**Transcript**

**Emmanuel Kattan, Host**: This is “Vis à Vis”, a new podcast series brought to you by the Alliance Program at Columbia University. "Vis a Vis" features conversations that challenge our understanding of key global, economic and social issues by casting them in a transatlantic perspective. I’m Emmanuel Kattan. I head the Alliance Program, a partnership between Columbia University and 3 French universities: Sciences Po, Paris 1 Panthéon Sorbonne and Ecole Polytechnique. Every episode, I sit down face to face – or as we say in French, “Vis a Vis” – with some of the most insightful thinkers on both sides of the Atlantic. I hope you enjoy our conversation.

(Theme music out)

**Kattan**: In the wake of current debates on racism and racial discrimination in the U.S. and Europe, the question of reparations for slavery is gaining renewed interest. In France, the 2001 Taubira Law recognized, for the first time, slavery and the slave trade as “crimes against humanity”. But it stopped short of calling for reparations for descendants of enslaved people. In the United States, the debate over reparations was rekindled by Ta-Nehisi Coates in his 2014 essay “The Case for Reparations”.

In her book *Faire justice de l’irréparable, (Justice As a Response to the Irreparable)*, Magali Bessone, Professor of Philosophy at Paris 1 – Panthéon Sorbonne, explains that the French abolition of slavery in 1848 did not put an end to economic exploitation, nor did it generate political and economic equality for formerly enslaved people. Similarly, in the United States, promises of compensation made to formerly enslaved people after the civil war were not kept.

Advocates of reparations draw attention to the fact that slavery constitutes a structural form of injustice whose effects are still felt today — in our social norms and practices, but also in government policies (the policy of “redlining” in the United States, which is still having an impact on access to housing and house ownership for thousands of African Americans, is an example of this).

In order to guide us through the maze of questions raised by the issue of reparations for slavery, Vis A Vis is honored to welcome Professor Magali Bessone.

Magali Bessone is Professor of Philosophy at Paris 1 Panthéon Sorbonne University. Her research focuses on contemporary theories of justice (distributive, criminal, reparatory, transformative) in relation to critical theories of race and racism. Professor Bessone is the author of several books, including *Sans distinction de race? (Without Race Distinction?)*, published in 2013; *Faire justice de l’irréparable. Esclavage colonial et responsabilités contemporaines, (Justice As a Response to the Irreparable: Colonial Slavery and Contemporary Responsibilities)*; as well as a book on double consciousness and racial condition in WEB Du Bois. Last year, Magali Bessone was a Fellow of the Institute of Advanced Studies at Princeton University. Magali Bessone, welcome to Vis a Vis.

In his 2014 essay “The Case for Reparations”, Ta-Nehisi Coates says: “What I’m talking about is more than recompense for past injustices—more than a handout, a payoff, hush money, or a reluctant bribe. What I’m talking about is a national reckoning that would lead to spiritual renewal.” Magali Besson, in your opinion, what should reparations involve?

**Bessone**: So thank you. Thank you for this question. And I want to mention that Coates, in my opinion, is right to insist on the fact that reparations are not blood money. And he's right because unfortunately, this is usually, or too often, the way they are perceived, both in the United States context and in the French context. And it's important to underline that reparations are pro?? because the colonial wrongs they are supposed to be redressing are themselves multidimensional and multiscalar. You have servile or forced labor, inversed indemnities — as I mean, obviously, in the case of Haiti, for instance — historical and cultural amnesia, political exclusion, legal depersonalization, violence, systemic racism, loss of dignity, environmental damage, etc. In the French case, moreover, particularly, it's also very important to underline that reparations for slavery, as in the Caribbean islands or the Reunion Island, obviously differ from reparations for colonization and war crimes in Algeria, or North Africa, or, again, the Haitian debt. Obviously, we cannot reply to these different wrongs with the same tool as if there was one tool for many different crimes.

But Coates is also right to insist on another point that is really important as well. He's right to specify that there is a prerequisite to all forms of material or symbolic reparations, and that is the agreement that reparations is an idea whose time has come. We need to accept that France was built on and by violent conquest, labor exploitation, land appropriation, and that these crimes were never really properly acknowledged or addressed, or obviously redressed. That there is a relation between these crimes of the past and current inequalities. And then these current inequalities are not coherent with what, what we think of ourselves, with the principles and moral and political principles we would love to live by. So we have to come to terms with the past, and we owe it to ourselves.

**Kattan**: Thank you so much. This is, there are a range of issues there, and I think we'll, we'll unpack them little by little. Let's start with, with the issue of justice itself. When we're talking about a crime and reparation for a crime, we're talking about justice. What kind of justice in particular, are we talking about? In your book, *Justice as a Response to the Irreparable*, you propose using the concept of transitional justice as a framework for reparations. Transitional Justice, as we know, is a broad term that describes mechanisms that society uses to rebuild and redress the wrongs that were committed after mass human rights abuses. Examples we can think of include, for example, truth and reconciliation commissions in South Africa and Latin America. So why do you think specifically that this notion of transitional justice is useful as a framework for reparations? And, and what would reparations as transitional justice look like?

