



**Report on Reparations for Transatlantic Chattel Slavery in  
the Americas and the Caribbean**

**June 8, 2023**



## **Introduction to the Report on Reparations for Transatlantic Chattel Slavery (TCS) in the Americas and the Caribbean**

*By Patrick Robinson*

The Brattle Group's Report on Reparations for Transatlantic Chattel Slavery (TCS) cannot be properly introduced without information about its antecedents.

In 2019, as Honorary President of the American Society of International Law (ASIL), I proposed to ASIL that it should host an International Symposium on the Lawfulness of TCS.<sup>1</sup> This Symposium, co-sponsored by ASIL and the University of the West Indies (UWI), through its Centre for Reparation Research (CRR), was held on 20-21 May 2021, and concluded that TCS was unlawful on the basis of the law applicable at that time. That conclusion naturally led to a decision to host a Second Symposium on the reparations due for TCS. This Symposium, again sponsored by ASIL and UWI/CRR, was held on 9-10 February 2023. At that Symposium, the Brattle Group presented the initial Report on Reparations.

An Advisory Committee, which I chaired, was established to resolve difficult issues arising from the assessment of reparations. The Committee consisted of Chantal Thomas, Professor of Law, Cornell University, Verene Shepherd, Professor Emerita of History and Gender Studies and Director of the Centre for Reparations Research at The UWI, who guided junior researchers, introduced the Advisory Group to key references and experts like Professor David Eltis and Professor Robert Beckford, and organized the various Symposia at The UWI; Robert Beckford, Professor of Social Justice at University of Winchester, Professor of Theology at the Queen's Foundation in Birmingham and Professor of Theology at Vrije University in Amsterdam. I am grateful to Ms. Priscellia Robinson, Barrister at Law of Queens Court Chambers in the United Kingdom, and President of Birthmark of Africa, a Human Rights and Climate Change Research Institute, who has assisted as a Researcher and Consultant to the Advisory Committee. I take this opportunity to thank Ms. Natalie Reid for her sterling contribution, including organising and planning the First and Second Symposia. I also wish to thank Professor Chantal Thomas for her role in organizing both Symposia, and I especially wish to express the gratitude of the Advisory Committee for the arrangement that she made with her University for the publication of the presentations at the first Symposium. A special word of praise is due for Professor Shepherd's leadership of the CRR and her guidance and scholarship in the field. I am indebted to Yateesh Begoore, Associate Legal Officer of the International Court of Justice (ICJ), and Danilo B. Garrido

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<sup>1</sup> The idea for this proposal came from my Associate Legal Officer at the International Court of Justice, Ms. Kaylacia Clarke, a Jamaican.

Alves, Judicial Fellow of the ICJ, for their assistance. I should also record my indebtedness to Ms Kalaycia Clarke and Ms Kamille Adair Morgan, former Associate Legal Officers of the ICJ, for their help in earlier parts of this work, as well as Ayse Guzel Ozturk and Sara Kaufhardt, former Judicial Fellows of the Court, and junior researchers Mickel Hylton and Samantha Campbell.

At the First Symposium, it was concluded that the legality of transatlantic chattel slavery depended on the law of the country in which the transaction of enslavement took place. That transaction took place in African countries, the law and practice of which were opposed to TCS. A second basis for concluding that TCS was unlawful is that it breached a normative principle of humanity which called for respect of the inherent dignity and personhood of all human beings, including Africans. This principle is recognized in the 1814 Treaty of Ghent, between Britain and the USA, both slaveholding States, as well as the 1815 Vienna Declaration, adopted by eight European states, including Britain, France, Spain and Portugal, all slaveholding States. I have addressed this in greater detail in Part II of my Lecture to the Committee on the Elimination of Racial Discrimination on 27 April 2023.<sup>2</sup>

In order to assess the reparations that are due it must be established that the injuries or harm suffered by the enslaved are the consequence of wrongful conduct by those who carried out transatlantic chattel slavery. It is therefore timely to highlight examples of such conduct.

When we speak of reparations for transatlantic chattel slavery we mean reparations for the process of chattelization of Africans that included the following phases: capture and sale of Africans in Africa; the forced trek to the slave dungeons on the coast and to ships in the harbours; their internment in the slave dungeons and ships; the notorious Middle Passage, as well as the traffic between Brazil and Africa; their sale in the Americas and the Caribbean; and their forced and unpaid labour on the plantations. To that list must be added the trade in enslavement that supported the practice of transatlantic chattel slavery. Every phase was characterized by atrocious and horrific treatment of the enslaved, and constituted wrongful conduct.<sup>3</sup>

The capture of Africans was mostly carried out through violence, including raids, banditry and kidnapping. They then had to endure a trek to slave dungeons on the coast, as well as to ships

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<sup>2</sup> Patrick Robinson, "The Greatest Development in International Law since 1945" (2023), available at <https://www.ohchr.org/en/news/2023/04/experts-committee-elimination-racial-discrimination-discuss-development-international>

<sup>3</sup> See Hilary McD. Beckles & Verene A. Shepherd, *Trading Souls: Europe's Transatlantic Trade in Africans* (Kingston: Ian Randle Pubs: 2007)

in the harbours, that lasted as long as fourteen days. In that process, they were branded with hot iron on their skin as a mark of identification. African men and women were placed in separate dungeons, shackled and crammed in small, narrow rooms that were poorly ventilated with no space to lie down and very little light. The enslaved women were frequently raped as a method of subduing recalcitrant Black women. Women were raped in front of their male counterparts to emphasize that the male slaves were impotent to protect the female slaves. The essence of chattelization was the discriminatory treatment of Africans as things, the denial of their humanity and personhood.<sup>4</sup>

In law, a chattel is a movable in contradistinction to realty, that is, land. From the inception of transatlantic chattel slavery Africans were treated as movables. They were forced to endure a journey of about 5,000 miles from Africa to the Americas and Caribbean. But they were not only movables; unlike other human beings, they were also alienable. The fact that they were movables and could be sold are two of the principal features of chattelization. Chattelization commenced from the first capture and sale of an African in Africa. In sum, chattelization by its essentially discriminatory character, contradicts the notion of human dignity and personhood.

The Middle Passage was perhaps the most notorious phase of transatlantic chattel slavery. During the Middle Passage, the enslaved Africans were chained, packed like sardines in the hull of ships and not provided with any specific place to relieve themselves. They therefore defecated and urinated on themselves. The average individual space allotment was six feet long, sixteen inches wide and about three feet high. Naturally, such unhygienic conditions, endured for about three months, led to the illness and death of many of the enslaved. In August 1781, the British slaver, the *Zong*, set sail from Ghana for Black River, Jamaica. With 470 enslaved persons on board, the ship was severely overloaded. The voyage had many problems. Many of the enslaved and crew died from disease and malnutrition. The crew claimed that the ship was low on water, and on November 29<sup>th</sup>, as well as a few days thereafter, they threw more than 140 of the enslaved overboard. The purpose of this devilish and brutish act was to ensure that the rest of the enslaved would arrive safely in Jamaica and to provide a basis for the ship-owner to claim on his insurer for his lost “cargo”. At the hearing before the King’s Bench Division in England, the Chief Justice equated the act of throwing the enslaved overboard with throwing horses overboard. The Jamaican Government has erected a statue in Black River to honour the memory of the enslaved who died.<sup>5</sup>

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<sup>4</sup> See Beckles & Shepherd, *Trading Souls*

<sup>5</sup> See David Richardson, *The Zong: A Massacre, the Law and the End of Slavery* (New Haven: Yale University Press, 2019)

The enslaved were obliged to provide their labour free of cost and under such harsh conditions that after an enslaved African commenced work on the plantations, his/her average life was no more than seven to ten years. Punishment included roasting an enslaved African alive over a couple days and alive muring (encasing the enslaved within a pit or wall).

In her presentation at the First Symposium, Professor Patricia Sellers argued that ownership of the enslaved through chattelization was so comprehensive that it “extended over each miniscule aspect of the enslaved lives, including their physical sexual integrity and their psychological sexual autonomy”. At the top of the list of examples of sexual violence was the rape of the female enslaved that was common place.

Transatlantic chattel slavery was supported throughout its duration by a well-organised and systematic trade in slaves. Mention has already been made of an important element of this trade, namely, the sale of the enslaved in Africa and in the Americas. European States promoted the establishment of companies to trade in the practice of transatlantic chattel slavery. In his book, *Britain's Black Debt*, Professor Beckles asserts that “the King and the Parliament combined to establish England as the premier slave trading nation.” Professor Beckles also notes that in 1618 King James I granted royal approval for the establishment of a company called “the company of adventurers of London trading to the ports of Africa”.<sup>[1]</sup> It was granted a royal monopoly to trade ‘forever’ in Guinea and Benin. The names of some of these trading companies betray the extent of state involvement in transatlantic chattel slavery, for example, ‘the Company of Royal Adventurers’ (established in 1663), a name that was changed to ‘the Royal African Company’ (in 1672), which became the premier trading entity in transatlantic chattel slavery. The King’s brother, the Duke of York, and himself were investors in this company; in fact, the Duke of York managed the company. Other trading companies established in England included the South Sea Company. As is well-known, the Dutch established the Dutch West India Company.<sup>6</sup>

In 1713, several European countries concluded the Treaty of Utrecht, which made provision for the *Asiento de Negros* (a contract concerning Africans) between Spain and the South Sea Company; the latter's responsibility was to capture and procure African slaves for delivery to Spanish America.

At the first Symposium, Professor Sellers addressed the issue of trading in slaves admirably. She rightly made the point that slave trading and slavery were inextricably intertwined; indeed,

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<sup>6</sup> Hilary Beckles, *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston: The University of the West Indies' Press, 2013)

slave trading was a sine qua non for the practice of transatlantic chattel slavery. I fully agree with Professor Sellers that “the slave trade is not a secondary, lesser included offense to slavery”.

It has to be stressed that this list is only emblematic of the wrongful acts that were perpetrated against the enslaved during transatlantic chattel slavery; it is by no means exhaustive. There were so many monstrous acts of violence perpetrated against the enslaved during TCS that it would be impractical to attempt an exhaustive identification of these acts.

