

Transformative justice, reparations and transatlantic slavery

Abstract

This paper considers lessons recent debates concerning transitional and transformative justice, and surrounding transformative reparations, could offer to discussions regarding reparations for transatlantic slavery. Even transitional justice programmes aiming to provide transformative reparations in the form of development programmes (such as healthcare, education and housing provision) have enabled governments to avoid addressing structural causes of inequalities. The paper argues that calling for reparations for transatlantic slavery in the form of development projects is potentially regressive. Framing development programmes as reparations, as parts of the Caribbean Community (CARICOM) Ten Point Plan for reparations do, risks presenting these as necessary only because of powerful states' duty to make amends for past wrongdoing. The paper calls for advocates of reparations for transatlantic slavery to be more explicit in demarcating the backward- and forward-looking foundations of their claims. The importance of symbolic and non-financial reparations ought to be more explicitly highlighted as a potential contributor to the social repair of transatlantic slavery's harmful legacies. Moreover, distributive justice should be explicitly emphasised as being necessary to realise the present-day and future rights of

people suffering from the historical legacy of transatlantic slavery and not simply because the present situation is the result of historical injustice.

Keywords: Reparations; transatlantic slavery; transformative justice; Caribbean Community (CARICOM); human rights; historical wrongs

Introduction

In 2014 the Caribbean Community (CARICOM) proposed a Ten Point Plan for reparations to address the legacies of transatlantic slavery (Leigh Day, 2014). These claims call for a variety of reparative symbolic, economic and political measures by European states that instituted and benefitted from transatlantic slavery. Whilst there is much to support with regards to the CARICOM claim and the historical analysis on which the claim rests, it is nevertheless imperfect. Significantly, some of the ways the calls for reparations have been framed have the unintended consequence of opening space for duty-bearing states to attempt to deny their responsibilities in relation to addressing ongoing injustices. Drawing particularly on the framework of transformative justice and debates over the notion of transformative reparations, the paper seeks to engage with some of the limitations and shortcomings of the CARICOM claim with a view to identifying ways in which some of these shortcomings might be overcome. The paper does this in order to offer a supportive yet provocative critique of the reparations claim. It seeks not to minimise or discredit claims for justice for historical wrongs but instead hopes to advance the debate about how this can best and most effectively be achieved. Furthermore, it is worth noting that whilst the arguments and analysis advanced here specifically engage with the CARICOM

reparations claim, there are transferable lessons which could equally be applied to other calls for reparations for slavery and for colonial wrongs.

First the paper outlines the debates over transformative justice and transformative reparations, which are subsequently applied to analysis of the CARICOM claims.

Second, the historical and political background to the emergence of the CARICOM Ten Point Plan is briefly set out. Following this, the Ten Point Plan itself is unpacked and critically evaluated with regard to its historical claims, specific recommendations and the ways in which these are framed politically. It is argued that the elements of the Ten Point Plan which specifically address conditions which are necessarily the result of transatlantic slavery are largely unproblematic, whereas the claims which seek to address unjust conditions which are contingently linked to transatlantic slavery ought to be framed more in terms of the need for contemporary justice than in terms of undoing the harms of slavery specifically. The paper concludes that reparations movements could strengthen their claims against wealthy and powerful actors by adopting a more radical, less limited approach to understanding, explaining and framing their claims.

Transformative justice and transformative reparations

Transitional justice mechanisms, particularly truth commissions, trials, and (at least recommendations for) amnesties, reparations and institutional reform, are increasingly mainstream in responses to periods of conflict, widespread atrocities or authoritarian rule. Transformative justice, on the other hand, has emerged in recent years as a concept responding to and seeking to address some of the identified shortcomings of transitional justice (see, for example, Daly, 2002; Gready and Robins, 2014; Evans, 2016). Broadly, transitional justice processes have tended to focus on individual victims and perpetrators of human rights abuses and, especially, on direct violations of bodily integrity (through torture, killings and disappearances particularly). These amount to addressing a narrow range of civil and political rights issues, whereas a focus on socioeconomic rights issues and upon the structural and collective aspects of violence and oppression leads to a different conception of victims and perpetrators as well as, potentially, different modes of remedy for these harms (see, for example, Mamdani, 1996; Gready and Robins, 2014; Evans, 2016). One of the shortcomings of transitional justice, though not one much addressed in the research so far produced on transformative justice, is the question of how injustices rooted in the deeper past than immediate periods of conflict or authoritarianism might be addressed. Major criticisms have been levelled at transitional justice mechanisms due to the limitations of being (perhaps necessarily) short-term, time bound interventions (Waldorf, 2012; Evans,

2016). Questions therefore remain over how those issues which are outside the scope of transitional justice might be addressed. How, for instance, should the legacies of transatlantic slavery be addressed? Much of the focus of scholarship on transformative justice has been upon whether and how the concerns of those affected by conflict and injustice, particularly the addressing of socioeconomic rights issues, can be incorporated into policies and practices intended to address the legacies of conflict and authoritarianism (Gready and Robins, 2014; Evans, 2016). Paul Gready and Simon Robins argue that transformative justice is ‘transformative change that emphasizes local agency and resources, the prioritization of process rather than preconceived outcomes’ and which emphasises ‘the challenging of unequal and intersecting power relationships and structures of exclusion at both the local and the global level’ (Gready and Robins, 2014: 340). This includes emphasising the social, economic, collective and structural aspects of conflict and oppression which has tended to be neglected (or at least addressed secondarily) in mainstream conceptions of human rights practice and in transitional justice in particular (see, for example, Mamdani, 1996; Stammers, 2009: 8; Gready and Robins, 2014). A transformative justice approach, or at least elements of it, might yield useful lessons for movements seeking to address the legacies of transatlantic slavery and other injustices rooted in the deeper past than those which transitional justice has typically been concerned with.

