

Doing Justice to the Dead

Date: Thursday 25 November 2004

Time: 6pm

Venue: Old Theatre, Old Building

Speakers: Lincoln Crawford OBE, David Ould and Dr John Torpey

Chair: Professor Conor Gearty

Professor Gearty

Thank you very much Lincoln, I'd like you in the 20 or so minutes we have left, please to feel free to make comments and or questions. There are a lot of loose ends left about the exact nature of reparations, about whether the contemporary organisation sees a value in historical reparations. A lot of thoughts provoked by the session. There are I said, looking up optimistically, roving microphones. Can I ask you to do a couple of things? If you feel able to could you please say where your from, who you are and could you keep the comment relatively short because we do want to get a few comments in before we invite our speakers to respond.

Question 1

[Brian Pamm, from Nigeria, LSE Criminal Justice Policy Programme] I would like to make two very brief comments. Firstly, the whole question of the morality of the transatlantic slave trade, I think that is very well established about how deeply immoral the trade was but I'm particularly concerned really with the economic impact. I'm glad that Mr Crawford made this argument in the course of his delivery. The transatlantic slave trade not only engendered economic growth in the countries of the north to which slaves were taken but conversely it also retarded or impoverished the countries from which these slaves were taken. There are estimated to have been about 10 million slaves that were taken potentially of the coast of Africa. These were young and strong, necessarily the most productive of the society at the time, and so not only was there the growth engender in the northern countries but retardation growth in Africa and this is really substantial.

Secondly, without stretching the argument or making it too tenuous, there is the claim also that the formal end of the transatlantic slave trade was followed by more insidious form of slavery or bondage which is the argument on colonialism and new colonialism so where did transatlantic slave trade boosted the agricultural revolution in the West and in northern countries. The systems that followed which is new colonialism and former colonialism promoted the exploitation of [END OF SIDE]...Africa which to a large extent supported the industrial revolution in Europe and Americas so you are looking at two different forms of the same sort of exploitation that one succeeded the other which you know eventually promoted these distortions so I think the claim for reparation and reparations in the words of Dr Torpey are valid on arguments about economics and not necessarily only morality.

Professor Gearty

Thank you. I'll take it as an observation and they may or may not want to comment, but that's very helpful.

Question 2

[Professor Simpson, Forensic Regeneration of Race] I'm more interested in your views in terms of reparations, or I would rather describe it as damages for the living survivors of descendants of slaves and the consequences of slavery and I'm being very specific in terms of the African Caribbean communities in particular. I'm also interested in the point made about the particular Minister and her comments in Parliament because my dealings with Central Government and that includes the very senior civil servants is clear to me that they have a very difficult notion of slavery, of discrimination. I hear what you say as academics, as intellectuals but there is a disconnection between what you say and what I say for instance and what happens in terms of Central Government and even advisors to Central Government so I would like your views please.

Professor Gearty

Is that aimed at Lincoln in particular? Everybody, thank you.

Question 3

[Dr Claire Moon from the Department for Sociology and the Centre for the Study of Human Rights] I've got two points for you John Torpey. First of all I would like you to say something about the commission you've written about, the resistance to slavery reparations in the US , not by whites but by African Americans who object to liberal bourgeois gestures like making <??> memorials and so on. Can you say something about that and I also want to quiz you a little bit on the issue of genocide and the retrospective application of the term and <??> in Armenia and I take the point that the primary function of that kind of labelling should be about prevention of future genocides but there is a reparatory function in that retrospective naming of massive genocide and if endowing it with a different moral, now it is in the past, which is also about the prevention of repetition in the future but it does have that instrumental function. It's not merely about <??> the past and dwelling on the past so I just want to get your views on that point.

Professor Gearty

I'll think we'll ask John to deal with that directly and then come to Lincoln on the other and then perhaps David or we might go back to the audience.

John Torpey

Thanks for all these questions and I'm not sure really where to start. I may have thrown down a challenge, as Lincoln said, but I'm not sure it's the one he thinks it was. That is to say, I think he and I agree that slavery was morally repugnant; and that it was a crime against humanity, as has now been affirmed by the UN, in a Conference on Racism and from my perspective that's not the issue, that to me in a certain sense goes without saying. The question is how do we make amends for that. One of the things that I was trying to convey in my discussion of the difference between the notions of "reparation" and "reparations" is that the word has many meanings. I think in the US – which perhaps is the case I know best – there is this tendency because of the kind of model character of holocaust-related reparations or compensation, there is this tendency to see this notion in terms of individual checks and as I say that tends to provoke a lot of negative reaction.