I turn next to the legal basis for reparations.

The legal basis for reparations is set out in a well-known case, the *Factory at Chorzów*, in which the Permanent Court of International Justice (PCIJ) stated “it is a principle of international law that the breach of an engagement involves an obligation to make reparation in an adequate form”;<sup>7</sup> reparation “must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.”<sup>8</sup> This principle is reflected in Article 31 of the International Law Commission’s Articles on Responsibility of States for Internationally Wrongful Acts (hereinafter, the ILC Articles on State Responsibility), which provides that “the responsible State is under an obligation to make full reparation for the damage caused by the internationally wrongful conduct”.

The forms of reparation are restitution, compensation and satisfaction; these are reflected in Articles 35, 36 and 37 respectively of the ILC Articles on State Responsibility.

Restitution involves “re-establish[ing] the situation before the wrongful act was committed”. In my view, restitution is not practicable in relation to TCS, although one cannot rule out the possibility of a form of restitution involving the return of the descendants of the enslaved to Africa.

Since the damage caused by TCS cannot be made good by restitution, the former slaveholding States must provide compensation for any financially assessable damage. We know that the damage from TCS is financially assessable because the Brattle Group has provided a valuation of the damage resulting from TCS.

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<sup>7</sup> *Factory at Chorzów, Jurisdiction, Judgment No. 8, 1927, P.C.I.J., Series A, No. 9, p. 21.*

<sup>8</sup> *Factory of Chorzow (Indemnity) (Merits), (1928) PCIJ Ser. A No. 17, p. 47 para. 125.*

However, the damage caused by TCS is so deeply entrenched and pervasive that it cannot be made good by restitution or compensation, in which case satisfaction must be given by the former slaveholding States. According to Article 37(2) of the ILC Articles on State Responsibility, satisfaction may consist of “an acknowledgement of the breach, an expression of regret, a formal apology or some other appropriate modality”.

In my view, satisfaction will form an important component of reparations for transatlantic chattel slavery, because neither restitution nor monetary compensation will be sufficient to make good the damage. There will be a need to ensure that programmes are implemented to educate former slave holding States and the descendants of the enslaved about the history of transatlantic chattel slavery. Recently, a Committee established by the United Kingdom government suggested that Black Britons benefited from transatlantic chattel slavery and that there should be a focus on the positive aspects of that practice.<sup>9</sup> This kind of revisionist approach must be countered by specific policies. Can you imagine that, in Jamaica, we are still not requiring our students to learn Caribbean history; it should be required for the first five years of secondary school, and be made compulsory in the CSEC examinations. It is an indictment on successive governments of this country that 61 years after independence, and 63 years after I wrote English History, European History, Ancient History, and World Affairs in the Cambridge Higher School Certificate Examination, there is no meaningful course of Caribbean history in our secondary schools. This is not a joking matter. Marcus Garvey proclaimed “[a] people without knowledge of their past history, origin and culture is like a tree without roots”. The need for Caribbean people to know their history is patent. Elsewhere, in Florida, USA, unbelievably, legislation has been enacted that will prevent students, including those of African ancestry, from being taught the history of TCS.<sup>10</sup> As I have had occasion to say before, for us in Jamaica, “our students must have [Marcus] Garvey for breakfast, [Marcus] Garvey for lunch, and [Marcus] Garvey for dinner”.

Satisfaction should include programmes that memorialize the struggle of the enslaved for freedom. Of course, satisfaction should also include an apology from former slave holding

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<sup>9</sup> On this matter, see Professor Philippe Sands’ presentation in the First Symposium, available at <https://www.asil.org/sites/default/files/reparations/2021%20Reparations%20Proceedings.pdf>. See also Commission on Race and Ethnic Disparities, The Report (2021), available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/974507/20210331\\_-\\_CRED\\_Report\\_-\\_FINAL\\_-\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974507/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf).

<sup>10</sup> See Florida Legislature's Act "CS/HB 7— Individual Freedom" of 2022 (colloquially called the "STOP WOKE Act").

countries; however, I would be wary of requiring an apology as the first form of reparation, because the apology may be given, but not followed by restitution or compensation.

One of the most important legal requirements in reparations is to establish causation, that is, that the alleged injury or damage is the consequence of the wrongful conduct of the States that carried out TCS, or in the language of the ICJ,<sup>11</sup> that “there was a sufficiently direct and certain causal nexus” between particular acts carried out in the practice of TCS and the injury suffered. In that regard, it will be sufficient to show that the required nexus exists between the injury suffered and any of the seven phases of chattelization.

Account must be taken of the special circumstances in which a claim for reparations for transatlantic chattel slavery arises. First, the wrongful conduct occurred centuries ago in the period from about 1450 to 1888. Second, information relating to establishing the link between the wrongful conduct and the injury suffered may be in the possession of slaveholding European States. Third, transatlantic chattel slavery should be treated as a mass atrocity, as thousands of Africans were subjected to this wrongful conduct. There is no need to establish that a particular injury suffered by an enslaved person was caused by a particular act at a particular time and at a particular place; it is acknowledged that, in a case of mass atrocity, “the Court may form an appreciation of the extent of damage on which compensation should be based”.<sup>12</sup> Thus, in relation to the head of damage addressing personal injury, one need only cite some of the punishments meted out to the enslaved, and operate on a presumption that they were applied to all or most of the enslaved.

The Advisory Committee considered the following heads of damages: (i) loss of life; (ii) loss of income or earnings; (iii) personal injuries: history is replete with reports of the vicious and barbaric punishment meted out to those who were enslaved in the Americas and the Caribbean. One may recall Mr. Thistlewood’s favourite punishment for a runaway slave from his Jamaican plantation: forcing another enslaved person to defecate in his mouth which was then gagged for about three hours;<sup>13</sup> (iv) non-material injury: total disregard for the humanity and dignity of Africans, trampling over their identity, destruction of their culture, language, religion

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<sup>11</sup> *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, *Compensation, Judgment*, I.C.J. Reports 2012, p. 332, para.14.

<sup>12</sup> *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, *Judgment* (9 February 2022) p. 37, para. 114.

<sup>13</sup> Douglas Hall, *In Miserable Slavery: Thomas Thistlewood in Jamaica, 1750-86*, University of the West Indies Press, 1999, p. 72; Trevor Burnard, *Mastery, Tyranny and Desire: Thomas Thistlewood and His Slaves in the Anglo-Jamaican World*, University of North Carolina Press, 2004, p. 104.

and families, loss of personal autonomy, sexual violence against women and men, and self-hatred. I would stress, in relation to the question of identity, what I consider one of the most devastating effects of TCS, namely, the disappearance of original African names. Recently, there was a verbal tiff in the Parliament of Trinidad and Tobago between the Leader of the Opposition who was a former Prime Minister, a person of Indian descent, and a Minister of the Government, a person of African descent, who had called out the full name of the Leader of the Opposition. She responded, "what problem you have with my name? Camille, at least I have a name from my ancestors, where you got yours from? Your name is that of a slave master". While this response is entirely factual, it does illustrate one of the worst effects of TCS relating to the identity of the descendants of the enslaved. This is an example of the classic workings of TCS. It is bad enough to deprive the enslaved African of his or her name, one of the principal markers of his or her identity. But it is double galling and wholly reprehensible to force one's name on the enslaved, so that he or she and all his or her descendants, like Camille Robinson, will bear names that are not the names of their ancestors, but the names of their slave masters. Nothing better illustrates the essence of TCS, namely, the total disregard of the inherent dignity and personhood of the enslaved. This is a wrong for which reparations must be paid.

The International Court of Justice has held that non-material injury or psychological damage is an inevitable consequence of wrongful acts that have been committed.<sup>14</sup> In our context, psychological damage is the inevitable consequence of the wrongful acts of the slaveholding countries in carrying out the practice of TCS. Compensation must be granted to the descendants of the enslaved for the psychological damage resulting from TCS. This damage may be presumed from the nature of the violations inflicted on the enslaved; (v) deprivation of liberty; (vi) deprivation of access to Courts (vii) sexual exploitation of women; (viii) deprivation of access to health services, housing, education and other services available to free/white persons; and (ix) trading in enslavement through companies established, some with royal sanction, for that purpose.

In light of the foregoing, the Advisory Committee found that, on the basis of proof on a balance of probabilities, there is a sufficiently direct and certain causal nexus between each head of damage and the wrongful conduct as described above.

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<sup>14</sup> Case concerning Ahmadou Sadio Diallo (Republic Of Guinea V. Democratic Republic Of The Congo), Judgment of 19 June 2012, p. 334, para 21.

In respect of TCS in the period following its formal termination, the Advisory Committee found that reparations were due for the continuing breach of the obligations owed by former slaveholding States.