**Bessone**: Yeah, thank you. This is a very important question. I think everything is there. Reparations can be seen as part of two different types of justice. So first, there is what we can call "ordinary justice," or "remedial compensatory justice." And in this case, reparations belongs to the field of tort law. Tort law is this area of civil law concerned with determining who should be held accountable for the harm done to a person: who should be compensated and what should be the nature and amount of compensation. The error about reparations for historic wrongs is precisely to view them only as part of this model of justice; as part of remedial or compensatory justice. According to the French criteria of tort law, the right to reparation requires the absence of prescription, the attested existence of a reparable harm, and the identification of a causal link between the harm and the event giving rise to it. All the three conditions are extremely difficult to meet in the case of reparations for colonial slave trade and slavery. And until now, at least, all cases that have been brought to court in France faced the arguments of nonretroactivity and statute of limitation.

So this is why, I think, we should view reparations as part of the other model of justice, not ordinary justice, but transitional justice. Usually we say that transitional justice was defined by various declarations. UN declarations. In this case, reparations are one of the four pillars of transitional justice, which comprise truth telling inquiries and commissions, criminal justice, institutional reforms and guarantee of nonrepetition, and reparations. It was designed as a set of legal, extralegal mechanisms, supposed to help societies transitioning from civil war or authoritarian regimes to a more peaceful democratic organization.

What I suggest, and what I think is really useful, is, would be to operate a sort of paradigm shift. And consider our own societies, French society, maybe the U.S. society, as well, which are allegedly stable, strong democracies, as societies in transition and in transition from a distant past. The problem, or, if we view it this way, it leads us to understand that the systemic and structural effects of slavery and colonialism have never been, again, entirely addressed, analyzed, and they have produced social and political organization far more deeply affected we can and divided by this past than we usually are ready to acknowledge.

If we consider reparations within this transitional framework, we gain two things, in my opinion. One, we think of ourselves as societies that are not ideally just or ideally democratic. But we think of ourselves as societies which can choose to transform and to go toward a more just society. So we're not just yet. But to become just is in our hands. The second gain is that in this case, we can understand reparations in a much more broader way than what is usually understood in the context of ordinary compensatory justice, because in the field of transitional justice, reparations have been studied and addressed as compensations of course, but restitutions, rehabilitation, commemorations, memorials, museumification, apologies, respectful reburials, academic grants and scholarships, archive opening, access to healthcare and psychological care, etc.

**Kattan**: So there's a whole range of issues and and content that reparations would entail. And that's really interesting to, the way, the way in which you unpack it, I think is, is really fascinating. I'd like to turn perhaps to some of the critics of the issue of reparations, and some of these arguments are very well known. You've touched on the issue of causality between, you know, the actual crime, its effects, and also who committed the crime. In your opinion, if this current generation isn't literally responsible for enslavement, how do you argue that they might be responsible for offering reparations to the descendants of enslaved people?

**Bessone**: Again, this is a very important point, indeed. Reparations — and I think this is something that is usually forgotten in the debate — reparations are obviously anchored in the past in the wrongs of the past, but reparations are aiming at the future. They are for the future. First, we owe reparations not only to the descendants of enslaved people. We owe reparations to the "we" we form together, again, as a political community. To all of us as a moral political community that at least is trying to share a common narrative and a common political project. We are responsible for what we want to do and be together for the relations and the conditions we want to build nationally and internationally for the next generations. So we are not causally responsible for the crimes of the past. We are not guilty for the crimes of the past. But we are responsible for understanding them and their consequences for our present and our future.

And second point relatedly. If reparations are due today, when they are due today in the form that is the right form for reparations, it is not because of a past crime that happened a long time ago, that was stopped completely, never reoccurred again, and has completely disappeared. If and when reparations are due today, it is because the colonial slaves system of the past has had and still has important consequences, important structural effects that they were never acknowledged analyzed, abolished or modified. The abolition of slavery has not put an end to economic inequality or political inequality. And former masters and former enslaved persons inherited — particularly again, in the French case, in the overseas territories — from this, these events of the past. And this is why and how we current generations are responsible for changing these inequalities that persist even today.

**Kattan**: That's fascinating. And I think that even critics would probably acknowledge the fact that the crimes of slavery and the slave trade are still having its effects felt today. That society — our, our contemporary societies in the United States and in France — have been shaped partly by slavery and the history of slavery. At the same time, those critics would perhaps argue: if the issue is to achieve greater social justice, couldn't we just focus on the current inequalities that exist in society? And try to address them with policies that are sensitive and that address the needs of these different groups? Why, what do we gain, in other words, by referring to the past?

