



# Can justice be achieved for slave descendents in Mauritius?<sup>☆</sup>

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The article is for my ancestors, the survivors.

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## Abstract

This article discusses challenges to achieving justice for slave descendents in Mauritius 177 years after the abolition of slavery. It reflects on the 2009 institution of a Truth and Justice Commission (TJC) in Mauritius to investigate the legacies of slavery and indentured labour. It is argued that time, the ethnic and cultural complexity of Mauritius as well as the TJC itself makes it difficult for Mauritians to achieve restorative justice for slave descendents. Reviewing transitional and restorative justice, the article argues that the Mauritius case study is potentially useful to reflections on the issue of social justice for ancient atrocities and for reflections on the challenges of reparations in complex and democratic societies. It concludes that the greater participation of civil society is required in decisions regarding reparations and that such decisions need to be grounded in contemporary and democratic approaches to achieving justice and the protection of human rights.

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## 1. Introduction

In recent decades democratic nation states have sought to address gross human rights violations, which have occurred within their borders, by implementing transitional justice (TJ)

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mechanisms. However most have only considered cases of human rights abuse not long after the atrocities have occurred (Duthie, 2008: 293). Mauritius, an island nation situated in the southwest Indian Ocean, instituted a Truth and Justice Commission (TJC) in 2009 which it mandated to investigate the legacies of slavery and indentured labour, over a period of 370 years. Focussing on Mauritius, this article asks whether justice and especially reparations can be achieved for the descendents of slaves and indentured labourers.

The proposed discussion is valuable because (1) the TJC is the first truth commission in the world to address the legacy of slavery and indenture and (2) the literature on transitional justice mechanisms does not address the issue of time, the problem of ancient atrocities (such as slavery and indenture) and the challenges to justice in complex, modernising societies. The following discussion draws on historical and ethnographic research in Mauritius to make its case. It concludes that Mauritius' civic organisations may be best placed to restore justice to slave and indentured worker descendents, since these organisations employ multiple strategies to engage with the Mauritian population. By offering a discussion on efforts to respond to the contemporary experiences of slave descendents in Mauritius, this article hopes to make known the processes of social change in the region and to discuss the issue of reparations in Mauritius. The discussion may also prove useful to scholars interested in slavery in the Caribbean and North America – since it tackles the issues of memory, identity and the restitution of African slave descendents.

The ethnography presented in the article identifies the experience of racism as a major consequence of slavery in Mauritius. Volume 1 of the Mauritius *Truth and Justice Commission Report* released to the public in November 2011 states that: poverty, marginalisation and discrimination are also evident in the experiences of slave and indentured labour descendents. This article contends that many of these problems can be traced back to the perpetration and experience of racism.

The discussion begins with a review of the literature on transitional justice, reparations and restorative justice, identifying several issues that may make the achievement of justice in Mauritius difficult. These are: the objectives and practices of the TJC; problems inherent to restoration and reparations; the social and political complexities presented by contemporary societies; the passing of time; the politics of memory making and the impact of social and economic change on Mauritian society. Thus the following literature review also reflects on the scholarship on time, identity and memory making. The conclusion states that if at all, locally grounded and participatory approaches to restorative justice may be needed. This is because the passage of time (370 years since the colonisation of Mauritius) has resulted in the: disappearance of the original victims, selective remembering of the past, increasing social and ethnic complexity and the dissipation of accountability on the part of slave owner descendents.

## 2. Reviewing justice, memory and identity

Western legal tradition is informed by a long history of adjudication, in which justice is defined and dispensed by those in power and is believed to have been 'served' when sanctioned authorities sentence 'criminals' according to the preferred mode of punishment in a particular era (Berman, 2003; Weitekamp, 2003). During the period of slavery in Mauritius, punishment included flogging, maiming and killing of slaves. Slaves were also subject to extensive psychological violence as they were denied access to their families, communities, languages and culture. In addition, slave owners and/or their foremen regularly visited systematic attacks on the human dignity of slaves often degrading them in public. For these reasons the Rome Statute considers slavery a crime against humanity.

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