So my concern is how do we achieve the kinds of making amends for the inequalities that I think are unarguably derived from slavery but also from segregation in the

United States and from the slave trade in general elsewhere and what's effective politically. So part of the reason for the current upsurge of talk about reparations for blacks in the United States is because there was a sense that affirmative action was politically back on its heels and faced indeed as probably most of you know a very serious challenge that went to the Supreme Court and that sort of thing. But in any case the issue, it seems to me, is what will be politically effective, what will be successful. The reason I mentioned the Japanese American case and the fact that they used the term redress rather than reparations, they also called the Bill that was passed in Congress that appropriated or mandated the compensation of \$20,000 for each person who had been wrongly incarcerated during World War II, they called that law the Civil Liberties Act of 1988, precisely to avoid calling any attention to the group in question and I think both of those things were aspects of the success of that movement.

It's also true that, that movement was more successful because there were only 120,000 people who had to be compensated whereas when we were talking about the black population of the United States, we're talking about something on the order of 13% of the total population and indeed that redress settlement, that Civil Liberties Act of 1988, was framed in many ways specifically in terms that were designed to try to forestall the possibility that blacks would use it as a precedent. That I would say was quite unsuccessful, as it turns out.

There are further problems with regard to Africa. Some of you may know that there was an organisation here – as far as I know now defunct – called the African Reparations Movement, associated with Bernie Grant. That in some ways got its start at a conference in Abuja in Nigeria in 1992, I believe it was, where the OAU convened a conference designed to pursue the notion of reparations for Africa. And one part of the problem, as Wole Soyinka reports in the article from which I quoted earlier, is that there was a division among the attendees, we're talking about the African continent, well the problem was that some people wanted it to be about slavery but that was somewhat embarrassing for particularly Muslim countries from the north who had been very much involved in the slave trade. So there was a division over whether or not the compensation was to be for slavery or for colonialism. But as Soyinka points out, this leads in very, very different directions,

and I think in the end led to the demise of this whole effort because it simply couldn't be approached coherently.

[To Claire Moon] I think you're right that in many of these, I mean in the Armenian case that I mentioned, it's not about the money but in the case that you're talking about it is about the money and it really depends, sometimes it's really about acknowledgement. I mean some Armenians anyway say we are not interested in anything else, we just want the Turks to admit that you know... I mean I think again this preoccupation with the term genocide is in some ways overdone. Everybody agrees that terrible things happened and they were at the hands of the Turkish Ottoman regime but in any case I think in the case of Africans generally, in the case of African American, black Americans, economics is more important than other issues. There are other kinds of reparation that could be made but it really is essentially about righting economic inequalities that are said to stem – and I believe but it is part of the argument or you have to make the argument that these inequalities stem – from slavery and/or from segregation and this gets into the question about opposition from among some blacks in the US to this notion.

I think the case that you may be thinking of that I wrote about in that article, really the only prominent black Left Wing progressive intellectual that I know of, who opposes this, is a guy named Adolph Reed who writes a column for the progressive magazine called *The Progressive* and he sort of articulated his opposition to this partially because he thinks its politically not, you know, that it will never command anything like the majority that it would need in order to actually see the light of day through Congress but also because he is quite critical of the kind of therapeutic side of this and the tendency – and I think this may go to one of the questions in the back – that the kind of tendency of those whom he sees in the leadership of the reparations movement, of the tendency of those people to see other blacks as somehow damaged by racism. In other words he objects to this kind of perception which I think is in some ways more widespread now, to see people as fundamentally as weak and not as resilient, unable to overcome trauma which is now, I mean 125 years ago the word trauma was purely a physical kind of characterisation, now it's clearly mental. We tend to think more that people don't overcome these traumas and that sort of thing and I think that's his kind of sensibility.