Legislation passed by the English Parliament in 1833 freed enslaved persons in the Caribbean and elsewhere. Legislation passed by the US Congress in 1865 freed enslaved persons in the USA. Brazilian legislation ended enslavement in that country in 1888. However, the formal grant of freedom to the enslaved did not terminate the discriminatory treatment of Black persons as chattels, which was the hallmark of transatlantic chattel slavery. Perhaps this outcome should not surprise us, since it may be argued that it was primarily economic, rather than moral considerations, that led a country such as Great Britain to terminate TCS. For this, please see Eric Williams' "Capitalism and Slavery".<sup>15</sup>

The question is whether the breach of the obligation not to engage in discriminatory treatment of the enslaved Africans has continued after emancipation to the present day. The answer is a resounding yes. In the United States, for example, black people were subjected to discriminatory Jim Crow laws for a period of 100 years after 1865; they suffered every kind of atrocity imaginable, including murder by lynching and lack of access to a number of services such as those relating to health, justice and education. These laws mandated racial segregation in the Southern States of the United States. In 1921, there occurred the Tulsa massacre in the USA, in which a part of Tulsa, called the Black Wall Street, was razed to the ground by white mobs, including some appointed as deputies and armed by city officials; this horrific incident is also directly traceable to TCS. Perhaps the best modern-day example of systemic racism in the United States is the incident in 2020, in which a white police officer knelt for 9 minutes on the neck of George Floyd, an African American, leading to his death. Recently, a black man, Tyre Nichols, was attacked by five black Memphis police officers; the five have been charged with the murder of this unarmed black man. In my view, this is also an example of the continued discriminatory treatment of black persons as chattels, because had Mr. Nichols been a white person it is very likely that he would not have been maltreated by these brainwashed and brutish black policemen in that way. In Jamaica, black persons also experienced post-enslavement discriminatory different, the hallmark of chattelization. Twenty-seven years after full freedom in Jamaica, the discriminatory treatment of the black poor in St. Thomas, a parish in Jamaica, by the plantation owners and the courts led to the Morant Bay War of 1865, in which the black poor were led by Paul Bogle, who was made a national hero of Jamaica. Indeed,

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<sup>15</sup> Eric Williams, *Capitalism & Slavery* (Chapel Hill: The University of North Carolina Press, 1944)

such post-enslavement treatment of the newly freed Africans was common in other Caribbean countries, as well as in Central and South America.<sup>16</sup>

A feature of TCS from its very inception was its systemic character. In the Americas and the Caribbean, enslaved Africans were governed not by the rule of law, but by the rule of the police. Barbados implemented special rules “for the good regulating and ordering of them”. For example, the Barbados Slave Code of 1661 included a provision that enslaved Africans were “heathenish, brutish, [...] and dangerous kinds of people”. The Code asserted the absolute mastery of the plantation owners over the enslaved and the total lack of any redress on the part of the enslaved who could be “chastise[d], whip[ped], brand[ed], lacerate[d], cripple[d], set [them] on fire, or murder[ed]...with no negative consequences.”<sup>17</sup> The Barbados Code, which was the first of its kind, was transplanted to North America and other Caribbean States.

In relation to the post-enslavement period, it is important to understand that the systemic breach of the general principle of law calling for respect of the inherent dignity and personhood of Africans, that characterized the period of enslavement, continued after the formal termination of TCS; as already noted, the essence of this systemic breach was the discriminatory treatment of the enslaved. Spain carried out systemic breaches of enslaved Africans in Jamaica from 1509 to 1655; these systemic breaches were continued by the British from 1655 to 1838, and again by the British in the post-emancipation period up to Jamaica's independence in 1962.

Professor E. Tendayi Achiume, the former UN Special Rapporteur for Racism, in her Report to the UN, emphasized the structural and systemic forms of modern-day racism which result from TCS and colonialism. She stated, “Reparations concern both our past and our present [...]. In addition to implicating individual wrongful acts, reparations for slavery and colonialism implicate entire legal, economic, social and political structures that enabled slavery and colonialism, and which continue to sustain racial discrimination and inequality today”.<sup>18</sup>

The legal basis for the connection between the post-emancipation discriminatory treatment of ancestors of the enslaved and wrongful conduct of former slaveholding countries during the

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<sup>16</sup> For a full account of the Morant Bay War, see Clinton Hutton, *Colour for Colour, Skin for Skin: Marching with the Ancestral Spirits into War Oh at Morant Bay* (Kingston: Ian Randle Publishers: 2016)

<sup>17</sup> Stansbury, M. Barbados Slave Codes citing Bradley J. Nicholson, “Legal Borrowing and the Origins of Slave Law in the British Colonies,” *The American Journal of Legal History* 38, no. 1 (1994): 51

<sup>18</sup> See Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance (21 August 2019) (A/74/321), Paragraph 8.

period of enslavement is the doctrine of a continuing breach. Article 14(2) of the ILC Articles on State Responsibility addresses the question of the extension in time of the breach of an international obligation. It provides that “the breach of an international obligation by an act of a State of a continuing character extends over the entire period during which the act continues and remains not in conformity with the international obligation.” In our context, there is a continuing breach because the discriminatory practices that characterised chattelization continued after the formal termination of transatlantic chattel slavery in a context where the obligation under international law not to carry out such practices remained.

Paragraph 6 of the ILC Draft Articles on State Responsibility’s Commentary on Article 14(2) cautions that “an act does not have a continuing character merely because its effects or consequences continue in time. It must be the wrongful act as such which continues.” However, in relation to transatlantic chattel slavery, what has continued is the wrongful act of discriminatory treatment against Black people, and not merely the effects or consequences of such an act. The discriminatory treatment of Black people post-emancipation is not the effect or consequence of transatlantic chattel slavery; rather, it is the continuation of the act of discrimination itself, because discrimination is at the root of transatlantic chattel slavery.

The Advisory Committee identified several heads of damages, including loss of life (e.g., the lynching of nearly 4,400 Black persons in the USA), loss of income, physical injury, non-material damage (psychological injury), and discriminatory treatment in access to health, housing, education and other services, as well as discrimination in the justice system.

The requirement of causation is met. The Advisory Committee concluded that on the basis of proof on a balance of probabilities there is a sufficiently direct and certain causal nexus between the wrongful conduct of transatlantic chattel slavery, on the one hand, and the injury or harm (identified in each head of damage) suffered by the former enslaved and their descendants after the formal termination of transatlantic chattel slavery, on the other. Consequently, reparations are required under international law.

I turn now to the Report on Reparations for TCS prepared by the Brattle Group of Valuers.

There is an almost insuperable difficulty in quantifying what many regard as unquantifiable, namely, reparations for the grotesque atrocity of transatlantic chattel slavery. However, the difficulty of the task at hand should not deter us from confronting this challenge, which must be undertaken if we are to execute the sacred trust left to us by those who were enslaved.

At the outset, on behalf of the Advisory Committee, I would like to express my gratitude to the Brattle Group for this very consequential Report. Brattle is an internationally recognized and respected group of expert economists with offices in several countries. Their practices span several sectors and subject matters, including valuation analysis and expert testimony on damages in international disputes. Let us also recognize the contribution to our work by the 2005 documentary, *'The Empire Pays Back'*. Notably, this documentary was produced by Robert Beckford, who is a member of the Advisory Committee. It estimated the Reparations due to be paid by Britain for TCS in the Caribbean. There are several references to the documentary in the Brattle Report (see for example, page 27 of Brattle Report).

The aim of the Second Symposium, and therefore, of the reparatory exercise, was to cover the entire universe of transatlantic chattel slavery, that is, all the countries in which TCS was carried out. I wish to clarify that as much as I am wholly Caribbean in outlook, it was never my intention to confine this work to the Caribbean. As I have said on many occasions, we Africans in these parts all came on the same boat. Accordingly, the Brattle Report assesses reparations for the universe of TCS as it was carried out in the Caribbean, in Central America, in South America and in North America.

It is regrettable that the scope of the work of the Advisory Committee and, therefore, of the Brattle Report itself, is confined to the Caribbean, South America, Central America and North America. There are many descendants of the enslaved in the United Kingdom and in other countries. One can mention the ill-treatment of the Windrush generation in the United Kingdom.<sup>19</sup>

The Report identifies the reparations that are due in respect of 31 countries in which TCS was carried out. This is set out in Tables 15, 16 and 17, in pages 43, 44 and 45, respectively, of the Report, which relate to the enslavement period, and in Table 22, page 56, for the post-enslavement period. The Report is historic in that, for the first time, there is a determination of the reparations due for TCS in all the countries in which it was carried out.

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<sup>19</sup> In 1948, in response to the United Kingdom's call for assistance following the atrocities of the Second World War, Jamaicans and other Caribbean persons travelled on the vessel, the *Empire Windrush*, to the United Kingdom. Over the next 20 years, hundreds of Jamaicans and persons from other Caribbean islands travelled to the United Kingdom and worked in several areas of national life, including nursing, construction and transportation. Regrettably, there has occurred the "Windrush scandal", in which the Windrush generation has been subjected to ill-treatment, including deportation and unlawful detention, resulting from changes in the law affecting their immigration status. This must be an example of what a great English literary figure called "ingratitude, more strong than traitors' arms".

The Advisory Committee's position is that it is the descendants of Africans who were enslaved who should be the beneficiaries of the reparations that are due. It is noted that the United Kingdom, France and the Netherlands still have colonies in the Caribbean; great care must be taken to ensure that in those colonies the descendants of the enslaved benefit from reparations. No doubt these are matters that would have to be worked out with the particular governments in those colonies and their colonial powers.

Moreover, I strongly believe that reparations should not be in the form of monies handed over to individuals; rather, the reparatory sums should be used for developmental purposes, to provide the services in education, health, housing, technology and other areas, of which, generally, the descendants of the enslaved have been deprived. In this regard, the CARICOM 10-Point Action Plan, adopted in 2014, calls for a development Plan.

I am also of the view that sums paid over as reparations should be segregated from other governmental funds and administered by a body that is insulated from political influence. I take pride in saying that, with all our faults, in Jamaica, we have shown that such bodies can be created and succeed in their work: the Electoral Commission of Jamaica is an example. Reparatory sums warrant special care because they reflect the execution of the sacred trust left to us by our enslaved ancestors never to stop pressing for reparations until we succeed.

Our enslaved ancestors were not in a position to press for reparations, but we are and we must. However, we are not the first. The trail was blazed by our brilliant Caribbean, St. Lucian compatriot, and Nobel Laureate, Sir Arthur Lewis, in his 1939 book "Labour in the West Indies". He argued that the British owed reparations to the ancestors of those who were enslaved in the West Indies and who "contributed to the wealth of Great Britain, a debt which", he asserts, "the British have yet to pay". I attended the University College of the West Indies when Arthur Lewis was its Vice-Chancellor. Today, those of us who call for reparations stand on the shoulders of this outstanding Caribbean national, who at the young age of 33, became Britain's first black Professor, at the University of Manchester.<sup>20</sup>

Brattle's work on reparations for TCS would not have been possible without the contribution of Professor David Eltis of Emory University in the USA and his colleague, Professor David Richardson of Hull University. Together, the distinguished historians, produced a database setting out the voyages from Africa to the Americas and the Caribbean, the number of Africans

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<sup>20</sup> See, Arthur Lewis, *Labour in the West Indies: The Birth of the Labour Movement* (Fabian Society, 1939) p. 44

who embarked on the ships, and the number who disembarked in the various countries, with the difference between the two indicating the number who perished on the voyage.<sup>21</sup> Since compensation is the product of the number of enslaved who suffered a particular injury or harm and the value attached to that injury or harm, the significance of Professor Eltis' work is immediately obvious. Professor Eltis was kind enough to meet with the Advisory Committee. Professors, on behalf of the Advisory Committee, I thank you both for your seminal work. I also wish to thank Samantha Campbell and Mickel Hylton, two young Jamaicans, who, supervised by Professor Verene Shepherd, carried out research relating to the number of Africans who embarked on and disembarked from ships during TCS.

