

Reparations To Be Paid by The Church of England for The Enslavement of Africans on The Codrington Estates, Barbados, 1712-1838

Introduction

Over the past year I have been working on the reparations to be paid by certain identifiable descendants of plantation owners who carried out transatlantic chattel slavery (TCS) in the Caribbean; these are the Church of England in Barbados, the Drax family in Barbados, the Drax family in Jamaica, the Trevelyan family in Grenada and the Gladstone family in Guyana. At the present time I submit an Analysis relating to the Church of England in Barbados, to be followed shortly thereafter by Analyses relating to the Drax Plantation in Barbados and the Drax Plantation in Jamaica; following that there will be an Analysis relating to the Trevelyan family in Grenada, and another Analysis relating to the Gladstone family in Guyana. This sequence may be changed.

1. The information in this Analysis relating to the Church of England and the Society for the Propagation of the Gospel in Foreign Parts (SPG) is based primarily on a document, entitled, 'A statement from USPG', that is, United Society Partners in the Gospel. This statement is signed by Mr. John Neilson, chair, and the Reverend Duncan Dormor, general secretary", and dated 8th September 2023 ("the Statement"). The USPG is the successor organisation to the SPG.

Responsibility/Liability

2. In carrying out its functions in Barbados the SPG acted on behalf of the Church of England (the Church) as its missionary arm. Indeed, the SPG acknowledges (page two of the Statement) that 'as an agent of the Church of England [it] engaged in the forced labour of enslaved Africans and their descendants born on the Island of Barbados'. On that basis, the Church bears responsibility for the acts of the SPG.
3. The current Archbishop of Canterbury in the Church, Justin Welby, is the President of the USPG.

Enslavement of Africans

4. It is acknowledged (page two of the Statement) that from 1712 to 1838, "between 600 and 1,200 individuals lived and died as enslaved

persons,” performing forced labour on behalf of the SPG on the Codrington Estates, bequeathed to the SPG by Christopher Codrington.

5. The United Kingdom Observer newspaper of May 25, 2024 published an article by Desiree Baptiste and Jon Ungood-Thomas, which provides strong evidence of the Church’s direct involvement in the practice of TCS on the Codrington Estates in Barbados. The article states that ‘the SPG was overseen by Church of England leaders and that the incumbent Archbishop of Canterbury would typically serve as its President’.

6. The article refers to Archbishop Thomas Secker chairing a meeting of the SPG on the 17th November 1758, at which he “agreed to reimburse funds to the Society accounts for” ‘the purchase of new negroes[from Africa] and for the hire of enslaved labour from a third party’. This shows that the Church of England, through Archbishop Secker, was clearly involved in the purchase of Africans for enslavement on the Codrington Estates.

7. Interestingly, the article also states that

‘Secker’s personal correspondence that year [1760] indicates an awareness that the need for new purchases of enslaved people from Africa was connected to the high death rate. He also reflected on their desperate plight. In a 1760 letter to a Bishop he wrote “I have long wondered and lamented that the negroes in our plantation decreased and new supplies become necessary, continuously. Surely this proceeds from some defect both of humanity and good policy. But we must take things as they are at present”.

8. Even in a country where involvement in TCS in the 18th Century was a quotidian affair, the last sentence would be judged incredibly appalling as the thoughts of any clergyman, let alone the Archbishop of Canterbury. The invocation of man’s humanity fails to inspire the Archbishop to draw any conclusion that would be favourable to the enslaved. His astonishing statement, “But we must take things as they are at present ”reflects an acceptance of the status quo, and has a ring of inevitability about it that runs afoul of the normative principle of humanity. In modern jargon the Archbishop is saying, “it is what it is”, signifying that the excessively violent treatment of the enslaved, their consequential death, and the purchase of

new 'supplies' from Africa is a relentless and unyielding cycle that must continue, even though it 'proceeds from some defect of humanity'