First of all it's politically not viable. Although other things may be, it's really about economic empowerment, whether you call it reparations or not is to me a strategic or tactical question so the reparatory function of retrospective naming, sure I don't disagree with that. I think if Turkish society, I mean entry into the EU is going to put a lot of pressure on Turkey to address this issue and I mean it's not just a matter of will they say something about this, will they admit or kind of plead that it was genocide, but rather this is a fundamental kind of blockage in the Turkish national psyche so to speak, I don't like to speak in terms of collective psychology but in any case there is this general kind of refusal to allow discussion, indeed it's largely criminalized. So if you think about the difference between Germany, where it is illegal to deny the Holocaust, and Turkey, where it's illegal to say that there was a genocide in 1915, you have a sense of the problem.

Professor Gearty

That's great John. I'm going to take a couple more before I go to our other guests because we are up against the clock now.

Question 4

[NAME, Human Rights Programme] My question for Dr Torpey, when we talk in general about reparations particularly on the slavery case, I think there might be extension between the issue of symbolic reparation, [INAUDIBLE] and the displacement or human rights evasion of this <??> because I think apologies and museum monument has been round for quite a while. What is new is the attempt to elevate the demand into international human rights now and you mentioned the [INAUDIBLE] international soft law but they might be on the way to do something a bit stronger and I think it's a good idea for social demands, just to think of positive of becoming international human rights now but it's my, I suggest counter productive to legislate apologies, legislate museums. I mean the usefulness of apologies is if it perceived as sincere. If it's a legal duty then it might not be perceived as sincere and the same thing, for example it's a very good thing that in Vancouver you have this museum for the culture of indigenous people but let us assume that radically the white community in Vancouver was opposed to this and it was only established

because Ottawa, for it was some human rights committee in Geneva forced it to become...then again when you stop and force people to come to the museum, important to enjoy it and so I was wondering what your perspective was on this.

Question 5

[NAME, A Level Student]. I was just wanted to make the point about apart from the fact of economic reparations and you know addressing the human rights issue as well, I think it's important to look at the social implications that slavery had. It's all well and good for like liberals to come along and say, oh, yes, we'll talk about reconciliation and things but I think slavery has had more of an impact on the subconscious of black African communities and the way they can work in a western social system and it's often interesting to see black people who write at the top of their profession, often have to adopt the norms of that society and find it difficult to bring in their own culture and their own ideas about things. I think that just being aware of your own culture hasn't really been highlighted very much and often that's been forgotten and that to sort of integrate into that culture you have to take on all their values and sort of values of black African cultures has been demoted a bit as a result of slavery.

Professor Gearty

I'm now going to ask Lincoln and David, there were some earlier questions...well we'll take Lincoln first but recognising...

Lincoln Crawford

Can I say the gentleman at the back there who talked about the economic effect that slavery had on Africa. I underscored what you say and I agree. More specifically I would want to deal with the lady's point there about the disconnection between what the Minister is saying in her debate Commons and what civil servants do. There was a disconnection, there probably still is, but I think it's a little bit blurred and I say that because in 2001 when there was the World Conference Against Slavery in South Africa, I went as part of the Government delegation there to that conference and it was a very interesting thing to attend but with a government delegation you've got to toe the line but I can tell you from the British point of view and the European point of view, at that time there was an argument as to whether slavery was a crime against

humanity. I mean could you imagine where we were in 2001. Now, that I think is accepted by the Minister and not only that, they were worried then that any form of apology, any sort of concession that it was a crime against humanity would come with an invoice. It does slightly irritate me because we have allowed ourselves to get detracted by those who build upon this notion that reparations is all about money, it's all about the cash and its not.

I think the question of slavery as the lady mentioned over there, it I far more significant than that and recently when I was watching the Remembrance Day, I was really moved by the way we remembered the dead and I think collective memory is so important and therefore to have a national Remembrance Day, not as a token gesture as a one off, but on an annual basis, is one way to bring about the collective memory as to what happened in slavery because it was a crime. It's admitted now that it's a crime and in international law as I hope <??> recognised it is a crime and it says where there is a crime against humanity there ought to be reparations. I think we descend into the situation where everybody thinks that the blacks all over the world are going to be crawling out of the woodwork, lining up on every street corner, expecting to get a cheque made out in their own personal name and that's not what its about but it is a very difficult claim to bring. I'll concede that. I mean I hope the claim in America succeeds but it's caught some very difficult issues. First of all we have now the people bringing the claim in America, there is a direct connection because of the time when it was raised in the past there wasn't a DNA evidence that connects certain people with <??> got that now. There's also the argument that once you concede that something is a crime against humanity the question of limitation really goes out through the window and I think that's the point which we have here, the limitation point in this country is going to cause us some difficulty.