In its assessment of reparations for the period of enslavement, Brattle identifies a number of what I have called heads of damages. The heads of damages quantified by Brattle are (i) loss of life and uncompensated labour, (ii) loss of liberty, (iii) personal injury, (iv) mental pain and anguish, and (v) gender-based violence. The Report does not address some of the harms identified by the Advisory Committee, such as deprivation of access to a number of services, including health, housing and education. Brattle states that these harms have not been quantified because of current data limitations (see page 45 under the heading "Not Quantified Harms").

A major point for consideration in the Brattle Report are the sums that have to be paid as reparations in respect of the period of enslavement, and which are set out in Tables 15, 16 and 17 at pages 43, 44 and 45, respectively. The figures are high. For example, in Table 16, Britain is required to pay as reparation for TCS in 14 countries the sum of \$24.011 trillion; of that sum, the United Kingdom is required to pay \$9.559 trillion in respect of Jamaica. Spain is required to pay \$17.107 trillion; of that sum, it is required to pay \$102 billion to Jamaica. The United States is required to pay the sum of \$26.790 trillion, in respect of the USA for its practice of TCS in the USA from 1776 to 1865. Every effort should be made to ensure that this sum is paid by the USA and that it benefits the descendants of the enslaved in that country. France is required to pay, in respect of four countries, the sum of \$9.288 trillion. Portugal is required to pay, in respect of Brazil, the sum of \$20.582 trillion. Brazil is required to pay \$4.434 trillion in respect of its practice of TCS in Brazil from 1822 to 1888. The Netherlands is required to pay \$4.886 trillion;

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<sup>21</sup> Eltis, David and David Richardson. *Atlas of the Transatlantic Slave Trade*. Yale University Press, 2015; "Trans-Atlantic Slave Trade - Database." *Slave Voyages*, 2021. <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade - Essays." *Slave Voyages*, 2021. <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

of that sum, it is required to pay \$2.723 trillion to Suriname and \$52 billion to Guyana. The aggregate sum of reparations to be paid by all the former slaveholding states is \$107.8 trillion.

The Advisory Committee spent a long time considering these sums. More specifically, we spent some time deliberating whether they should be reduced. However, we concluded that the figures should remain as found by the Brattle Group. The bases for this conclusion are set out later in this text.

The Advisory Committee concluded that the reparatory sums determined by Brattle reflect the enormity of the grotesque and unlawful practice of TCS. Nonetheless, it decided to recommend to countries entitled to reparations that they consider, in consultation with the former slaveholding countries, reparations being paid over a 10-year period, a 15-year period, a 20-year period, or a 25-year period. The Advisory Committee strongly recommends that any such arrangement should be secured by a binding agreement. It had the benefit of the experience of Mr. David Marston, a Jamaican and a former Deputy Director and Chief Risk Officer at the IMF. He worked out payment schedules in respect of the various periods. The schedules in respect of the enslavement period are attached to the Report as Annexes I and II. On behalf of the Advisory Committee, I express my gratitude to Mr. David Marston for his assistance. It should be noted that the sums set out in Tables 16, 17 and 22 represent the compensation to which a victim State is entitled. It should be clarified that the sums set out in the payment schedules are only recommendatory, and that it remains within the sovereign will of a victim State to determine what sum, other than the compensation to which it is entitled (see Tables 16 & 17), it will accept as reparations.

There is a point in the Report that deserves special mention. As you are aware, following the Haitian revolution, Haiti became a republic in 1804, a monumental achievement in the history of enslaved Africans in the Americas and the Caribbean. You will see in the Report (Table 33 on page 73) that France is required to return to Haiti the sum of 90 million Francs (about \$1.4 billion in today's money) that it extracted from Haiti as compensation for plantation owners who lost their property, i.e., the enslaved. The basis for this requirement is the principle of unjust enrichment. Perhaps the best definition of unjust enrichment is to be found in the Third American Restatement: “any unequal transfer of value without an adequate legal basis”;<sup>22</sup> the

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<sup>22</sup> Restatement (Third) of Restitution and Unjust Enrichment Paragraph 1. The restatement is published by the American Law Institute (ALI) and prepared by distinguished academics. Notably, the late US Supreme Court Justice Antonin Scalia criticized the ALI’s restatements in his February 25, 2015 dissent in [Kansas v. Nebraska](#) (574 U.S. 445 (2015)) for stating the law not as it is, but as the academic writers would like it to be. Nonetheless, the restatement is highly regarded.

Restatement goes on to state that the common feature of these anomalous transfers is that “they are all in some sense non-consensual”. The extraction by France of this sum of money from the newly independent Haiti was quintessentially non-consensual. This is one of the saddest moments in the history of TCS. The problems that Haiti have suffered over the years are well-known. It is beyond question that this unjust extraction of wealth from a newly independent country is part of the explanation for the difficulties that our Caribbean neighbour has faced over a very long time. It took Haiti a hundred and twenty-two years to pay this sum. Well-known songwriter and calypsonian of Trinidad and Tobago, David Rudder, has penned a song that poignantly captures the suffering of Haiti. Speaking of Toussaint L’Ouverture, he writes

“But this rebel, he walked through Napoleon  
Who thought it wasn't very nice  
And so today my brothers in Haiti  
They still pay the price [...]  
Haiti, I am sorry.  
Haiti, I am sorry.  
One day we'll turn our heads  
Restore your glory”

But we in Jamaica must choose this day as the day when we turn our heads to assist our neighbour in the crisis it faces today. Haitians and Jamaicans came to these parts on the same boat. The enslaved Dutty Boukman went from Jamaica to Haiti and played a prominent role in the early stages of the Haitian revolution. Haiti is only 80 miles from Jamaica. There is an overriding obligation on Jamaica to find a way to assist Haiti. We cannot escape this obligation.

Having earlier referred to satisfaction, you might very well ask why it is not addressed in the Report. As stated before, satisfaction is a form of reparation that is required when the damage caused by wrongful conduct is not made good by restitution or compensation. That is certainly the case with TCS. However, the Advisory Committee believes that the form that satisfaction should take is a matter that should be left to the country entitled to reparations, in consultation with the former slave holding country. This is a very important matter. We have already seen that satisfaction may take one of several forms, including an apology. I would suggest that, for the benefit of Caribbean and other States entitled to reparations, the CARICOM Reparations Commission devise programmes that would, in addition to compensation, assist in dealing with the effects of TCS. This form of satisfaction would complement monetary compensation.

It will be observed that the Report does not address the earnings of plantation owners, banks, insurance companies and other entities that profited from TCS. We are still working on accessing the relevant data and sorting out some related legal questions. However, we have included as reparations the sums that ought to have been paid to the enslaved during the so-called Apprenticeship period. We also oblige former enslaving States to pay over to victim States the compensation wrongly paid to enslavers on emancipation.

May I now turn to reparations for the post enslavement period. You will recall that I explained that the breach of discriminatory treatment of the enslaved, the hallmark of chattelization, continued after the formal termination of TCS, and were reflected in many ways. For example, the 100-year period of Jim Crow laws in the USA, the 1921 Tulsa Massacre in the USA, and the Morant Bay War of 1865 in Jamaica.

In their assessment of the reparations that are due in the post enslavement period, Brattle uses the measure of wealth disparity between the descendants of the enslaved and their colonizers. Wealth disparity is a useful tool to explain the lack of access of the descendants of the enslaved to a variety of services including education, health and housing. Table 22, page 56, sets out the reparations to be paid for 31 countries in the post enslavement period. Reparations to be paid by Britain total \$2.193 trillion, of that sum Britain is to pay Jamaica \$564 billion. The USA is to pay \$10.214 trillion in respect of the USA. France is to pay \$2.258 trillion, in respect of Haiti and Guyana; Portugal is to pay \$1.826 trillion in respect of Brazil. Spain is to pay \$5.843 trillion dollars in respect of 11 countries. The reparations to be paid by the Netherlands include \$57 billion in respect of Suriname and \$4 billion in respect of Guyana. The aggregate sum of reparations to be paid by all the former slaveholding states is about \$23 trillion. As with reparations for TCS in the period of enslavement, a payment schedule is set out in Annex III in respect of reparations for the post-enslavement period. It should be clarified that the payment schedules are only recommendatory and that it remains within the sovereign will of a victim State to determine what sum, other than the compensation to which it is entitled (see Table 22), it will accept as reparations.

I have already indicated that although the compensatory sums are high, the Advisory Committee decided not to reduce them. The main consideration is that the Report is already an underestimate of the reparations that are due, and for that reason a reduction is not required. I set out below aspects of the Report reflecting this underestimation of reparations:

- i. Generally, Brattle has been very conservative in its working methods. For example, Brattle noted that “[f]or every enslaved person embarked to the United States, 22

people were born into slavery” (see page 26 of Report). However, Brattle also observed that the “ratio was likely lower in other geographies”. Consequently, Brattle decided to use the assumption in the 2010 documentary, ‘The Empire Pays Back’, which assessed reparations for TCS in the Caribbean; it determined the number of persons born into slavery on the assumption that one person was born into slavery for every three that were embarked. Since the number of enslaved persons who suffered a particular harm or injury is an important part of the calculation of reparations, this conservative approach obviously reduced the compensatory sums significantly and underestimates the total reparations due.

