, *Marx and Lincoln: An Unfinished Revolution*, ed. Robin Blackburn (London: Verso Books, 2011); Karl Marx and Friedrich Engels, *The Civil War in the United States*, ed. Andrew Zimmerman, 2nd ed (New York: International Publishers, 2016); Gregory Slack, “Did Marx Defend Black Slavery? On Jamaica and Labour in a Black Skin,” *Historical Materialism* 31, no. 3 (October 11, 2023): 135–58.

⁶ Spencer J. Pack, “Smith and Marx,” in *The Oxford Handbook of Adam Smith*, ed. Christopher J. Berry, Maria Pia Paganelli, and Craig Smith, First edition, Oxford Handbooks (Oxford: Oxford University Press, 2013), 525.

⁷ See for example Nathan Rosenberg, “Adam Smith on the Division of Labour: Two Views or One?,” *Economica* 32, no. 126 (1965): 127–39; E.G. West, “Adam Smith and Alienation: Wealth Increases, Men Decay?,” in *Essays on Adma Smith*, ed. Andrew S. Skinner and Thomas Wilson (Oxford: Clarendon Press, 1975), 540–52.

⁸ See especially Ronald Lindley Meek, *Smith, Marx, and After: Ten Essays in the Development of Economic Thought* (New York, NY: Springer, 2013); and more recently Glory M. Liu, *Adam Smith’s America: How a Scottish Philosopher Became an Icon of American Capitalism* (Princeton, New Jersey: Princeton University Press, 2022).

⁹ see Tim Keirn, “Monopoly, Economic Thought, and the Royal African Company,” in *Early Modern Conceptions of Property*, ed. John Brewer and Susan Staves (London; New York: Routledge, 1995), 432.

¹⁰ Charles A. Bane, “From Holt and Mansfield to Story to Llewellyn and Mentschikoff: The Progressive Development of Commercial Law,” *U. Miami L. Review* 351 (1983): 352–53.

¹¹ C.D. Victor Mtubani, “African Slaves and English Law,” *PULA: Botswana Journal of African Studies* 3, no. 2 (1983): 71.

¹² William A Pettigrew, *Freedom’s Debt: The Royal African Company and the Politics of the Atlantic Slave Trade, 1672-1752*, 2013, 24.