9. The Statement indicates that the USPG will invest, in partnership with the Codrington Trust, 7 million sterling or \$18 million Barbados dollars over a period of 10 to 15 years; apparently this sum represents reparations. I advise against victim States accepting reparations for TCS in the manner set out in this paragraph, that is, in the form of an investment made by the delinquent State or institution in partnership with the victim State or an Institution of that State. In this case reparations are for wrongful conduct on the part of the Church, which should pay over the compensation due for that conduct to the Government of Barbados, which would then decide how it wishes to use those funds in the interests of the descendants of those enslaved on the Codrington Estate. In my view, the Church as the wrongdoer should not have a role in how the compensation sums are used; that is a matter for the Government of Barbados. The approach reflected in this paragraph is rather like a judgement creditor giving a judgement debtor a role in how sums awarded to him or her by a Court are spent. Reparations represent the payment of a debt to the victim State for wrongful conduct. In contrast to the 1948 USA Marshall Plan, which provided aid for Germany, reparations are not a gift or aid from the former slave-holding State or institution. Reparations are not funds that belong to the wrong-doing State or institution. There is something paternalistic and neo-colonial about a delinquent State or institution being actively involved in determining how funds that it owes the victim State are to be spent. Sixty-two years after the first Caribbean country became independent, there is no need to have the Church or the UK or France or any other former slave-holding State telling or guiding Caribbean States as to how to utilise reparation funds that are owed to us. Certainly, the best managed State in the Caribbean does not need such guidance.

The Misunderstanding of the Church

10. It is stated (page 1 of the Statement) that the activities carried out by the SPG would today be characterised as Crimes Against Humanity, that reparations for Transatlantic Chattel Slavery (TCS) require moral action, "moral and relational repair."

11. Elsewhere, the Church Commissioners for England have acknowledged that “Transatlantic Chattel Slavery, where people made in the image of God have had their freedom taken away to be owned and exploited for profit, was, and continues to be, a shameful and horrific sin.” See Church Commissioners’ Research into historic links to Transatlantic Chattel Slavery (TCS)

12. However, it must be understood that an unlawful act, such as TCS, imposes on those who carried out this practice, a legal obligation, and not merely a moral obligation, to pay reparations. It must also be clarified that TCS was not just a shameful and horrific sin, but a shameful and horrific unlawful act, based on the law at that time.

13. It follows that the Church must pay reparations to the Barbados Government for the benefit of the descendants of the Africans enslaved by the SPS, its missionary agent, on the Codrington Plantation from 1712-1838, a period of 126 years.

14. How to determine the number of enslaved Africans for which reparations are to be paid? I suggest the number of 900 as the mid-point between 600 and 1,200.

15. I asked Coleman Bazelon of the Brattle Group to quantify the reparations for 900 enslaved Africans over the period of 126 years. He has calculated that the sum of USD \$7,752,154,568 is to be paid as reparations in relation to the 900 enslaved Africans on the Codrington Estates - see the attached Quantification.

16. It is necessary to explain briefly the background to the Brattle Group’s quantification of the reparations that are due from the Anglican Church.

17. Two International Symposia on TCS, sponsored by the American Society of International Law and the University of the West Indies, through the Centre for Reparation Research, were held on May 19 and 20, 2021 and February 9 and 10, 2023. The first Symposium found that based on the law at that time TCS was an unlawful practice.

18. An Advisory Committee was established to resolve difficult issues arising from the quantification of the reparations. The Committee

consisted of Professor Chantal Thomas of Cornell University, USA, Professor Verene Shepherd, Director of the Centre for Reparation Research, UWI, Professor Robert Beckford of the University of Winchester, UK, and myself. I demitted office as a Judge of the International Court of Justice on February 5, 2024.

19. At the second Symposium, the Brattle Group of Valuators presented their first Quantification of the reparations for TCS in the Americas and the Caribbean.