- ii. In financial transactions, an appropriate rate of interest for monies owed is necessary to protect the time value of money; this is especially the case in respect of reparations for TCS, a practice that covered hundreds of years. The Brattle Group has been very conservative in fixing the interest rate, which, inevitably comprises a large portion of the compensation (page 11). Brattle notes that an interest rate of 3% would be conservative. However, it uses even lower interest rates of 2.3%, and 2.5%, an approach that reduces the compensatory sums significantly and therefore leads to an underestimation of the total reparations due.
- iii. In respect of the enslavement period, Brattle acknowledges that several harms inflicted on the enslaved are not fully captured by the five quantified harms, namely, lost labour, lost life, loss of liberty through false imprisonment, personal injury, mental pain and anguish, and gender-based harm. These unquantified harms include deprivation of social and political life, and deprivation of access to services such as health, education and housing. These harms have not been quantified on account of data limitations. Their non-quantification reduces the compensatory sums significantly and therefore leads to an underestimation of the total reparations due.
- iv. Brattle explains that, in respect of the post-enslavement period, the measure of wealth disparity is inherently conservative for two reasons: “First, it does not incorporate non-economic harms. Second, it does not account for the differential in economic consumption over time”. (page 50 of the Report) Brattle further concludes that since the effects of the harms are only partially reflected in the wealth disparity measure, the estimate of \$22.931 trillion is to be viewed as a lower bound, that is, it is a conservative, minimum, figure. Consequently, this figure grossly underestimates the total reparations due.
- v. Many harms were not quantified by Brattle in relation to the post enslavement period. The Report rightly concludes that “[a]bolition did not end racism” (page 74). It explains

that the Group was “unable to quantify the innumerable ways in which racism and racist institutions affect the lives of Black individuals today”. Therefore, the Report does not quantify the compensation that is due for racial violence (between 1882 and 1968, 3,446 Black Americans in the USA were lynched), discrimination, climate insecurity and debt, and race’s intersections with other marginalized identities. The non-quantification of these harms post-enslavement is a factor resulting in the sum \$22.931 trillion being an underestimation of the compensation that is due.

It will be noticed that the reparations are larger than the GDP of some former slave holding countries. For example, in respect of the period of enslavement, Britain with a GDP of \$3 trillion, is required to pay in total, compensation of \$24.011 trillion, based on a 2.5% interest; or \$17.141 trillion, based on a 2.3% interest. The Advisory Committee found convincing the following comments and conclusions of Brattle relating to this outcome:

- i. This result is not surprising since “GDP is a measure of the annual output of a country, while the damages [Brattle] [has] calculated here occurred over centuries” (page 82). Consequently, it is understandable that one year’s output of a country’s economy “is insufficient to repair the damages inflicted on millions of people over 200, 300 or more years”.
- ii. It is more reasonable to compare the reparations with the cumulative GDP since the period of enslavement. When that is done, the reparations are “only a fraction of the cumulative GDP over the period when they arose and remained unpaid”: 4% for the US and 13% for the UK, as shown in figure 12 on page 84.

Moreover, the delay in the payment of the compensation contributes to the very high compensation sum.

### **General Conclusions**

- i. In this exercise, the Advisory Committee has followed the sequence of, first, considering the question of the legality of TCS, concluding that it was unlawful, considering the requirement of causation, concluding that it was met, and, thereafter, determining the reparations due for that unlawful practice.
- ii. The sequence followed by the Advisory Committee, and the conclusions arrived at, in determining the reparations for transatlantic chattel slavery may be used as a basis for negotiating a diplomatic settlement.
- iii. An important question is who are the addressees of this work? First, it must be brought to the attention of the States who have an international responsibility to pay

reparations. Obviously, the Report should also be brought to the attention of the States in which TCS was carried out. It is the descendants of the enslaved in these countries who should benefit from reparations. Third, it should be brought to the attention of every single State in the international community, as well as international organisations, such as the United Nations, regional organisations, and influential non-governmental organisations (NGOs). In other words, in the quest for reparations, all hands must be on deck.

- iv. The descendants of the enslaved should not see this Report as a panacea. It clearly cannot provide an assurance that reparations will be paid. Political and diplomatic work at the very highest level is called for to influence the former Slave holding countries to pay reparations. The value of the Report is that it tells the victim States the reparations to which they are entitled under international law for TCS. This is a tool that they did not possess, and it will be a vital instrument as they press for reparations. Before this Report, the descendants of the enslaved were groping in the dark.
- v. If a victim State accepts aid from a former Slave holding State, it should clarify that its acceptance of the aid is without prejudice to the reparations that are owed to it by that State for its practice of TCS.
- vi. We in Jamaica should not allow our lack of numbers and wealth, and our status as a developing country, to deter us from executing the sacred trust left to us by our ancestors to seek reparations for TCS. Let us take heart from, and be inspired by, this young Jamaican female athlete who was asked by a reporter at a recent CARIFTA<sup>23</sup> track meet to comment on what the reporter clearly saw as Jamaica's superlative achievement in placing first and second in the 100 meters hurdles event. Not missing a beat, she replied, "it is not the first, we are capable of anything because we are Jamaicans."

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<sup>23</sup> The Caribbean Free Trade Association.

# QUANTIFICATION OF REPARATIONS FOR TRANSATLANTIC CHATTEL SLAVERY

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## PREPARED FOR

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International Law



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# Executive Summary

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The harm caused by transatlantic chattel slavery was vast, and its repercussions resonate in the lives of descendants of the enslaved to this day. Each enslaved person experienced overwhelming harm, beginning with the loss of their liberty and often ending with a premature death after a life marked by personal injury and other forms of violence, if they survived the Middle Passage. By our estimates, these harms were inflicted on 19 million people over the span of four centuries. These 19 million include those Africans kidnapped and transported to the Americas and Caribbean and those born into slavery. Given the depth, breadth, and duration of the harm, quantifying the associated reparations is a daunting task. Yet, many scholars in multiple disciplines across different countries have documented and studied these harms for decades. In this paper, we bring economic analysis to build on this vast body of work and quantify in a novel—but far from definitive—manner elements of reparations for transatlantic chattel slavery.<sup>1</sup>

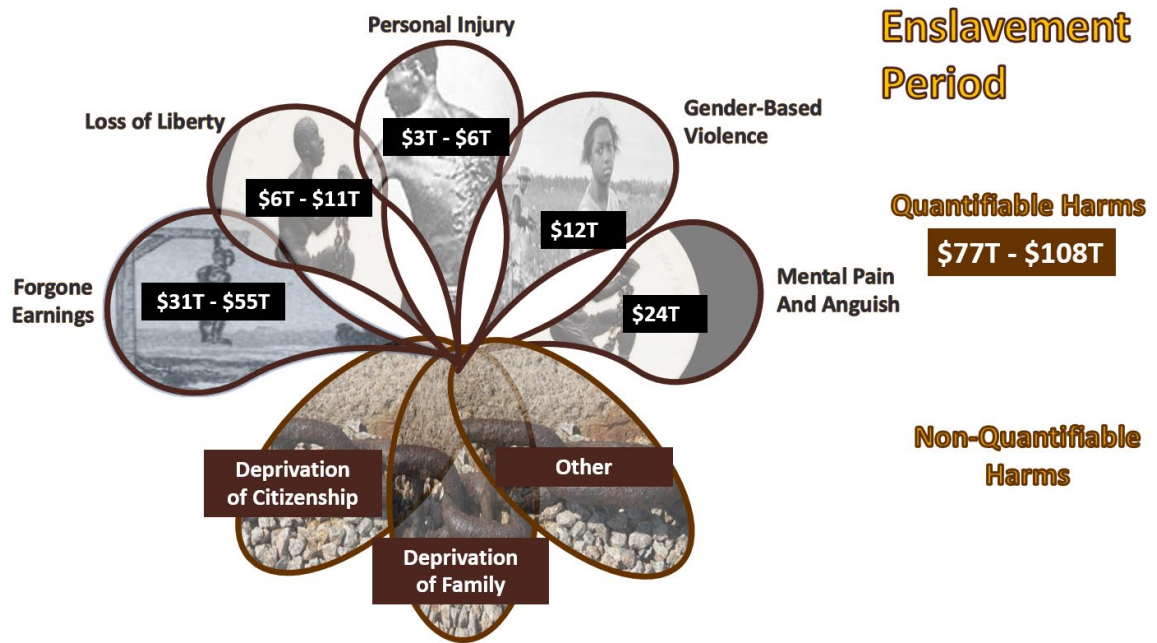
To meet this challenge, we begin by separating the harm into two broad temporal categories. First for harm during the period when chattel slavery was carried out and, second, for continuing harm thereafter. During each of these periods, harm was multidimensional, and it is important to recognize each of the distinct forms of harm experienced by the enslaved and their descendants. We quantify only a subset of these harms, since the economic tools available are not appropriate to measure some categories of harm or because of data limitations.

Figure 1 summarizes our baseline quantification.

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<sup>1</sup> We understand that the term reparations has a legal meaning that includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. In this paper, however, when we use the term we are referring to only the portion of reparations that encompasses the economic compensation for certain heads of damages associated with transatlantic chattel slavery.