A parallel debate to that surrounding the theorisation and application of transformative justice concerns reparations specifically. On the one hand, reparations are frequently recommended (if not actually delivered) as part of transitional justice programmes (Waldorf, 2012). On the other hand, the typical processes of reparations programmes and the common forms of reparations, where they have been implemented, have been criticised (for an overview see, for example, Moffett, 2015). Advocates of transformative reparations argue that narrow conceptions of what reparations ought to be (for example financial payments to individuals) or what they ought to be for (for example, primarily symbolic) are insufficient. For reparations to be meaningful, or at least for them to be meaningfully transformative, there needs to be a focus on both the process and outcomes of reparations programmes. Moreover, reparations programmes need to consider what the intended recipients want and need. Maria Saffon and Rodrigo Uprimny argue that transformative reparations ‘conceives of reparations not only as a form of corrective justice that seeks to deal with the suffering caused by atrocities, but also as an opportunity to effect democratic transformation of societies’ and that ‘[t]his transformation fundamentally seeks to overcome situations of inequality and exclusion’ (Saffon and Uprimny, 2010: 389). The notion of transformative reparations has led to programmes which take this approach

including a variety of different policies and practices as reparations beyond individual financial payments. Moreover, these are often significantly different in their specific components depending upon the local context. These have included the implementation of infrastructure projects and social services in areas where populations have been most directly affected by conflict (Saffon and Uprimny, 2010; Firchow, 2013). However, a major criticism of this approach is that provision of development projects to those communities who have a claim to reparations for specific injustices allows governments and other duty bearers to absolve themselves of the responsibility to assist in the realisation of human rights for all rather than only those claiming reparations for specific harms (Firchow, 2013). Whilst advocates of transformative reparations have specifically argued that (though related) reparations, social policies and humanitarian aid ought to be distinguished (Saffon and Uprimny, 2010: 390), this is not always sufficiently realised in practice (see, for example, Firchow, 2013). It is deeply problematic for development provision to be contingent upon the victimhood of the communities intended to benefit from it (Firchow, 2013). This criticism is just as valid for more distant reparations claims, such as addressing transatlantic slavery, as it is for more recent injustices (Torpey, 2006: 31-49). John Torpey argues, for instance, that in focusing on reparations 21st-century 'efforts to rectify past wrongs have...jostled with, and perhaps to some degree

supplanted, expansive visions of an alternative human future of the kind that animated the socialist and civil rights movements of the preceding century' (Torpey, 2009: 28). On the one hand 'reparations help to make the notion of human rights seem enforceable' (Torpey, 2006: 49), whereas on the other, a focus on policies and practices supporting specific 'communities of identity and interest' can result in that specific group's interests being promoted rather than wider societal transformation (Torpey, 2006: 31; see also Bruenig, 2017).

Furthermore, even transformative reparations are frequently conceived as restitutive measures, looking to restore the conditions of a past prior to the harms which they seek to address (Gready and Robins, 2014: 347). In many cases severe injustices, inequality and structural violence were present prior to the specific period reparations programmes aim to address. Cognizant of this, attempts to pursue transformative justice must look beyond reparations alone, even transformative reparations (Gready and Robins, 2014; Evans, 2016). Reparations movements need, therefore, to take account of the limitations and contradictions – as well as the potential – present in pursuing justice (in part at least) through reparations programmes (Moffett, 2015). In the next section debates surrounding reparations for transatlantic slavery specifically are outlined. Following this the paper concentrates upon exploring what can be

learned through applying lessons which emerge through consideration of transformative justice, and the debates surrounding transformative reparations, to the movement for reparations for transatlantic slavery.

Transatlantic slavery and reparations

Reparations claims are motivated by a belief that the problems facing many nations in Africa and the Caribbean have their origin in transatlantic slavery. The CARICOM group of nations' claim argues that the profits of the slavery based transatlantic economy stimulated British and European economic development, enabling industrialisation and colonial expansion. The profits of sugar and slavery therefore enabled vast wealth to be accumulated in European nations and contributed to these nations' privileged economic status and their populations' higher than average living standards to this day. In contrast Africa was deprived of labour whilst the profits of enslaved labour in the Caribbean enriched European nations. The effects of these relationships, it is argued, continue to define economic realities at a global level to this day (Beckles, 2013; Nunn, 2008).¹

The harms of transatlantic slavery were not just economic. Whilst, as Orlando Patterson has noted (1982: 176), concepts of race and racial difference were central to

slavery in other societies and historical periods to that of transatlantic slavery, the institutionalisation of chattel slavery in the Americas contributed to the development and entrenchment of modern anti-black racial prejudice and ‘scientific’ theories of race (Blaut, 1993: 61-62; Jordan, 1968). Legacies of this racism and the associated production of white privilege continue to shape life chances of individuals both within and outside of the wider global economic legacies of transatlantic slavery.² In other words, it appears that the racial hierarchies of chattel slavery still influence socioeconomic realities both within and between nations which were historically engaged in the transatlantic slave trade.