20. After addressing issues arising from the Second Symposium, on June 8, 2023, the Report on Reparations for TCS in the Americas and the Caribbean was launched at the University of the West Indies, Kingston Jamaica (The Report). The launch was co-sponsored by the American Society of International Law and the University of the West Indies, through the Centre for Reparation Research. The Report, which consists of 106 pages, 20 for the Introduction and 86 for the Brattle Quantification of Reparations for TCS (The Brattle Quantification), has three parts: the Introduction to the Brattle Quantification, the Brattle Quantification itself and two Annexes that set out periods of 10, 15, 20 and 25 years over which reparations may be paid. On September 25, 2023, Patrick Robinson presented and explained The Report at a Meeting of the Caricom Reparations Commission.

21. The Report may be accessed on the following websites

University of the West Indies

<https://uwitv.global/news/reparations-symposium-brattle-paper/>

Cornell University

<https://community.lawschool.cornell.edu/center-for-global-economic-justice/news-events/>

American Society of International Law

<https://www.asil.org/sites/default/files/reparations/Report%20on%20Reparations%20for%20Transatlantic%20Chattel%20Slavery%20in%20the%20Americas%20and%20the%20Caribbean.pdf/>

The Brattle Group of Valuators

<https://www.brattle.com/wp-content/uploads/2023/7/Report-on-reparations-for-Transatlantic-Chattel-Slavery-in-the-Americas-and-the-Caribbean.pdf/>

22. The Report does not expressly address the reparations to be paid by plantation owners for wrongful conduct. It was difficult to garner data identifying the plantation owners who carried out TCS in the Caribbean, Central America, South America, including Brazil, and Northern America. Thus, the Report addresses reparations to be paid by former slave holding States, whose laws and practice made it possible for plantation owners to own and illtreat enslaved Africans. TCS was very much a State and national enterprise in which plantation owners and others participated with the full approval and endorsement of the State. Both the State and the other participants in TCS, including plantation owners, acted unlawfully by engaging in TCS. The five Heads of Damages used in the Brattle Quantification reflect the harm suffered by enslaved Africans and perpetrated by everyone, who played a role in their chattelization, including plantation owners and, of course, the State.

23. Notwithstanding the above, whenever it is possible to identify specific plantation owners who practised TCS, for example, the Anglican Church and the SPG, it is appropriate to utilise the Report to quantify the reparations to be paid by them for the benefit of the descendants of the enslaved.

24. The Brattle Quantification determined that in respect of the period of enslavement the total sum of reparations to be paid by ten former slave holding States to thirty one victim states and colonies is about 107 trillion US dollars, (see table 16, Page 44 of the Brattle Quantification); in respect of the post enslavement period, the total sum of reparations to be paid is about 22 trillion US dollars (see Table 22, page 56 of the Brattle Quantification).The Brattle Quantification is based on five heads of damages: foregone earnings, loss of liberty, personal injury, gender based violence and mental pain and anguish, the same heads of damages used by Brattle in quantifying the reparations owed by the Church. The Report also employs two rates of interest: 2.3% and 2.5%, a range that allows for consultation between a victim state and a former slaveholding state.

25. The UK is required to pay about \$4.9 trillion USD to Barbados for the enslavement period, (see Table 16, Page 44 of the Brattle Quantification) and \$51 billion USD in respect of the post enslavement period, (see Table 22, Page 56 of the Brattle Quantification).

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26. Although the compensation sums determined by Brattle are high, the Advisory Committee decided not to reduce them, because 'they reflect the enormity of the grotesque and unlawful practice of TCS (see page

of the Introduction. Moreover, as is explained in the Introduction (Page 18) the compensation determined is 'already an underestimate of the reparations that are due (See pages 18 and 19 of the Introduction). The measure to reduce the compensation is described in the paragraph Immediately following.