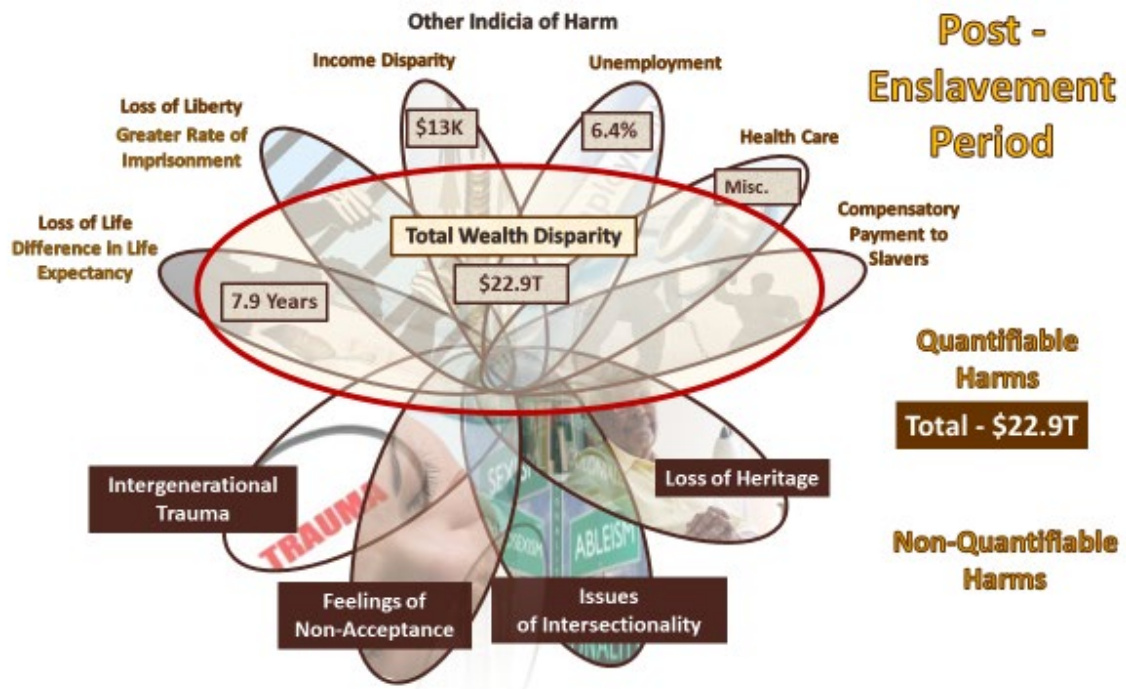
FIGURE 1: SUMMARY OF QUANTIFICATION FOR THE ENSLAVEMENT PERIOD



For the period of enslavement, including any post-emancipation period of ‘apprenticeship’ where the formerly enslaved were ‘earning’ their freedom, we estimate US\$77 trillion to US\$108 trillion in reparations. This range provides a lower-bound estimate reflecting conservative assumptions, such as the interest rate to compensate for the time value of money when we bring the value of stolen labor forward to today. If, as other scholars have done, we used interest rates closer to the market rates over the relevant centuries, our estimates would be considerably higher. The lower bound estimate of US\$77 trillion in reparation for the period of enslavement uses an alternative approach to bring the value of stolen labor forward to today using an interest rate that is based on the appreciation in the value of labor, instead of an interest rate based on the appreciation of the value of money.

Prior work presenting similar calculations has noted that the resulting magnitudes are close to or exceed the current GDP of the enslaving countries. While striking, that is not surprising. These calculations measure a harm inflicted on **millions of persons**, and sometimes entire nations, for **hundreds of years**, and therefore one year’s GDP, which measures the annual economic output of a country, is perhaps not the best yardstick to put the results in context. Instead, we compare the magnitude of our estimates with **national wealth** and the **cumulative** GDP over the past several decades.

FIGURE 2: SUMMARY OF QUANTIFICATION FOR THE POST-ENSLAVEMENT PERIOD



For the post-enslavement period, we recognize harms from many sources. These include loss of liberty (in the form of excess incarceration of Afro-descendants), income disparity, unemployment, deprivation of health care, compensatory payments made by the enslaved to slave owners, and other continuing harms from institutionalized racism. The latter include political disenfranchisement, lack of physical safety and, in many nations, stunted economic development and resilience.

However, in quantifying such harms, many of these categories overlap and are not strictly additive. Yet, most—if not all—of these harms affect directly or indirectly the current wealth of the descendants of the enslaved. Consequently, we offer an estimate of harm based on disparity in wealth between Black people in the Americas and Caribbean and their colonizers as a cumulative lower bound of harm for the period post enslavement.

This estimate of reparations for the post-enslavement period is US\$22.9 trillion. This is necessarily an imperfect proxy, that does not fully capture: (i) the direct impact of lower levels of consumption from lower incomes throughout the post enslavement period, (ii) all of the economic consequences of lower incomes, such as less advantageous investment opportunities, on current levels of wealth, and (iii) the other consequences of these harms, such as the psychological pain they impose, that extend beyond economic outcomes.

Nevertheless, we find wealth disparity to be a reasonable proxy for the cumulative economic harms, especially as a lower bound.

Taken together, the total harm estimated from enslavement is between **US\$100 trillion** and **US\$131 trillion**. We recognize that these figures surely underestimate the true harms.

# I. Conceptual Framework

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## A. Introduction

We were asked to participate in The University of the West Indies and The American Society for International Law's Second Symposium on Reparations Under International Law.<sup>2</sup> Specifically, our charge was to estimate the quantum of reparations for transatlantic chattel slavery. Although the harm from transatlantic chattel slavery and its lasting effects is estimated at the individual level, we were asked to present the results of our analysis at the country level. Consequently, our analysis and results are structured and presented around the state or territory in the Americas that experienced the harm and the colonizing European or American state legally responsible for the enslavement. This paper does not take on the important issues of harms to African countries or how reparations should be implemented. Rather we focus on estimating the magnitude of the harm in the Americas from transatlantic chattel slavery.

We quantify certain elements of reparations for transatlantic chattel slavery, for harm both during the period when it was carried out and for continuing harm thereafter. The quantification of harm during the period of slavery builds on the work of scholars such as Robert Beckford, who concluded based on extensive research and evaluation that Britain (the UK) owes £7.5 trillion in reparations.<sup>3</sup> Meanwhile, the essential feature of the continuing harm is discriminatory treatment against the former enslaved and their descendants after the formal termination of transatlantic chattel slavery. We address certain elements of harm for which monetary compensation can be quantified, but economic analysis cannot capture the full scope of the harm. Where an aspect or component of harm is identifiable, but not possible to quantify, we note the harm. Even where quantification is possible, it is often incomplete.

While the resulting amounts are extraordinary, we provide context to understand them given the nature of the wrongs, the centuries over which they transpired, the delay in making reparations, and the economies that benefited from them. Our analysis shows that the magnitude of harms are commensurate with the scope of transatlantic chattel slavery.

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<sup>2</sup> The conference took place on February 9 and 10, 2023. <https://www.asil.org/events/Reparations>

<sup>3</sup> Bindu Marthur, *The Empire Pays Back*, (United Kingdom, Diverse Productions: 2005.)

Our work builds on the research that scholars from multiple disciplines and diverse geographies have conducted over the last decades.<sup>4</sup> Additionally, this work benefits from discussions with an advisory group put together by Judge Patrick Robinson. Key consultants on this project includes Prof. Verene Shepherd, Prof. David Eltis, Prof. Robert Beckford, and Ms Priscellia Robinson.

## B. Building Blocks Approach

Our assignment—to put a monetary figure on the full harm caused by transatlantic chattel slavery—is challenging, and no amount of money would fully repair the harm of enslaving millions of Africans and their descendants. As Professor Verene Shepherd<sup>5</sup> has stated:

The need for reparation...is much more than a call for monetary compensation and cannot be narrowly defined as such; rather, it is a call for a long-term commitment to stabilise and bring restitution to those who were oppressed and subordinated by the dominant colonial powers.<sup>6</sup>

Therefore, the concept of economic damages—the quantification of the market value of the **economic** loss associated with the harm—is an unsatisfactory framework, because the harm from being enslaved is more than economic. It should be clear, therefore, that the analysis we present is not intended as—and cannot be—a full measure of compensation for transatlantic chattel slavery.

Instead, we endeavor to quantify certain well-defined components of the harm associated with transatlantic chattel slavery. We follow a building-blocks approach. Our first deconstruction is between the period of enslavement and the post-enslavement period. To the best of our

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<sup>4</sup> See, e.g., Jamaican National Commission on Reparation, “Report on the Work of the National Commission on Reparation,” November 2013.

<sup>5</sup> Prof. Verene Shepherd is Director of the Centre for Reparation Research at the University of the West Indies and Chair of the UN Committee on the Elimination of Racial Discrimination. Her books include *Livestock, Sugar and Slavery: Contested Terrain in Colonial Jamaica* (Kingston, Jamaica: Ian Randle Publishers, 2009), *I Want to Disturb My Neighbour: Lectures on Slavery, Emancipation and Postcolonial Jamaica* (Kingston, Jamaica: Ian Randle Publishers, 2006) and *Trading Souls: Europe's Transatlantic Trade in Africans* (Kingston, Jamaica: Ian Randle Publishers, 2007.)

<sup>6</sup> Verene Shepherd, “Jamaica and the Debate over Reparation for Slavery: An Overview,” in *Emancipation and the Remaking of the British Imperial World*, ed. Catherine Hall et al. (Manchester, 2014.)

knowledge, the first documented enslaved person was brought to the Americas in 1502,<sup>7</sup> and the final year of state-sanctioned enslavement was 1888 (for Brazil).<sup>8</sup> The dataset we use for the period of enslavement starts in 1511 and ends in 1870, with individual countries entering and exiting the dataset over time. Some countries also had periods of so-called apprenticeship, where the formerly enslaved had to continue to work for the slave owners for a number of years after the legal termination of slavery. We include the harms from these periods of apprenticeship in the period of enslavement. We measure the post-enslavement period up to the most recent year for which data are available.<sup>9</sup>

We further subdivide between quantifiable and non-quantifiable damages. The quantified damages within the period of enslavement cover loss of labor income and loss of life (in the sense of the economic value of a lifetime's labor), loss of liberty, personal injury, gender-based violence—including rape and forced pregnancy—and mental pain and anguish. The non-quantified damages from the period of enslavement include deprivation of citizenship, family, and identity.

For the period post enslavement, to capture the cumulative effects of ongoing overlapping and intertwined harms that continued as a result of slavery, we offer a summary measure based on wealth differentials between people of African descent in the Americas and the Caribbean and the descendants of their enslavers. Such a measure is imperfect, but conservative, and it is established in the academic literature on reparations.

We also provide information on the categories of loss of life, loss of liberty, disparity in economic outcomes, disparities in access to social goods, and “other” quantifiable harms. In addition, we acknowledge unquantified harms such as feelings of non-acceptance, loss of

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<sup>7</sup> “7. The Slave Trade,” National Humanities Center Toolbox Library: Primary Resources in US History and Literature, June 2006, accessed January 27, 2023, <http://nationalhumanitiescenter.org/pds/amerbegin/exploration/text7/text7read.htm>.