Much evidence exists for the connections between transatlantic slavery and present-day benefit and harms.³ However, claims for reparations for transatlantic slavery often provoke anger and ridicule from those whose nations and communities are asked to pay. In the US, the debate about reparations to African Americans has proven to be highly divisive. For example ‘When the *Mobile Register* polled Alabama citizens in the summer of 2002, it found the question of reparations was the most racially divisive issue it had ever studied. ... Only 5% of white Alabamians support reparations for slavery from the federal government, but 67% of black Alabamians support them’ (Brophy, 2006: 4). Meanwhile, comments below recent newspaper coverage of calls

for Britain to pay reparations, which arose during (then Prime Minister) David Cameron's 2015 visit to Jamaica, included individuals arguing that if Britain has to pay reparations for slavery, then France should pay reparations for the 1066 Norman Invasion (Muir, Eddo-Lodge and Stanford-Xosei, 2015).⁴ Such comments are often made flippantly but are designed to demonstrate the supposed ridiculousness of reparations claims and that the distance of time makes these claims less and less meaningful. However, if this argument is engaged with in a serious fashion, it produces insights which serve to illustrate both the importance of historical actions to present-day realities and the significance of transatlantic slavery's legacies of harm. Firstly, the dividing identities of Norman versus Anglo Saxon no longer consciously (or implicitly) define socioeconomic relationships within Britain, whereas racial difference does. The comparison therefore is, in one sense, facetious and does little to delegitimise the call for reparations for slavery. Secondly, and contrastingly, many of the British landed gentry trace their possessions to 1066 (Clark, 2010: 3). This is significant for three reasons. Firstly, this illustrates how historical events determine the distribution of wealth, power and privilege and shows that this distribution can last many generations. Secondly, this further highlights how racism is one of the significant legacies of transatlantic slavery – perhaps the most significant. Thirdly, this points to how transatlantic slavery and its legacies, whilst exceptional, reflect and emerge from

wider social and economic structural hierarchies which shape and perpetuate inequality and may also need to be addressed if the specific harms of transatlantic slavery's legacies are to be fully overcome. These three points should influence the way reparations are considered. It is also worth noting that the specific dynamics and politics of reparations vary somewhat between contexts. For instance, in the USA reparations for slavery are largely seen as a domestic issue, whereas in the UK debates over reparations often focus on international dynamics with regard to relations with formerly colonised countries. Further complexity emerges in consideration of other political dynamics over reparations claims within and between states, such as the fact that France continues to operate as a colonial power in the sense that Martinique is legally and politically incorporated into the French state as a Department (an anonymous reviewer deserves thanks for inviting consideration of this point). Notwithstanding this, the paper continues with a particular focus on the CARICOM reparations claim, and argues that the analysis put forward here can nevertheless add value to consideration of other calls for reparations for historical injustice.

Reflecting the arguments advanced above, the position of this paper is that there are real and important legacies of transatlantic slavery that must be addressed. However, this paper also argues that in seeking to tackle social and economic inequality,

arguments which emphasise the rights of present-day and future individuals are superior to arguments that seek to address present-day harms only as a repair for historic injustice. Whilst the specific injustice of transatlantic slavery requires acknowledgment and redress, this must be in addition to, rather than instead of, addressing current injustices which ultimately have complex roots (including but not limited to slavery). For example, whilst the gendered, sexist and patriarchal aspects of slavery affect ongoing institutions of patriarchy and gender inequality in post-slavery societies this is not the only source of present-day patriarchy, nor did patriarchal norms and gender inequity initially emerge solely as parts of systems of slavery (see, for example, Beechey, 1979; Walby, 1989). Reparations (even transformative reparations) do not address the social and cultural structures that first produced and continue to help reproduce racism and related forms of inequality, injustice and oppression. On the other hand, symbolic recognition, apologies, education and memory work, for instance, do not immediately address persistent economic inequalities (regardless of whether they can be traced to slavery). Both need to be addressed.

Analysing the CARICOM claims

CARICOM is an intergovernmental organisation of Caribbean states comprising fifteen member states, plus five associate members (Caribbean Community, n.d.). The CARICOM Reparations Commission (CRC) was established following the Thirty-Fourth Regular Meeting of Heads of Government of CARICOM in July 2013 (CARICOM Reparations Commission, n.d.). The CRC was established after the publication of Hilary Beckles's influential book *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (2013), which calls for reparations and documented struggles over bringing reparations onto the political agenda at the 2001 UN World Conference Against Racism in Durban, South Africa. Beckles serves as the Commission's chair and had previously served as the leader of the Barbados delegation to the 2001 Durban conference (Beckles, 2001; CARICOM Reparations Commission, n.d.). The establishment of the CRC and the CARICOM reparations claim was in part influenced by frustration on the part of representatives of CARICOM member states at the perceived lack of progress at the 2001 Durban conference regarding addressing Caribbean states' concerns over the ongoing impact of slavery (Beckles, 2013; CARICOM Reparations Commission, n.d.).

To analyse the CARICOM claims in light of the framework outlined above the paper now discusses the assertions of CARICOM about the nature of European involvement

with the Caribbean in the Ten Point Plan. Two areas are highlighted. First, aspects of the CARICOM claims which are unproblematic. Second, elements of the claims which could be improved or expanded upon. There are several reasons why improvement is possible. Some aspects of the claims lack sufficient historical contextualisation and are in danger of homogenising Caribbean and/or European experience. Moreover, aspects of the claims frame the need for development and the realisation of socioeconomic rights in the Caribbean as required specifically as reparations for transatlantic slavery, rather than as necessary (in the Caribbean and elsewhere) due to present conditions and future need.