To put it more succinctly, my position is that reparations is the only way to rectify the past and I think it's right that the Government acknowledge that it's a crime against humanity and we should do something about it. The action which we talk about is I think where we should start some organisation here that looks at the forms of reparations we can offer, how we manage it, but I think it's not difficult enough to start with something which could be about collective memories so I think it is not as the gentleman was saying the museum and other things that have been around for a

long time. I really think collective memory is important, we have an annual day remembering slavery. It will in the consciousness of people tell and educate people what it was all about.

Professor Gearty

David, does the Organisation have a view on reparation and reparations.

David Ould

Yes, generally we are in favour. Before the 2001 World Conference Against Racism, we and other NGOs did get together and came up with a series of recommendations for reparations, which in fact probably listening to Lincoln, I couldn't differentiate from what he said. But as a sidelight on that, and I think he may be able to comment better as he was there, our understanding in terms of political realities of the 2001 World Conference Against Racism is that there was what you might call a devils' pact between European governments and some south Asian governments that they would not push too hard for recognition of slave trade as a crime against humanity and the European governments would not push too hard for the issue of caste discrimination to be looked upon during the World Conference Against Racism. Now I can't prove that but I would suggest quite strongly that it was one of the reasons why the Conference, although debates were quite good, never actually came up with particularly good wordings around either of these issues.

Just one sidelight on the question at the end about social issues, because I do feel that this question of identity is important and it's important also in terms of contemporary slavery and particularly with questions of children, trafficked away from home when they're young. What is taken away from many of those, if you meet them, is their identity, with the communities where they've come from, their parents, all the society that they live with and that, in lots of ways, is what was taken away from most of the Africans that were trafficked in the slave trade to the Americas. Their identity was taken away from them.

John Torpey

You can't legislate apologies or it takes all the sincerity out of its sails so to speak. So I don't think that is really intended by the Bassiouni Principles, it's rather things like compensation of some sort, getting your name cleared if you've been arrested wrongly and that sort of thing. So I don't think it mandates an apology in that sense as you said. And there are all kinds of problems with public apologies, apologies from a person who wasn't alive or participating in the wrong and to which collectivity etc, so there's all kinds of problems with that.

Apropos your comment in the back, I think I would just say that people, in my view, people have to be free to be whatever they are, whatever that happens to be and whether it involves some kind of loyalty to what they think of as their culture – which I think in itself is a problematic construction – or not, and I will leave it that. I think people have to be free to be whoever they are, however they think about what that is, it should mean in other words that they are not forced to adopt some other set of ways.

Finally, just one comment quickly on the UN Conference on Racism. In the immediate run up to that, Human Rights Watch – and I was told it was penned by Kenneth Roth, the Director – put out a proposal about sort of exploring the idea of reparations, and in particular what they proposed is to create essentially the equivalent of truth commissions to explore the extent to which in Brazil, South Africa and the United States, racial inequality is the result of prior experiences of slavery or apartheid and to what extent it's a function of more subsequent inequalities and structures and that sort of thing and I thought it was one of the most creative and interesting interventions in this whole discussion. So I called Kenneth Roth and said I was working on this and I would be very interested in working on it with him and he said, why don't you write up your thoughts on this campaign. I did that on September 10th, I sent them to him the next morning, unaware of what had happened in New York. and they have since completely dropped the issue after 9/11 because they had their hands full with other things but a document can be found on the Human Rights website.

Professor Gearty

A few things to say, one is we have a big event on the 9th December, the day before Human Rights Day, we have Anne Owers, Chief Inspector of Prisons coming here so you are all very welcome to that at 6pm in this room on the 9th December and the other thing to say is the drinks are...and you are all extremely welcome to the drinks and all of our guests are coming to the drinks and they'll be there and maybe there were some issues you wanted to take up with them and they're on the 5th floor of this building in the Senior Dining Room so if you're not a member of the Senior Team at the LSE you can pretend you are, you can walk through proprietorially and drink the drink. So we would like to see you all up there.

Finally can we all join in thanking our three guests for what was cumulatively a fantastic exposition of a very complex field and going to the trouble of taking such care over their presentations. So since we don't pay them large appearance fees can we give them a round of applause.