<sup>8</sup> Michel Erpelding, “The Status of Transatlantic Chattel Slavery in International Law After the 1815 Vienna Declaration,” American Society of International Law, accessed January 27, 2023, <https://www.asil.org/sites/default/files/reparations/speaker/Erpelding.%20Michel%20-%20Int'l%20Legal%20Status%20of%20Transatlantic%20Chattel%20Slavery%20After%201815.pdf>.

<sup>9</sup> Bridget Brereton, “Family Strategies, Gender, and the Shift to Wage Labour in the British Caribbean,” in *Gender and Slave Emancipation in the Atlantic World*, ed. Pamela Scully and Diana Paton (Durham: Duke University Press, 2005); Swithin Wilmot, “‘Females of Adandoned Character?': Women and Protest in Jamaica 1838–65,” in *Engendering History: Caribbean Women in Historical Perspective*, ed. Verene Shepherd et al. (New York: St. Martin's Press, 1995), 279–95; Clinton A. Hutton, *Colour for Colour Skin for Skin: Marching with the Ancestral Spirits into War Oh at Morant Bay*, (Kingston, Jamaica: Ian Randle Publishers, 2015); Swithin Wilmot, 2006. “‘We Not Slave Again': Enslaved Jamaicans in Early Freedom, 1838–1865,” in *The Faces of Freedom: The Manumission and Emancipation of Slaves in Old World and New World Slavery*, ed. Marc Kleijwegt (Netherlands: Brill Academic Publishers, 2006), 215–31.

heritage, intergenerational trauma, and issues of intersectionality—*i.e.*, issues that affect people who belong to multiple protected groups simultaneously, such as descendants of enslaved people who are also disabled.

These categories are not strictly additive. Our measure of reparations includes four separate and additive harms from the period of enslavement plus one summary measure from the post enslavement period. We address issues of interpreting our results and understanding them in context in the final section of this paper.

## C. Overview of Economic Framework

Our analysis is an economic one. That is, when available, we look at market-based measures of compensation for harm. Nevertheless, we understand that reparations are a broader concept that must address non-pecuniary damages and impacts and that considers the investments that may be needed to stop past harms from perpetuating.

In that context, we note the summary provided by the Office of the High Commissioner for Human Rights:

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*Reparation measures include:*

- **Restitution**, which should restore the victim to their original situation before the violation occurred, *e.g.* restoration of liberty, reinstatement of employment, return of property, return to one's place of residence.
- **Compensation**, which should be provided for any economically assessable damage, loss of earnings, loss of property, loss of economic opportunities, moral damages.
- **Rehabilitation**, which should include medical and psychological care, legal and social services.
- **Satisfaction**, which should include the cessation of continuing violations, truth-seeking, search for the disappeared person or their remains, recovery,

*reburial of remains, public apologies, judicial and administrative sanctions, memorials, and commemorations.*<sup>10</sup>

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In that framework, our analysis should be understood generally as addressing compensation. We apply standard economic concepts of compensation for damages and precedents in other legal contexts where reparations have been made or where compensation for moral damages has been quantified.

## D. The Use of Interest Rates

Some of the harms are measured in nominal dollars at the time they occurred, and some are measured using current benchmarks. An example of the former is lost wages, where we estimate the wages of a free person at the time and place where the enslaved person's labor was coerced—hundreds of years ago. An example using a current benchmark is our assessment of economic compensation for gender-based violence—we base that on modern compensation to rape victims. As a conceptual matter, we use modern day information to estimate what these harms were historically, and simultaneously bring them to today's valuations. (See discussion on gender-based violence and mental pain and anguish for a fuller discussion of this construct.) The estimates of harm based on nominal economic values at the time the harm occurred need to be translated into today's dollars. To do so, we apply an interest rate.

The concept of the time value of money is well-established: a dollar today is worth more than a dollar tomorrow. Interest compensates for the delay in receiving amounts owed in the past.<sup>11</sup> Interest can compensate for delay in three ways. First, it can offset inflation. Second, it can provide a real return, which may be positive or negative depending on the supply of and demand for funds. Third, it can compensate for the risk of default of the debtor during the period of delay.

Since many of the harms we address occurred in the distant past, some method to bring the amounts to today's context is needed. When we value compensation at the time the harm occurred, interest must be applied to determine the value today of the nominal amounts calculated in the past. The pure time value of money is referred to as a "risk-free" rate. This is generally the rate associated with the cost that the safest sovereigns pay to borrow money. If a

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<sup>10</sup> "Reparations: OHCHR and transitional justice," United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/en/transitional-justice/reparations>.

<sup>11</sup> Alexis Maniatis, Florin Dorobantu, and Fabricio Nuñez, F., "A Framework for Interest Awards in International Arbitration," *Fordham International Law Journal* 41(2018): 833.

dollar today can be invested at that rate without any risk of loss, it should be clear that this rate provides economically reasonable compensation to trade a dollar today for an amount in the future.

Given the very long periods from when the harm was incurred to today, interest will inevitably comprise a large portion of the compensation amounts expressed in today's dollars. And although we have developed our analysis in US dollars, the underlying currencies and the corresponding interest rates are varied.

Recent research published by the Bank of England provides context for a global view of interest rates over several centuries.<sup>12</sup> The analysis examined data both on nominal interest rates and on inflation since the 1300's. The author also identified 'safe' rates using information from across many countries for the same period. The results are reproduced in Table 1.

**TABLE 1: HISTORICAL INTEREST RATES**

|              | 1300s | 1400s | 1500s | 1600s | 1700s | 1800s | 1900s | 2000s | CAGR<br>(1500-2000) | CAGR<br>(1800-2000) |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|---------------------|---------------------|
| Nominal Rate | 7.3%  | 11.2% | 7.8%  | 5.4%  | 4.1%  | 3.5%  | 5.0%  | 3.5%  | 5.0%                | 4.2%                |
| Inflation    | 2.2%  | 2.1%  | 4.0%  | 0.8%  | 0.6%  | 0.0%  | 3.1%  | 2.2%  | 1.7%                | 1.6%                |
| Real Rate    | 5.1%  | 9.1%  | 6.1%  | 4.6%  | 3.5%  | 3.4%  | 2.0%  | 1.3%  | 3.8%                | 2.6%                |

Source: Paul Schmelzing, "Eight centuries of Global Real Rates, R-G, and the 'Suprasecular' Decline, 1311–2018", Bank of England Staff Working Paper 845, January 3, 2020.

We make two observations. First, although there are periods within some centuries when real rates are negative (that is where inflation is greater than the nominal interest rate), in general and across time and geographies, real risk-free rates have been positive. The second is that 3%, the nominal interest rate used in some of the academic literature that informs our analysis, is lower than the average for the time periods involved and would be a conservative rate.

The approach we take to interest rates is to compensate for loss of purchasing power and a conservative measure of time value of money.<sup>13</sup> Not including purchasing power and the time value of money in the interest rate applied would be to implicitly allow the enslaving countries to benefit from the delay in recognizing the amount of reparations owed. Based on the Bank of England study, a rate of about 1.6% would take into account inflation and properly adjust for

<sup>12</sup> Paul Schmelzing, "Eight centuries of Global Real Rates, R-G, and the 'Suprasecular' Decline, 1311–2018," Bank of England Staff Working Paper 845, January 3, 2020.

<sup>13</sup> We do not take any default risk into account since this element is most relevant in forward-looking calculations, where the possibility of default exists.

the change in purchasing power of money. Although a real rate of about 1.5% is implicitly used by the academic literature (as the difference between the 3% they use and the little more than 1.5% inflation experienced over these long timeframes), we conservatively use a real rate of about 1% to account for the time value of money. We also exclude any additional accounting for political or other risks.<sup>14</sup> This leads us to use a nominal rate of 2.5%.<sup>15</sup>

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<sup>14</sup> Including such risks would require a much more specific legal framework of who owes the debt, who will receive it, over what timeframe, and under what conditions.

<sup>15</sup> We choose 2.5% rather than adding exactly 1% to our CAGR inflation rates to avoid a false sense of precision.

## II. Reparations for the Period of Slavery

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### A. Quantified Damages

#### 1. Loss of Life and Uncompensated Labor

A core feature of slavery is the coerced theft of labor. Consequently, a central part of our analysis is an estimate of the value of that uncompensated labor. In this effort we are inspired by Jourdon Anderson, a formerly enslaved person responding to a request from his former enslaver to return and work for him.

I served you faithfully for thirty-two years, and Mandy twenty years. At \$25 a month for me, and \$2 a week for Mandy, our earnings would amount to \$11,680. Add to this the interest for the time our wages have been kept back, and deduct what you paid for our clothing, and three doctor's visits to me, and pulling a tooth for Mandy, and the balance will show what we are in justice entitled to. Please send the money by Adams Express, in care of V. Winters, Esq., Dayton, Ohio. If you fail to pay us for faithful labors in the past, we can have little faith in your promises in the future.<sup>16</sup>

We begin by calculating reparations for *loss of life* and *uncompensated labor*. We address both together, for two reasons. First, they share a common methodology. This methodology is based on measuring uncompensated labor and is adapted from the academic literature and from prior settings where reparations have been paid.<sup>17</sup> Second, although reliable data on the average life

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<sup>16</sup> Facing Ourselves and History, "Letter from Jourdon Anderson: A Freedman Writes His Former Master," at <https://www.facinghistory.org/resource-library/letter-jourdon-anderson-freedman-writes-his-former-master>

<sup>17</sup> During the twentieth century, reparations were paid to the survivors and descendants of those who perished during the Holocaust. These reparations sought to compensate for loss of life and enslaved labor during the Holocaust. As Professor Shepherd stated in a National Reparatory Symposium at the University of the West Indies on February 22, 2003, "the trade in captives, and slavery were crimes against humanity (as defined by the Charter of the Nuremberg Tribunal) as recognized a century earlier by antislavery activists... A case can be made for reparation according to the dictates of international law." Professor Beckles also reinforces this point stating, "[t]he concept of reparation is not new and is part of the theory of equity known as 'restorative justice'. This concept of justice emphasizes repairing the harm caused by criminal action, and clear precedent exists in the form of apology and monetary compensation to affected peoples...for example, that in 1952, Germany agreed, at the World Jewish Congress in Israel, to pay \$65.2 billion to Jews for genocidal atrocities committed against them." This makes reparations for the Holocaust an important reference point when assessing reparations for transatlantic chattel slavery. More recently, compensation to the victims (and the

differential between an enslaved and a free person—a necessary input into distinguishing between loss of life and uncompensated labor—have been identified in Caribbean literature on the slave population, but we could not find such data for all the territories involved over the periods in question.<sup>18</sup>

The academic literature addressing reparations for uncompensated labor dates back (at least) to the 1990s, and we use this existing literature as our starting point.<sup>19</sup> The economic literature has developed multiple approaches to price the economic value of a human life. One approach is the Value of Statistical Life (VSL), where the value of a life is estimated based on how much people are willing to pay (or earnings they are willing to forego) to avoid certain life-threatening risks. Using the revealed preferences of the value of reducing fatal risks, the VSL is then calculated as the implied compensation needed to reduce the risk of loss of life from 100% to 0%. Implementing this approach uses market choices—here it would be the choices of those enslaved in the Americas and the Caribbean—as a basis for deriving the value they put on reducing their risk of death. Such market transactions do not exist here, and even if they did, they would have been made under the duress of enslavement, limiting their value as a true revelation of preferences.