The CRC makes a number of assertions regarding transatlantic slavery and puts forward a specific Ten Point Plan for reparations. Both the assertions which form a preamble and the plan itself are analysed below with regard to their unproblematic aspects and elements which could be improved upon. The CRC argue that European states: ‘Were owners and traders of enslaved Africans’; ‘Instructed genocidal actions upon indigenous communities’; ‘Created the legal, financial and fiscal policies necessary for the enslavement of Africans’; ‘Defined and enforced African enslavement and native genocide as in their “national interests”’; ‘Refused compensation to the enslaved with the ending of their enslavement’; ‘Compensated

slave owners at emancipation for the loss of legal property rights in enslaved Africans’;
‘Imposed a further one hundred years of racial apartheid upon the emancipated’;
‘Imposed for another one hundred years policies designed to perpetuate suffering
upon the emancipated and survivors of genocide’; ‘And have refused to acknowledge
such crimes or to compensate victims and their descendants’ (Leigh Day, 2014).

To address these harms the Ten Point Plan calls for:

1. Sincere formal apology.
2. Repatriation programme.
3. Indigenous people’s development programme.
4. Development of museums and cultural institutions in the Caribbean.
5. Support to address medical legacies of slavery.
6. Addressing the legacy of illiteracy.
7. Support to develop networks and relationship between African and Caribbean states to learn ancestral heritage, creating ‘knowledge networks and community rehabilitation’.
8. Truth telling and education to address psychological trauma and the ways racism has undermined African solidarity.
9. Development of industry and business to address colonial underdevelopment.

10. Debt cancellation (Leigh Day, 2014).

Evaluation of the Ten Point Plan

The above assertions of the CRC are broadly true. European states did largely destroy the indigenous populations of the Caribbean and institute a racially codified and prejudiced system of slavery in the Caribbean. European states benefitted financially from transatlantic slavery. It helped fund industrialisation and the expansion of European colonialism which led to the relative underdevelopment of vast swathes of the world. The racial dimensions of transatlantic slavery survived the abolition of slavery and continue to define relationships across the Caribbean and wider world. However, whilst broadly true, there are gaps in this narrative which have important implications for the reparations movement. In particular some aspects of the narrative present an oversimplified history (discussed next) and, based on this, some of the claims for reparations are framed unnecessarily narrowly. This in turn can reduce the advocacy power of the claims.

The historical narrative that underpins reparations claims often lacks historical contextualisation. Transatlantic slavery's harms and impact are well documented but by presenting this without contextualisation the relationship between transatlantic

slavery and other forms of labour exploitation, social hierarchy and inequality in the past and present is obscured. Significantly, this can serve to misrepresent what is needed to maximally repair the harms caused by transatlantic slavery.

Transatlantic slavery developed due to the normality of slavery at the time. When the first Portuguese purchased enslaved Africans on the coast of Dahomey and exchanged them for gold on the Gold Coast they were entering into an already flourishing West African coastal slave trade (Thornton, 1992: 111; Smallwood, 2007: 15). That the Portuguese would enter into slave trading is also not surprising because slavery was, at this time, routinely practiced in the Mediterranean (Davis, 2006: 49). Societies in the Americas practised forms of slavery; Native Americans sold captured rivals to Europeans and also purchased enslaved Africans from Europeans (Minges, 2004; Bartl, 1995). The idea that Europeans disrupted a united, harmonious or peaceful Africa, as sometimes implied by some of the pan-African sentiments of reparations claims (notably points 2, 7 and 8 of the Ten Point Plan) is also potentially misleading. The transatlantic slave trade was possible in part because of the absence of a 'pan-African consciousness' (Davis, 2006: 88). The concept of African was, in many regards a European invention imposed from outside and it was in the Americas where the enslaved 'discovered themselves as Africans' (Northrup, 2002:135). Pan-African

consciousness and identity developed in the Americas in response to European racism (Sidbury, 2007).

The development of slavery in the Americas also similarly reflected more widespread practices in Europe. As David Brion Davis (1975: 489) has observed, Rousseau was arguing in the 18th-century that ‘the justifications for slavery were no more absurd than the justifications for all forms of privilege and inequality’. The codification of chattel slavery in the Americas also built upon cultural and legal precedents from Europe (Beckles, 1998: 227-233; Christopher, 2010). As Robin Blackburn (2011a: 21) notes, ‘[t]he Spanish and Portuguese use of African slaves was heavily influenced by medieval, Mediterranean and Roman legacies’. Similarly, the development of cruel and barbaric punishments in the codification of slavery reflected the use of violence within European societies (see, for instance, Navin, 2015). In the early colonial period, the development of slavery took place alongside other forms of coerced and unfree labour which, whilst less severe than chattel slavery, helped to build the mechanisms for a racialised chattel slave system. In this early period indentured white servants and enslaved Africans often laboured together and sometimes rebelled together. Free blacks were also more numerous than in later periods. As Blackburn (2011a: 61) outlines concerning the early 17th-century: ‘[f]or about fifty years the North American

tobacco planters purchased white indentured servants from Britain. During this period, there were as many free blacks as slaves in North America, and the former briefly enjoyed similar rights to white colonists'. However, this situation did not last.