-
- ¹³ W. Darrell Stump, "An Economic Consequence of 1688," *Albion* 6, no. 1 (1974): 28; William A. Pettigrew and George W. Van Cleve, "Parting Companies: The Glorious Revolution, Company Power, and Imperial Mercantilism," *The Historical Journal* 57, no. 3 (September 2014): 629.
- ¹⁴ "America and West Indies: August 1689, 16-31," in *Calendar of State Papers Colonial, America and West Indies Vol. 13* (London: Lords Commissioners of His Majesty's Treasury, 1901), 133.
- ¹⁵ Robert J Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870* (London: The University of North Carolina Press, 1991), 21.
- ¹⁶ Steinfeld, 18; Douglas Hay, "Master and Servant in England: Using the Law in the Eighteenth and Nineteenth Centuries," in *Private Law and Social Inequality in the Industrial Age*, ed. Willibald Steinmetz (London: Oxford University Press, 2000), 227.
- ¹⁷ Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870*, 20.
- ¹⁸ Douglas Hay, "England, 1562-1875: The Law and Its Uses," in *Masters, Servants and Magistrates in Britain and the Empire, 1562-1955*, ed. Douglas Hay and Paul Craven (Chapel Hill, N.C: University of North Carolina Press, 2004), 65.
- ¹⁹ Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870*, 35.
- ²⁰ Gareth H. Jones, "Per Quod Servitium Amisit," *Law Quarterly Review* 74 (1958): 52.
- ²¹ Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870*, 40; Hay, "Master and Servant in England," 229.
- ²² Ruth Paley, "Imperial Politics and English Law: The Many Contexts of 'Somerset,'" *Law and History Review* 24, no. 3 (2006): 660-62.
- ²³ William Wiecek, "Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World," *University of Chicago Law Review* 42, no. 1 (1974): 90.
- ²⁴ Wiecek, 90; George van Cleve, "'Somerset's Case' and Its Antecedents in Imperial Perspective," *Law and History Review* 24, no. 3 (2006): 616.
- ²⁵ van Cleve, "'Somerset's Case' and Its Antecedents in Imperial Perspective," 618.
- ²⁶ David Richardson, "Slave Exports from West and West - Central Africa, 1700-1810: New Estimates of Volume and Distribution," *The Journal of African History* 30, no. 1 (1989): 3; Joseph E. Inikori, "The Volume of the British Slave Trade, 1655-1807," *Cahiers d'Études Africaines* 32, no. 128 (1992): 651; Christian R. Burslet, "Merchant Courts, Arbitration, and the Politics of Commercial Litigation in the Eighteenth-Century British Empire," *Law and History Review* 34, no. 3 (August 2016): 634; P.J. Marshall, "Parliament and Property Rights in the Late Eighteenth Century British Empire," in *Early Modern Conceptions of Property*, ed. John Brewer and Susan Staves (London: Routledge, 1995), 531.
- ²⁷ see for example Peter Fryer, *Staying Power: The History of Black People in Britain* (London: Pluto Press, 1992), 68-70.
- ²⁸ *A Representation of the Injustice and Dangerous Tendency of Tolerating Slavery* (London: Benjamin White & Robert Horsfield, 1769), 104.
- ²⁹ Teresa Michals, "'That Sole and Despotical Dominion': Slaves, Wives, and Game in Blackstone's Commentaries," *Eighteenth-Century Studies* 27, no. 2 (Winter, -1994 1993): 216; David Brion Davis, *The Problem of Slavery in the Age of Revolution* (Ithaca, N.Y.: Cornell University Press, 1975), 384.
- ³⁰ van Cleve, "'Somerset's Case' and Its Antecedents in Imperial Perspective," 629.
- ³¹ Daniel J. Hulsebosch, "Nothing But Liberty: Somerset's Case and the British Empire," *Law and History Review* 24, no. 3 (Fall 2006): 656.
- ³² Bane, "From Holt and Mansfield to Story to Llewellyn and Mentschikoff: The Progressive Development of Commercial Law," 358; Emily Kadens, "The Medieval Law Merchant: The Tyranny of a Construct," *Journal of Legal Analysis* 7, no. 2 (December 1, 2015): 256.
- ³³ see also Katherine Paugh, "The Curious Case of Mary Hylas: Wives, Slaves and the Limits of British Abolitionism," *Slavery & Abolition* 35, no. 4 (October 2, 2014): 631-32.
- ³⁴ Hulsebosch, "Nothing But Liberty," 651-53.
- ³⁵ van Cleve, "'Somerset's Case' and Its Antecedents in Imperial Perspective," 634.
- ³⁶ *An Inquiry into the Nature and Causes of the Wealth of Nations* (London: W. Strahan and T. Cadell, 1776), 98.
- ³⁷ 1.
- ³⁸ Smith, 79.
- ³⁹ Smith, 84; see Rosenberg, "Adam Smith on the Division of Labour."
- ⁴⁰ Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 89.

