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***203 Reparations for Slavery in International Law: Transatlantic Enslavement, the Maangamizi, and the Making of International Law. Oxford University Press, New York, 2022. 288pp. £80.00 (hardback). ISBN 9780197636398.**

K. Schwarz,

Scholars of international law have become increasingly critical of the system's roots in colonialism and transatlantic chattel slavery, observing that these events shaped the normative apparatus that continues to fail the descendants of enslaved Africans today. In clarifying the moral, theoretical and normative content of the legal framework for reparations for slavery in international law, Katarina Schwarz's "Reparations for Slavery in International Law: Transatlantic Enslavement, the Maangamizi, and the Making of International Law" (hereinafter "*Reparations*") not only establishes itself as an authoritative text in reparations scholarship, but also situates its observations within this wider context of decolonising international law.

In Chapter 1, Schwarz provides a historical overview of the Maangamizi, in order to contextualise reparations claims. Importantly, she defines transatlantic enslavement as a "sui generis phenomenon" based on the commodification and racialisation of human beings. In explicating this enslavement as a human rights violation without parallel, Schwarz highlights the Maangamizi as a "continuum of harm" to the descendants of enslaved Africans; as well as the futility of disengaging the transatlantic slave trade and enslavement from the broader economic injustices experienced by African states and descendants of enslaved populations. She further clarifies why equating transatlantic enslavement with slavery in the ancient world is a false equivalence. This chapter expands upon the preceding note on language, in which Schwarz emphasises that the terms and concepts framing the reparations debate are contested because they are so critical to matters of representation.

However, in highlighting the harm to the African continent and the injury to enslaved Africans and their descendants in the Americas, the reader might be forgiven for thinking that reparations are owed only to Africa or North America. Given that 90 per cent of all enslaved Africans were trafficked to Brazil and the Caribbean,¹ this chapter on the historical context of the Maangamizi could have been enhanced by describing, even briefly, how peoples of African heritage have been divided culturally, linguistically, ethnically and geographically by the trade. This would illustrate how diverse and complex this issue is in terms of reparations—certain African kingdoms were destabilised by the slave trade and rendered vulnerable to colonial exploitation though never actually slave colonies, as was the case in the Caribbean islands; Brazil was solely a Portuguese colony, while the Caribbean islands were often possessions of multiple, overlapping European empires, and so on. It would also clarify to whom reparations are owed, and anchor the subsequent analysis, which aims to ensure reparations are responsive to those affected. A good starting point would thus be to explicitly acknowledge the lack of a monolithic black experience during enslavement by providing a snapshot of who (and where) the descendants of African chattel slaves are. Appropriately, Schwarz grounds her arguments in the work of reparations scholars in America, the Caribbean and Africa, so this is not at issue.

Chapters 2 and 3 reflect Schwarz's measured and thoughtful analysis of the ways in which international law has been deployed to uphold barriers to reparations claims. In Chapter 2, Schwarz illustrates how understandings of enslavement within colonialism underpin the development of international law. While there was no absolute prohibition of slavery during the slave trade, Schwarz argues that there are enough ambiguities, inconsistencies and lacunae during international law's evolutionary trajectory to frustrate any kind of absolute claim that the transatlantic slave trade was legal in international law. Slavery emerged as a limited exception which evolved into a racialised practice, not due to global consensus but to support the interests of a few. Schwarz emphasises that the "legal at the time" argument fails to acknowledge potential divergence in positivist and naturalist approaches to the law, with naturalist interpretations of slavery's illegitimacy providing moral weight to extra-legal claims for redress. What becomes apparent is that there is a lack of clear and consistent approach in international law as to the legal status of slavery, and as Schwarz observes, this creates an opportunity for reimagining international law's role in reparations claims. Similarly, on the question of whether the passage of time undermines claims for reparations, Schwarz finds ***204** absolute bars to recovery contestable. In assessing justiciability, Schwarz effectively engages

responsibility, attribution and acquiescence to show that these are not insurmountable, and draws attention to the ways in which the international legal environment is hostile to considering reparations, which in turn influences the public discourse, and forecloses possibilities for redress.

Having opened the door to reconsider and reframe the subject of reparations in international law, Chapters 4-7 are dedicated to building a theory of reparatory justice. Here Schwarz shifts the focus to the victims, by engaging the legal framework for redress. She moves beyond legal claims to consider moral and political cases, as reparations in the form of individualised payments may be inadequate and inappropriate. Underpinning these chapters is the reminder that the harms of transatlantic enslavement are multidimensional, traverse many centuries, involve many countries, are complicated by African complicity, and embedded in the construction of the international legal system. She leans towards transitional justice as a model for redress because it is flexible and relies on context-appropriate responses that can include extra-legal processes to satisfy moral and political claims.

Written in clear, accessible language and exploring a wide range of sources, *Reparations* updates the language and concepts surrounding the reparations debate; and provides balanced and nuanced analyses of its legal arguments, contextualised in terms of the law's limits. Schwarz's book, while engaging with the historic roots of enslavement in international law, is very much about the future. In constructing a new theory of reparatory justice, Schwarz challenges the bedrock principles and modalities for redress in international law and breaks new ground by considering what justice could look like for those harmed by the transatlantic slave trade and enslavement.

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1. Database of the Trans-Atlantic Slave Trade, <https://www.slavevoyages.org/>. [Accessed 31 March 2023].