Whilst transatlantic slavery's origins reflected wider social, political and economic relationships, the development of European 'New World' colonies saw slavery become increasingly marked out from other practices with race being a central means of justifying differentiation (Jordan, 1968: 81-98). Racial dimensions to slavery were defended firstly through utilising theology and, later, 'scientific' theories further entrenched racism and the notions of racial hierarchy.⁵ The abolition of slavery did not alter racial prejudice and the racial dimensions of socioeconomic divisions remained.⁶ The development and entrenchment of racism within the European mindset marked an important development which differentiated chattel slavery in the Americas from other historical slave systems. The development of theories of 'scientific' racism, perhaps unsurprisingly, reinforced the existing prejudices and power structures of the societies in which 'scientific' racism emerged (Blaut, 1993: 62; see also Blackburn, 2011a: 21; Drescher, 2012: 85-89). As Ta-Nehisi Coates (2015: 7) succinctly notes: 'race is the child of racism, not the father'. At the turn of the 20th-century, eugenicists claimed to be able to identify both 'inferior' races and 'inferior' or 'degenerate'

individuals. Eugenicists therefore advocated policies of sterilisation of the poorer and ‘criminal classes’ of European societies as well as colonisation and genocide of supposedly inferior nations and races (Rattansi, 2007: 51-55; Marr, 2009: 22-26).

In briefly sketching out a more contextualised historical narrative the paper aims not to diminish the history of chattel slavery in the Americas or of the lasting legacy of harm that has resulted from this. Rather, the paper aims to highlight how it is impossible to detach transatlantic slavery, and the ideology that enabled it, from wider processes and ideologies that have enabled historical oppression, exploitation, injustice and inequality. The failure of the emancipation process to overcome the preceding harms of slavery is caused by the freedom to which the enslaved were delivered. No compensation was provided and no land (as had been the case for white indentured servants in earlier years; see, for example, Blackburn 2011a: 61). Landless and penniless, former slaves were vulnerable to exploitation by the vagrancy laws, debt-bondage systems, and coerced by hunger to often labour for the former slave owners. Indeed, the process of apprenticeship in the British Caribbean had deliberately sought to facilitate this continuation (Heuman, 2006). Many of the mechanisms used to coerce the formerly enslaved into fulfilling the labour rules desired of them reflected those utilised to coerce the landless, labouring poor during the process of

industrialisation in Britain.⁷ However, whilst this new reality was similar to the situation of free but poor white labour, the racial dynamics of transatlantic slavery persisted.

When advocates of reparations for transatlantic slavery fail to fully acknowledge or contextualise the links between the history of transatlantic slavery and other forms of labour exploitation they can appear to privilege one group of historically disadvantaged individuals over another. In many ways this is understandable, indeed reasonable, as advocates for reparations are targeting the specific harms of transatlantic slavery and transatlantic slavery was exceptional for its barbarity and its racial codification. However, if reparations advocates do not also identify other structural inequalities and processes which rationalise and defend inequality, then only one aspect which perpetuates injustice is targeted. As such, there is a failure to identify the full set of parameters which contribute to the present-day harms suffered by descendants of enslaved Africans and, as a consequence, a failure to identify a process of repair that is able to maximally repair the harms that reparations advocates identify.⁸ This is not to say that the reparations called for are not deserved and needed. Rather, this should only be the start for how the legacy of transatlantic slavery, and what is needed for repair, is understood and articulated. Furthermore, as

will be explained later, it is important that reparations advocates do not decontextualise and curtail the harm of transatlantic slavery, and thus the repair needed, as this could create the space in which those with historical (and also ability-based) duty to help address these harms might avoid this duty.

Elements of the CARICOM Ten Point Plan can be seen as being based on too narrow a framing. There is a danger, in claiming that some aspects of the plan are required solely because they address harms that result (wholly or contingently) from the legacies of transatlantic slavery, that this could serve to diminish the duty that also exists for these harms to be addressed in order to fulfil the rights that present-day (and future) individuals have to be free from suffering gross inequality, poverty, racial discrimination and similar harms. In particular, the arguments for debt cancellation, to address illiteracy, for an indigenous people's development programme, support to address medical legacies of transatlantic slavery, and the development of industry and business, highlight this risk. On the one hand there is good reason to believe that many of these present day conditions in the Caribbean are at least in part the result of transatlantic slavery. However, this is only contingently so. For instance, transatlantic slavery may have influenced the ongoing legacy of illiteracy in the Caribbean. However, not all cases or regions affected by illiteracy can be said to be the result of slavery.

Slavery is not the reason why illiteracy should be combated in general, even if it is the case that, specifically in the Caribbean, slavery is the reason why illiteracy is a persistent problem. The particular historic roots of conditions in the Caribbean should, nevertheless, be highlighted though (in order to combat the arguments of those who would claim high levels of illiteracy in Caribbean nations are the result of the failures of post-independence leadership, for instance).

There are two main negative implications of framing the claims which are contingently linked to transatlantic slavery as though they are necessarily linked to slavery. First, this allows for duty-bearing states to obfuscate and deny their responsibility to assist in addressing injustices. This is because the exact influence of specific past wrongs upon specific present conditions is difficult to determine. This is frequently cited as a difficulty in attempts to delineate who ought to qualify for reparations and as a reason why reparations programmes often fall short or are not implemented at all (see, for example, de Greiff, 2006: 6-8; see also Waldorf, 2012; Moffett, 2015). This issue is even more pronounced in attempts to address wrongs – such as transatlantic slavery – rooted in the deeper past than contemporary periods of conflict or atrocities. This is not to say that the influence of transatlantic slavery does not exist in present conditions in the Caribbean. Indeed, this might even be admitted by the states which