-
- ⁴¹ see J. Ralph Lindgren, *The Social Philosophy of Adam Smith* (The Hague: Martinus Nijhoff, 1973), 107; Paul J. McNulty, "Adam Smith's Concept of Labor," *Journal of the History of Ideas* 34, no. 3 (1973): 347.
- ⁴² see Meek, *Smith, Marx, and After*, 57–91.
- ⁴³ *Lectures on Jurisprudence*, ed. R.L. Meek, D.D. Raphael, and P.G. Stein (Oxford: Clarendon Press, 1978), 179.
- ⁴⁴ 177–79, 450–51.
- ⁴⁵ Smith, 175.
- ⁴⁶ 98–99.
- ⁴⁷ 99.
- ⁴⁸ Smith, 99.
- ⁴⁹ Smith, 100–101.
- ⁵⁰ 99.
- ⁵¹ see Smith, 454.
- ⁵² Smith, 456.
- ⁵³ Smith, 456 fn71.
- ⁵⁴ Ruth Paley, "After Somerset: Mansfield, Slavery and the Law in England, 1772–1830," in *Crime and English Society, 1660-1830*, ed. N. Landau (Cambridge: Cambridge University Press, 2002), 178.
- ⁵⁵ Robbie Shilliam, *Race and the Undeserving Poor: From Abolition to Brexit* (London: Agenda Publishing, 2018), chap. 2.
- ⁵⁶ Cited in Albert Boime, "Turner's Slave Ship: The Victims of Empire," *Turner Studies* 10, no. 1 (1990): 40.
- ⁵⁷ Gregory Vargo, "'Outworks of the Citadel of Corruption': The Chartist Press Reports the Empire," *Victorian Studies* 54, no. 2 (January 1, 2012): 245.
- ⁵⁸ Vargo, 247.
- ⁵⁹ Cited in David Turley, *The Culture of English Anti-Slavery: 1780-1860* (London: Routledge, 1991), 177.
- ⁶⁰ Lilli Hasche and Janne Jensen, "The Colonial Making of Bremen's Peri-Urban Port Area," in *Postcolonial Oceans: Contradictions, Heterogeneities, Knowledges, Materialities*, ed. Sukla Chatterjee et al. (Heidelberg: Heidelberg University Press, 2023), 219–36; JG König, "Friedrich Engels - Important Bremen Years 1838-1841," in *From Marx to Global Marxism: Eurocentrism, Resistance, Postcolonial Criticism*, ed. Kerstin Knopf and Detlev Quintern (Trier: WVT Wissenschaftlicher Verlag Trier, 2021), 253–60.
- ⁶¹ Joseph Persky, "Wage Slavery," *History of Political Economy* 30, no. 4 (1998): 646; see for example, Friedrich Engels, *The Condition of the Working Class in England* (London: Penguin Books, 1987), 317 fn2.
- ⁶² Friedrich Engels, "Outlines of a Critique of Political Economy," in *Marx and Engels Collected Works*, vol. 3 (London: Lawrence & Wishart, 1975), 420.
- ⁶³ See W.O. Henderson, *The Life of Friedrich Engels* (London: Frank Cass, 1976), 73; Terrell Carver, *Friedrich Engels: His Life and Thought* (New York: St. Martin's Press, 1990), 124–32.
- ⁶⁴ Engels, *Condition of the Working Class*, 212 my emphasis.
- ⁶⁵ For the German I have consulted http://www.mlwerke.de/me/me02/me02_225.htm
- ⁶⁶ Engels, *Condition of the Working Class*, 112.
- ⁶⁷ Engels, 112–13.
- ⁶⁸ Friedrich Engels, "The Communist Credo," in *Birth of the Communist Manifesto*, ed. Dirk J. Struik (New York: International Publishers, 1971), 173.
- ⁶⁹ Engels, *Condition of the Working Class*, 205.
- ⁷⁰ Engels, 212.
- ⁷¹ Engels, "The Communist Credo," 171–72.
- ⁷² Engels, 172.
- ⁷³ Engels, 173.
- ⁷⁴ Engels, 172. I use the German provided here: http://www.mlwerke.de/me/me04/me04_361.htm
- ⁷⁵ Engels, 173.
- ⁷⁶ see Barry Hindess, "The Past Is Another Culture," *International Political Sociology* 1, no. 4 (November 1, 2007): 325–38.
- ⁷⁷ Karl Marx, "Marx to Pavel Vasilyevich Annenkov," in *Marx and Engels Collected Works*, vol. 38 (London: Lawrence & Wishart, 1982), 95–106.
- ⁷⁸ Karl Marx and Friedrich Engels, "Manifesto of the Communist Party," in *The Communist Manifesto: New Interpretations* (New York: New York University Press, 1998), 19.
- ⁷⁹ Marx and Engels, 22.
- ⁸⁰ Marx and Engels, 22–23.
- ⁸¹ Marx and Engels, 16.