**Bessone**: Yeah. What, I think what we gain when we consider questions of justice with some sort of historical mind or mindset — I mean, there are three points. So the first point would be: reparations have a rhetorical force in order to incite us to commit to equality, to social economic equality. More importantly, the second point, in my opinion, is that we need to understand how inequalities were produced and perpetuated in order to diagnose an inequality as an injustice. Not all inequalities are necessarily unjust. And we need to understand why and how they were produced, and by whom, and for what purpose, and how they were then perpetuated and reproduced in order to really make sure that they are injustices that should be redressed and not inequalities that call for other types of implementation or policies. So the historical context is important for the diagnosis, identification of a problem as a problem of justice, and to know how to solve it. And three, most importantly, I think, understanding social inequality with the frame of reparations allows us to understand that social injustice is not only a question of distributive justice, but it also partakes to what Nancy Fraser, for instance, called a "recognition and representation," to use her terminology. That is, social injustices are not only economic injustices, but are also injustices that cause misrecognition of people and disrespect of either individuals or groups as such. That said — and that's also a very important thing — that said, it would be a mistake to think that any social trouble can be solved with reparations. And I've never pretended anything like that. And I think that no one who actually calls for reparations as a very important part of social justice pretends that it's the only thing that we need in order to have social justice realized.

**Kattan**: I think you make a very good case. I'd like, perhaps, to come back to some of the concrete aspects of reparations, then, that could be entailed with reparation policy, as it might be implemented in France or in the United States. One of the issues, of course, is in public imagination. When we talk about reparations, the first thing that comes to mind, of course, is monetary reparation. Is that one aspect of reparations that you feel, in the French context, would or could gain support? That's the first part of the question. And secondly, are other forms of reparation, the symbolic forms of reparations — commemorations and national days, etc. — are those forms of reparations that you feel would be or could be more easily implemented in the present context in France?

**Bessone**: Okay, so, in the present context in France, memorial, cultural, educational forms of reparations have been implemented. Things have been changing in the past 15 years, I would say. And many initiatives testify to the fact that the political will, at least, again, to a certain type of reparations is not absent. There are many such initiatives. I would not say that they are only symbolic, for several reasons. First, because, well, I mean, they involve money. I mean, they're very material. They are material in the landscape of our cities, for statues or names of streets, etc. They are a very, I mean, they are, they cost money. If you create a museum, you're not creating another one, you know, I mean, the funding has to be applied to this or that type of decision. There is a national curriculum. So, if someone decides that slavery, colonial slavery has to be mentioned in the program, for instance, in seventh grade, it's everywhere in France. And it means that textbooks have to be adapted, modified. It means that, you know, teachers have to be trained again. So, I mean, it's a very important, it's not only symbolic. On the other hand, many things have not been progressing the way memorial or historical reparations have. And of course, again, monetary payments have not been effected, effected at all. IT is a case in point here. The New York Times, a series of articles last spring, I mean, were really important and Le Monde followed them. But it was telling that they were not necessarily French journalists that took on the lead on this question. Land, re, restitution, which is also something that has been talked about in the overseas territories, and nothing has been done. These initiatives are criticized because there are too little too late. But they're also criticized on the other side, because they are supposed, or they're considered as destroying the unity of the French Republic. So there is a momentum. I don't think that, I don't think that Emmanuel Macron is against reparations. But I think that the executive and the legislative are very, very cautious. And maybe something, also, that I should add is that former colonial empires are also trying to find a way to reply, to respond to reparation demands. And I think that they are all observing each other. Germany, for instance, has been really good in terms of restitutions. And I think that all these good practices are probably creating something at the level of the European Union. And I'm hopeful for it.

**Kattan**: This has been really a fascinating conversation. Magali, thank you so much. Thank you so much for your, your enlightening comments on an issue that no doubt will, will continue to shape many debates our societies are facing on both sides of the Atlantic. I'd like to end just to remind our listeners, that *Sans distinction de race? (Without Race Distinction?)* was published by Vrin in 2013. And *Faire justice de l’irréparable. Esclavage colonial et responsabilités contemporaines (Justice As a Response to the Irreparable: Colonial Slavery and Contemporary Responsibilities)* was published in March 2022, also by Vrin. Professor Bessone, thank you so much.

**Bessone**: Thank you very much.

(Theme music in)

**Kattan**: “Vis A Vis” is brought to you by the Alliance Program, a partnership between Columbia University, Paris 1 Panthéon Sorbonne, Sciences Po and École Polytechnique. This podcast is produced by Monica Hunter-Hart and Abdibasid Ali, and I’m Emmanuel Kattan.

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