benefitted from transatlantic slavery. Apologies are one way this may occur, and these have become increasingly common (see, for example, Govier and Verwoerd, 2002; Kampf, 2009). Sincere apologies can have an important symbolic impact in acknowledging wrongdoing and contributing the building of new, just relationships between those divided by historical injustice (Govier and Verwoerd, 2002; Radzick, 2004). However, Joel Quirk (2015), for instance notes UK prime ministers Tony Blair and David Cameron's (and other politicians') qualified acknowledgements of slavery's legacies and – deliberate – avoidance of connecting this to present conditions or any duty to provide apology or material reparation (see also Cameron, 2015; United States Congress, 2009; Egan, 2015). The kinds of qualified acknowledgements Quirk (2015) refers to contrast with the demands for sincere formal apologies made by reparations movements such as those supporting the CARICOM claim (see Leigh Day, 2014). Indeed, the degree to which apologies are accepted by those affected by injustices and the extent to which they can be said to be intertwined with reparations depends heavily upon the form and content of apologies and whether they are linked to other measures of repair, such as material reparation (see, for example, Park, 2000). On their own, apologies are unlikely to satisfy the demands of reparations movements. Furthermore, it is, at times, very difficult to establish a direct chain of events

demonstrating that any specific case of injustice in the present is the result of specific actions by states which are put forward as duty bearers.

Second, there is the related danger (as highlighted in the earlier discussion of transformative reparations) that in putting these claims forward as required specifically due to transatlantic slavery, that present injustices (in the Caribbean or elsewhere) which are not or cannot be linked to transatlantic slavery do not need to be addressed and/or that rich and powerful states do not have a responsibility to assist in addressing them if these harms are not related to their past actions. There is the danger, for instance, that the legacy of illiteracy is only addressed in areas where it can be demonstrated that this is a result of transatlantic slavery. It should not be the case that illiteracy that is not the result of slavery goes unaddressed or that those with the capacity to address illiteracy do so only when it can be linked to transatlantic slavery or to harm caused by their past actions.

To sum up, this matters for the following reasons. Firstly, by prioritising policies to address socioeconomic inequality on the basis of historical causation, powerful and wealthy nations can attempt to avoid responsibility to help address contemporary problems of socioeconomic inequality and injustice by disputing the historical

causation of these harms.⁹ Furthermore, duty bearing states also point to historical cases of good behaviour in order to create a see-saw of historical moral inheritance in attempt to nullify their historical misdeeds.¹⁰ This contrasts with some leaders of formerly colonised nations who have used claims for reparations and a focus on the harms of colonialism to delegitimise criticism of poor domestic records on human rights and corruption for instance (see, for example, Howard-Hassmann, 2008: 85). This is not to say that there is not historical causation and responsibility, but direct links can be difficult to prove and powerful states seize upon uncertainty to diminish the perceived legitimacy of claims of inherited responsibility. By emphasising the historical case for reparations, the claims can, therefore, work to unintentionally undermine the actual goal of furthering justice in the present. The historical case should be made, but this should be in addition to further strands of argument.

Secondly, by insisting on the historical justification for financial redistribution and investment in poverty alleviation and development schemes, instead of basing such calls on contemporary need and the innate value of housing, healthcare, education, equality and opportunity to present-day and future people, this claim minimises eligibility to programmes that seek to deliver these. As Pamina Firchow (2013) has observed with regard to present-day Colombia, by framing delivery of basic housing,

education and healthcare services as compensation for recent communal victimisation, the state has been able to absolve itself of responsibility to facilitate socioeconomic rights and development for all. As mentioned above, this is potentially regressive if calls for basic rights to be delivered are made not on the basis of need and individual worth but on the basis of being a victim of historical wrongdoing or its legacy (Torpey, 2006: 31-49). Furthermore, there is a danger that in focusing heavily on reparations attempting to undo an unjust past that the production of a just future is neglected (see, for example, Torpey, 2006). Certainly, as argued above, the specific impacts and legacies of transatlantic slavery ought to be recognised and addressed. However, this cannot be the main or only justification for pursuing socioeconomic rights and development everywhere. Reparations, even transformative reparations, are inherently limited to particular victim/beneficiary groups, which requires excluding others from eligibility. Given the complex historical and contemporary factors which influence present day inequalities and deprivation, a focus solely upon transatlantic slavery will exclude some who are affected by such inequalities from benefitting from reparations. The implications of these issues for practice are explored next.

What does this mean for the reparations movement?

Given the arguments advanced above, here it is proposed that reparations are best rearticulated in two categories. Firstly, there are those which relate only to transatlantic slavery, such as: apology, truth telling, knowledge programmes, and museums and cultural institutions with the specific purpose of facilitating these, and (related) programmes to develop relationships between African and Caribbean states and individuals. These programmes address harms that exist solely because of transatlantic slavery and its legacies. In contrast, there are harms, which are highlighted as being legacies of transatlantic slavery, that mirror or match harms shared by other present-day individuals or groups. These deserve to be addressed not simply because of historical causation (which includes, but may not be limited to, slavery) but also because of contemporary and future harm. Indeed, the present-day and future justice aspects of these harms are, in some ways, a more compelling moral argument for redress than addressing historical injustice (Miller, 2007: 146-147; Ivison, 2008: 522). Basing claims on present-day and future justice prevents the privileging of one victimised or disadvantaged group over another (see, for example, Firchow, 2013). Therefore, whilst it is important to address historical injustices and their legacies, it is important to delineate between those aspects which address historical injustices in and of themselves and those which are part of a wider project of addressing present-

day harms and injustices (regardless of the extent to which historical factors influence current conditions).