-
- ⁸² Marx and Engels, 37; On this phrase, see also Lewis R. Gordon, *Existential Africana: Understanding Africana Existential Thought* (New York: Routledge, 2000), 12.
- ⁸³ William Edward Burghardt. Du Bois, *Black Reconstruction in America* (New York: Simon & Schuster, 1995), 89–91.
- ⁸⁴ “Address of the International Workingmen’s Association to Abraham Lincoln (1865),” in *The Civil War in the United States*, by Karl Marx and Friedrich Engels (Colorado Springs: Portage Publications, 2003), 234.
- ⁸⁵ Karl Marx, “Preface to the First Edition,” in *Capital Volume 1* (London: Penguin Books, 1976), 91.
- ⁸⁶ Friedrich Engels, “Preface to the English Edition,” in *Capital Volume 1*, by Karl Marx (London: Penguin Books, 1976), 113.
- ⁸⁷ Margaret Fay, Johannes Hengstenberg, and Barbara Stuckey, “The Influence of Adam Smith on Marx’s Theory of Alienation,” *Science & Society* 47, no. 2 (1983): 129–51.
- ⁸⁸ Karl Marx, *Theories of Surplus Value*, trans. G.A. Bonner and Emile Burns (London: Lawrence & Wishart, 1951), 110.
- ⁸⁹ Marx, 110.
- ⁹⁰ Marx, 110.
- ⁹¹ Marx, 111.
- ⁹² Karl Marx, *Capital: A Critique of Political Economy Vol. 1* (Harmondsworth: Penguin, 1990), 290.
- ⁹³ Marx, 301.
- ⁹⁴ Marx, 303.
- ⁹⁵ Marx, 345.
- ⁹⁶ Marx, 680.
- ⁹⁷ Marx, 680.
- ⁹⁸ See Marc W. Steinberg, “Marx, Formal Subsumption and the Law,” *Theory and Society* 39, no. 2 (March 1, 2010): 185.
- ⁹⁹ Hay, “Master and Servant in England,” 229–31.
- ¹⁰⁰ Daphne Simon, “Master and Servant,” in *Democracy and the Labour Movement: Essays in Honor of Dona Torr*, ed. J. Saville (London: Lawrence & Wishart, 1954), 160; Christopher Frank, “Master and Servant Law: Chartists, Trade Unions, Radical Lawyers and the Magistracy in England, 1804-1865,” *Reviews in History*, no. 1085 (2010), <https://reviews.history.ac.uk/review/1085>; S. F. Deakin and Frank Wilkinson, *The Law of the Labour Market: Industrialization, Employment, and Legal Evolution*, Oxford Monographs on Labour Law (Oxford: Oxford University Press, 2005), 71.
- ¹⁰¹ Hay, “Master and Servant in England,” 250; Douglas Hay, “Patronage, Paternalism, and Welfare: Masters, Workers, and Magistrates in Eighteenth-Century England,” *International Labor and Working-Class History*, no. 53 (1998): 44; Frank, “Master and Servant Law.”
- ¹⁰² Michael J. Klarman, “The Judges Versus the Unions: The Development of British Labor Law, 1867-1913,” *Virginia Law Review* 75, no. 8 (1989): 1491–93.
- ¹⁰³ Deakin and Wilkinson, *The Law of the Labour Market*, 63.
- ¹⁰⁴ Deakin and Wilkinson, 65.
- ¹⁰⁵ Klarman, “The Judges Versus the Unions,” 1494.
- ¹⁰⁶ Deakin and Wilkinson, *The Law of the Labour Market*, 80–81.
- ¹⁰⁷ Leonore Davidoff, “Mastered for Life: Servant and Wife in Victorian and Edwardian England,” *Journal of Social History* 7, no. 4 (1974): 406; Paul Craven and Douglas Hay, “The Criminalization of ‘Free’ Labour: Master and Servant in Comparative Perspective,” *Slavery and Abolition* 15, no. 2 (August 1, 1994): 71–101.
- ¹⁰⁸ Marx, *Theories of Surplus Value*, 157.
- ¹⁰⁹ Marx, 176.
- ¹¹⁰ Marx, *Capital Vol. 1*, 575.
- ¹¹¹ See R. H. Graveson, “The Movement from Status to Contract,” *Modern Law Review* 4, no. 4 (1940): 261–72; Matthew P. Bergman, “Status, Contract, and History: A Dialectical View,” *Cardozo Law Review* 13, no. 1 (1991): 171–222.
- ¹¹² Steinberg, “Marx, Formal Subsumption and the Law,” 196; Deakin and Wilkinson, *The Law of the Labour Market*, 62.
- ¹¹³ see N. N. Feltes, “‘The Greatest Plague of Life’: Dickens, Masters and Servants,” *Literature and History* 8 (Fall 1978): 199.
- ¹¹⁴ See e.g. Marx, *Capital Vol. 1*, 436–37.
- ¹¹⁵ Marx, 617.

¹¹⁶ Marx, 437–38.

¹¹⁷ Marx, 580.

¹¹⁸ Marx, 619.

¹¹⁹ Marx, 412.

¹²⁰ Marx, 344.

¹²¹ Raya Dunayevskaya, *Marxism and Freedom; from 1776 until Today* (New York: Bookman Associates, 1958), 87–91; In this chapter, Marx connects the fluctuations of English industry to the progress of the Civil War Marx, *Capital Vol. 1*, 379.

¹²² Marx, *Capital Vol. 1*, 413.

¹²³ Marx, 414.

¹²⁴ Marx, 414.

¹²⁵ Marx, 416.

¹²⁶ Marx, 378.

¹²⁷ Marx, 378.

¹²⁸ Marx, 392.

¹²⁹ Marx, 620.

¹³⁰ Marx, 620.

¹³¹ Marx, 518.

¹³² Marx, 519.

¹³³ Marx, 519.

¹³⁴ Marx, 520.

¹³⁵ Marx, 545–49.

¹³⁶ Marx, 549.

¹³⁷ Marx, 559.

¹³⁸ Marx, 508.

¹³⁹ Marx, 590,618.

¹⁴⁰ Marx, 618.

¹⁴¹ Marx, 590.