27. Pages 15 and 17 of the Introduction contain an important qualification of the sums determined by the Brattle Group as compensation. It is provided that 'it remains within the sovereign will of a victim state to determine what sum, other than the compensation to which it is entitled, it will accept as reparations'. This is a consequential finding. It means that it is open to Barbados to determine that it will accept as reparations from the Church a sum other than the compensation of USD \$7,752,154,568 for the period of enslavement. No doubt, if Barbados decides on a lower sum as compensation, it will do so taking into account the higher sum determined by Brattle. If this is done, the sum paid over by the Church to Barbados for the descendants of the enslaved should be deducted from the sums calculated in the Brattle Analysis attributable to the UK as reparations for the enslavement period.

28. Conclusion

(i) Given its close, historic, current and organic relationship with the State, it is not surprising to learn that the Church participated in a significant way in TCS, which was promoted by the State. In his book, Britain's Black Debt, Professor Hilary Beckles concluded that 'the king

and Parliament combined to establish England as the premier slave trading nation', see Britain's Black Debt, published by the University of West Indies Press, page 64. Beckles recounts that under the governorship of the Duke of York, the 'Company of Royal Adventurers Trading in Africa' was established. He also cites other examples of the involvement of members of the Royal family in TCS. If the Sovereign, as 'the Defender of the Faith and the Supreme Governor of the Church', participated in TCS, perhaps, it is almost understandable that the Church would have done the same (see the Relationship between Church and State in the United Kingdom, by David Torrance, 14th September 2023-House of Commons Library).

(ii) The reparations to be paid by the Church to the Government of Barbados should be used for the benefit of the descendants of the enslaved Africans in Barbados. The reparations for the harm suffered by 900 enslaved Africans on the Codrington Estates are USD \$7,752,154,568, subject, of course, to the important qualification on Page 15 of the Introduction, the effect of which is that the Barbados Government has a discretionary power to reduce that sum. It is for the Government of Barbados to determine, in consultation with the Church, the final sum to be paid as reparations.

(iii) The Church has features resembling those of an organ of the State – for example, it is the established Church of the State and the Sovereign is its Supreme Governor; on that basis it is assimilated to an organ of the State; thus, the United Kingdom also bears responsibility for the payment of the compensatory sum of USD \$7,752,154,568.

(iv) What the Church intends to invest in partnership with the Codrington Trust is not by any means determinative of the reparations to be paid for its wrongful conduct in the enslavement of 900 Africans for 126 years. The sum of \$18 million Barbados dollars as an investment over a period of 10 to 15 years may be dismissed on several grounds, one being that it is irrational, in that no basis is identified for arriving at that quantification; indeed, it appears to be plucked from thin air.

(v) It must be noted that this Analysis does not address the sums earned by the Church through the SPG from the practice of TCS on the

Codrington Estates between 1712 and 1838. The Statement indicates (see second paragraph, page 1 of the Statement) that the reparatory activities include research into 'the revenues earned by USPG over the period of enslavement and emancipation ...'. Similarly, we must also address profits from the investments of Queen Anne's Bounty funds in the South Sea Company. When these sums are ascertained, a case may be made that they should be disgorged from the Church (or the USPG) on the basis of unjust enrichment and passed over to descendants of the enslaved Africans in Barbados. The Third American Restatement (of the Law) defines unjust enrichment as 'any unequal transfer of value without an adequate legal basis'; it also determines that the common feature of these anomalous transfers is that 'they are all in some sense non-consensual'.

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Table
Value of Harms inflicted on 900 enslaved Africans
on the Codrington Plantation in Barbados,
from 1712 to 1838 - at 2.5% Interest

Heads of Damages	Units	Quantity
Forgone Earnings	2020US\$	\$3,550,336,965
Loss of Liberty	2020US\$	\$710,067,393
Personal Injury	2020US\$	\$390,537,066
Gender Based Violence	2020US\$	\$1,020,429,455
Mental Pain and Anguish	2020US\$	\$2,080,783,688
Total Damages	2020US\$	\$7,752,154,568

Source: Brattle analysis.