There is evidence from the practice of transitional justice that help further advance the above argument. For example, Luke Moffet (2015) has noted with regard to reparations programmes in Peru that the purpose has been to acknowledge historical wrongdoing and suffering but not to address structural poverty. This has instead been seen as the responsibility of other, more widely focused national policy (Moffet, 2015; see also Amighetti and Nuti, 2015: 18-19). Furthermore, these should be addressed not only by those with moral historical responsibility but also those with the capacity to address these present-day inequalities most effectively (see, for example Amighetti and Nuti, 2015: 17; Singer, 1972). These may very well often be the same actors but the justification matters (and could be two-fold). This is because in the present there is a responsibility on currently powerful actors to address existing present-day inequalities that extends beyond those inequalities which exist specifically due to historical wrongdoing. Historical responsibility further heightens an already existing duty to act (Miller, 2007: 147).

Historical causation remains important in seeking to understand and remedy current injustices. Understanding the role of historical wrongdoing in present-day injustices demonstrates that the current reality is the result of past actions and policy, not the result of natural causes that reflect the acts and worth of those suffering. Furthermore, acknowledging the past's role in shaping the present illustrates that the current situation can be remedied by present actors, policies and practices. Historical context also illustrates that these specific historical wrongs and their legacies are tied to other factors. Multifaceted international processes produce, reproduce and discursively justify the structural violence of (for example) economic inequality, racism and other prejudices and forms of oppression (see, for example, Farmer, 2004). Each of these combine and interact with the legacies of the past to shape present-day conditions and outcomes for groups and individuals. This underlines that seeking to address the harmful legacies of transatlantic slavery in a manner that isolates transatlantic slavery's history and legacy from wider contexts will result in a partial and, as a consequence, insufficient model of repair. What is more, by isolating legacies of transatlantic slavery from wider systems and structures of inequality, prejudice and injustice, potential allies may be alienated. There is a case to be made that, if the reparations movement is to succeed, it will need to build bridges with other groups, organisations and movements concerned with socioeconomic exclusion and injustice

(Roman, 2002: 384-385). This is not to say, however, that calls to address the legacies of transatlantic slavery ought to be absorbed by or considered indistinguishable from wider or related struggles for justice. Rather, distinction can be maintained whilst recognising commonalities and overlaps with other causes.

Conclusion

As this paper has outlined, there is a real and significant legacy of transatlantic slavery in the Caribbean. This legacy needs to be acknowledged and addressed. CARICOM's Ten Point Plan calls for many important policies and underlines the extent of the lasting harm of transatlantic slavery in the present-day and also the future if these harms are not addressed. However, as the discussion above illustrates, the CARICOM claim for reparations is articulated imperfectly. Drawing upon the lessons of transformative reparations and transformative justice, the following specific conclusions can be drawn. First, the complexity of history and context ought to be recognised. In particular, differentiation should be made between those claims which directly and only address the legacies of slavery and those which are influenced by a variety of factors including, but not limited to, slavery. This would reduce the ability of duty bearing states to deny their responsibility to act by contesting historical analysis. Second, the framing of reparations claims ought to be broadened to emphasise that

these specific claims are a facet of wider claims for justice. On the one hand, this opens up possibilities for the linking up of disparate movements which share a common focus on the need for structural violence and unequal socioeconomic processes and outcomes to be addressed. This could aid in undermining the frequent divisiveness of calls for reparations relating to transatlantic slavery and periods of colonialism. For instance, division might be mitigated (and support for reparations increased) through acknowledgement that not all members of groups who collectively benefitted from these structures and processes of slavery and colonialism (such as European citizens or white people) share the same responsibility for producing and reproducing them, or through acknowledgment that some within groups privileged by or benefiting from these structures were also, to some extent victims of them. For example, some of the opponents to reparations who argue that poor white people were also exploited during the period of transatlantic slavery and colonialism and that these white people and their descendents are often not equal beneficiaries of the riches gained by the elites during this time might be persuaded by recognition of this exploitation and inequality, and the ways this links to (racist) structures of colonialism and transatlantic slavery. Such broadening of focus does not need to (and should not) say that these historical experiences (exploitation of poor white workers and chattel slavery) and their legacies are the same or equivalent. Indeed, broadening the focus and

acknowledging linkages could serve to demonstrate the exceptionality of transatlantic slavery and its legacies, and demonstrate the ways in which colonial exploitation is different to class inequality (see, for example, Hogan, 2015; Hogan, 2016; Thompson, 1966). On the other hand, a wider framing also reduces the possibility of transformative programmes privileging one victim group over another. By also focusing on the duty to act to address historical and contemporary injustices on the duty that arises from the capacity to do so, the ability of powerful states to avoid their responsibility is further reduced. Furthermore, the rights and needs of those who do not easily fit into a specific, narrow category of victim are also emphasised.

Notes

1. The arguments of Beckles (2013) reflect those developed by Pan-Africanist historians Eric Williams (1944), CLR James (1938) and Walter Rodney (1973), and more recently echoed by Joseph Inikori (2002), that the transatlantic slave trade and slave based economy stimulated European industrialisation and economic growth whilst destabilising and undermining African states and their economic growth.
2. With regards to the USA this has been detailed in relation to broad economic terms by, for example Robinson (2000); Bittker (2003: 12-17); Brophy (2006). Others such as Frankenberg and Lee (2002) and Leitzel (2001) have provided insight into how racial

discrimination affects schooling and policing in the USA. Similar evidence is highlighted with regard to nations such as Britain (for example see Jones and Singer, 2008; Isal and Yenoh, 2008; Glenndenning, 2010; Cabinet Office, 2017). Meanwhile, internationally the disparity in wealth between Africa and the West is highlighted as evidence by those who advocate reparations to Africa (see Howard-Hassman, 2008).

3. See, for example, the work of University College London's (UCL's) Legacies of Slavery Project which traces the compensation payments provided by the British government for loss of property by the emancipation of enslaved persons and how these payments were often invested in industrial projects and helped stimulate the British economy during the mid to late 19th-century, or the extensive research that has demonstrated the links between transatlantic slavery and racial attitudes and white privilege which continue to have gross impacts today (UCL History Department, 2015; Hall et al, 2014). Meanwhile, Randall Robinson's *The Debt* (2000) offers detailed evidence about how the history of slavery, segregation and racial discrimination has left African Americans less wealthy to this day and how this undermines their ability to compete in US society.

4. For example, commenting on the *Guardian* newspaper article 'Should Britain Pay Reparations for Slavery?' (Muir, Eddo-Lodge and Stanford-Xosie, 2015), the user GeorgeBall wrote:

It is utterly ridiculous to think that the actions of hundreds of years ago should be thought relevant today. How far back do you want to go? The Normans? The Romans? Greece?

The UK was the first to ban slavery, and not only that, but spent much time and money enforcing the stopping of the trade. Any country which thinks the state of its economy isn't down to its own actions and endeavours after such a long time is delusional. (Guardian Comment is Free, 2015).

5. See for example, Jordan (1968: 18-37); Davis (2006: 48-76); Blackburn (1997: 64-65, 314-325); Blaut (1993: 61-62).

6. In part this reflected the entrenched nature of racism at this time. Many abolitionists – whilst opposed to slavery – were still racist, albeit in a more paternalistic fashion. This can be seen in the ties between abolitionists and colonialism (see, for example, Brown, 2006; Porter, 2001). Abolitionism was also celebrated by Europeans, notably the British, as being a testament to their moral – and therefore racial – superiority. Again this contributed to the ties between abolitionism and advocacy for colonial expansion in Africa (see Blackburn, 2011: 475; Quirk and Richardson, 2009).

7. The processes by which freed African Americans were coerced into labour, often for their former masters – but also for the profit of the state – is explored by Douglas

Blackmon in *Slavery by Another Name* (2008). Gad Heuman (2006) similarly notes how apprenticed former slaves and fully freed former slaves complained of similar exploitation, exorbitant rates and a lack of access to land. Many of the tools Blackmon outlines, including share cropping and vagrancy laws, echo similar policies utilised against the landless working poor in England, including Combination Acts, truck payments, the workhouse and the sentencing of paupers to labour (Blackmon, 2008). Many radical working class politicians and their advocates also recognised such parallels, including Karl Marx who viewed the North's fight against the Confederacy and slavery as part of the future revolution of labour against capital (Blackburn, 2011b; see, also, Thompson, 1966: 61-63; Davis, 1975: 453-468; Fine and Saad-Filho, 2004: 23). More recently, these parallels have been further explored by Peter Linebaugh and Marcus Rediker (2000) who have explored the connections and synergies of exploitation and resistance which shaped the Atlantic World and modern capitalism.

8. Whilst not wishing to downplay the significance of transatlantic slavery, it is important to acknowledge the existence of other historical slave systems, such as the trans-Saharan and East African slave trades, which forced millions of Africans into slavery in North Africa and the Middle East. These trades arguably had less long-term impact (they involved smaller, albeit broadly comparable, numbers of people but spread over a longer period of time – potentially reducing the demographic impact in

contrast to that of transatlantic slavery). They were nonetheless significant and have ties to the transatlantic system (see, for example, Fatunde, 2012; Lovejoy, 2000; Nunn, 2008). An insistence that the transatlantic slave trade has 'no parallel in terms of man's in humanity to man' threatens to downplay other histories of slavery and genocide that are not linked to transatlantic slavery, and the right to reparation for these large scale atrocities and crimes against humanity, if it is not explained and contextualised (Leigh Day, 2014; see also criticism of the 'Holocaust exceptionalism' narrative, for example, Kansteiner, 2014: 405; Schweber, 2010: 696-702; the context of historic and ongoing gender inequity and the prevalence of sexual and gender based violence against women and girls may also be worth considering in this context, see, for example, Sen, 2001; Ellsberg, 2006; Stöckl et al, 2013; Beechey, 1979; Walby, 1989). Presentation of both false dichotomies and false equivalencies should be avoided (on the dangers of the 'Irish slaves' myth, for instance, see Hogan, 2015; Hogan, 2016; on the problems with focusing on 'modern-day slavery' see also Quirk, 2015).

9. At the 2001 UN Conference Against Racism and Xenophobia European nations and the US disputed the claims that slavery and colonialism were the causes of present-day poverty in Africa and the Caribbean, pointing instead to problems such as corruption and issues of, for example, slavery today in order to both undermine and deflect arguments about European and American responsibility for the transatlantic slave

trade with Africa and the harms that it caused (see, for example Beckles, 2013; Howard-Hassmann, 2008: 37). Calling for assistance based upon present-day and future need could avoid such attempts at avoidance, and although John Torpey (2006: 31-49) would suggest that calls for reparations reflect frustration with the failure of the international community to deliver on the basis of present-day and future based human rights, calling for amelioration of present-day and future inequality and suffering on the basis of repairing past harms alone potentially undermines advocacy based on human rights more broadly.

10. A prime example of this is the UK's emphasis of its history of abolitionism as a tool to deflect against claims for reparations. See, for example, then UK Prime Minister David Cameron's speech to the Jamaican Parliament on the 30 September 2015 (Cameron, 2015); see also, Oldfield (1998: 14, 33-43).

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