Another approach is the Loss of Productive Life (LPL) methodology, where the value of a lost life is estimated as the amount expected to be earned by an individual over their remaining life had it not ended prematurely. For example upon the death of Sam Sharpe, his owner was paid £16 and 10 shillings for ‘loss of property’ which was consequence of a premature death by an unnatural cause.<sup>20</sup> Similarly, ships carrying African captives would insure their “cargo” against death by unnatural causes, and should there be such a case they would be compensated.

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descendants of the victims) of 9/11 offer a methodological starting point to quantify harm associated with loss of life and personal injury. “The September 11 Victim Compensation Fund of 2001,” United States Department of Justice, 2003. <https://oig.justice.gov/reports/plus/a0401/final.pdf>.

<sup>18</sup> Several authors have studied the demographics of slave populations in the Americas and Caribbean but we have been unable to piece together sufficient information for all the territories and all the relevant time periods. See e.g. Barry W. Higman. *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 307–398; David Eltis *et al.*, “Slave Prices, the African Slave Trade, and Productivity in the Caribbean, 1674–1807,” *The Economic History Review* 58(4) (2005): 673–700; Robert S. Corruccini *et al.*, “Osteology of a slave burial population from Barbados, West Indies.” *American Journal Physical Anthropology* 59(4) (December 1982):443-59.

<sup>19</sup> Walter L. Fleming, “Forty Acres and a Mule.” *The North American Review* 182(594) (1906): 721–37.

<sup>20</sup> “Black Abolitionists and the end of the transatlantic slave trade,” Black History Month, August 6, 2020, accessed January 24, 2023, <https://www.blackhistorymonth.org.uk/article/section/history-of-slavery/black-abolitionists-and-the-end-of-the-transatlantic-slave-trade/>.

While many regulators favor VSL,<sup>21</sup> LPL often has been used to calculate compensation for wrongdoing.<sup>22</sup> For example, part of the compensations awarded to the families of victims of the September 11 terrorist attacks through the September 11<sup>th</sup> Victim Compensation Fund was calculated using an LPL approach.<sup>23,24</sup> Given this precedent and the data and methodological advantages discussed below, we use an LPL approach to calculate reparations for loss of life.

Since the LPL approach values lost lives as forgone earnings, and reparations for uncompensated labor are intrinsically based on the value of forgone earnings, we group reparations for loss of lives and uncompensated labor into a single “forgone earnings” head of damages. In doing so, we extend the notion of reparations for wealth extraction through forced labor, as described by Professor Sir Hilary Beckles<sup>25</sup> and others, to include reparations for wealth extraction *and* wealth destruction through premature death of the victims of chattel slavery.<sup>26</sup>

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<sup>21</sup> Before adopting its current Value of Mortality Risk (VMR) framework, the United States Environmental Protection Agency (EPA) used VSL to assess whether certain air or water pollution regulations should be adopted. Specifically, the EPA compared the total willingness to pay for the health risk reductions from these regulations to the additional costs people would bear if they were adopted. In 2006, the EPA recommended a VSL of US\$7.4 million to be used in all cost-benefit analyses of proposed regulations. United States Environmental Protection Agency, “Mortality Risk Valuation,” <https://www.epa.gov/environmental-economics/mortality-risk-valuation>.

<sup>22</sup> In many circumstances, we expect the VSL measure to be larger than the LPL measure. Consequently, our use of the LPL measure is conservative.

<sup>23</sup> In the case of the September 11<sup>th</sup> Victim Compensation Fund, the average award for a death claim and personal injury claim were US\$1.44 million and US\$159,072, respectively. United States Department of Justice, “The September 11 Victim Compensation Fund of 2001,” 2003, <https://oig.justice.gov/reports/plus/a0401/final.pdf>.

<sup>24</sup> Values are nominal 2003 US Dollars. See United States Department of Justice, “The September 11 Victim Compensation Fund of 2001,” 2003, <https://oig.justice.gov/reports/plus/a0401/final.pdf>.

<sup>25</sup> Professor Sir Hilary Beckles is the 8th Vice-Chancellor of The University of the West Indies, and the inaugural Chair of the Caribbean Community (CARICOM) Reparations Commission. Some works for example include *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013) and *How Britain Underdeveloped the Caribbean: A Reparation Response to Europe's Legacy of Plunder and Poverty* (The University of West Indies Press, 2021).

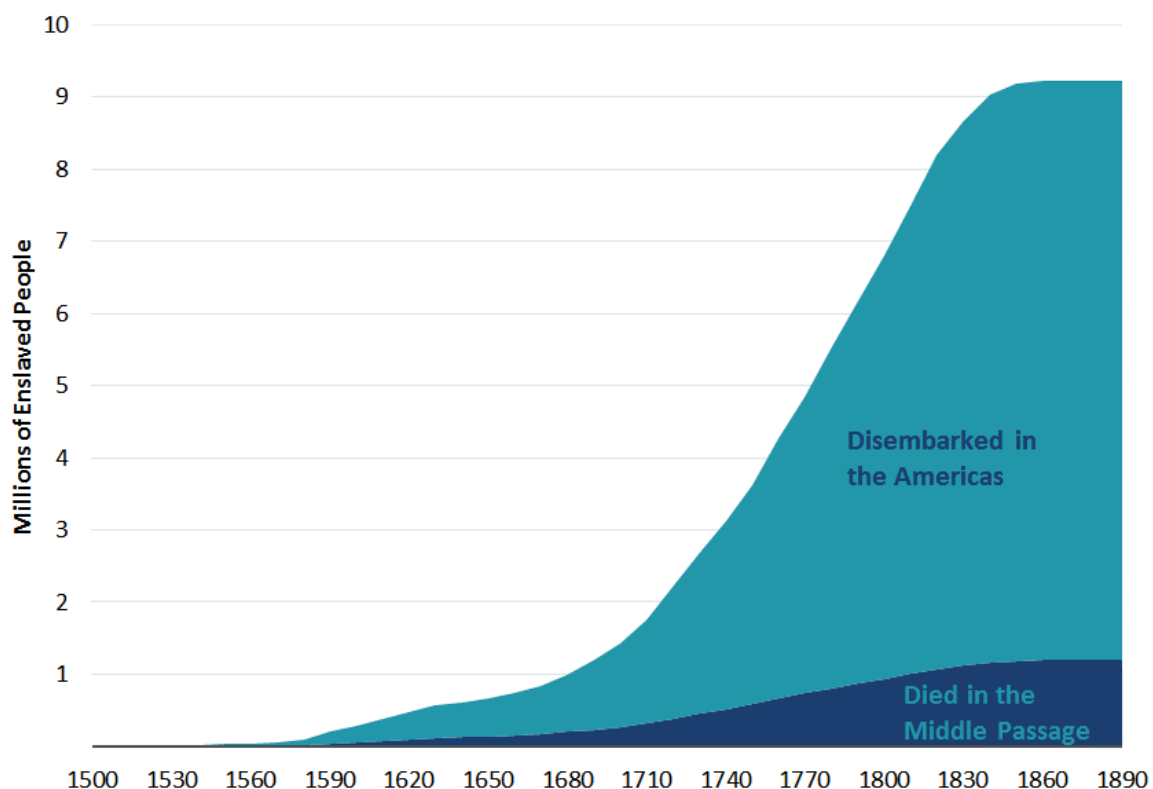
<sup>26</sup> Sir Hilary Beckles, “The Historical Context of the Business of Transatlantic Chattel Slavery” in *Proceedings of the Symposium: Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean*, American Society of International Law, May 20-21, 2021; Hilary Beckles, *How Britain Underdeveloped the Caribbean: A Reparation Response to Europe's Legacy of Plunder and Poverty* (Kingston, Jamaica: University of the West Indies Press, 2021); Hilary Beckles, *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013); Dorbrene E. O'Marde, “Reparation: An Opportunity for Direct Foreign Investment In The Region,” *Social and Economic Studies* 68(3/4) (2019): 243–49; Verene Shepherd and Gabrielle D. L Hemmings, *Introduction to Reparation for Secondary Schools* (Kingston, Jamaica: University of the West Indies Press, 2022).

## a. Starting Point: Count of Enslaved

A crucial component of our analysis is the count and geographic distribution of people harmed. Rich data has become available in recent years through the “Trans-Atlantic and Intra-American slave trade databases,”<sup>27</sup> a multidisciplinary project led by academics including Professors David Eltis of Emory University and David Richardson of the University of Hull.

Figure 3 summarizes the embarkments over time. While the largest number happened in the 1750s-1850s, approximately 3 million enslaved people embarked before then. This is important to keep in mind, especially as we consider the impact of interest over very long time frames.

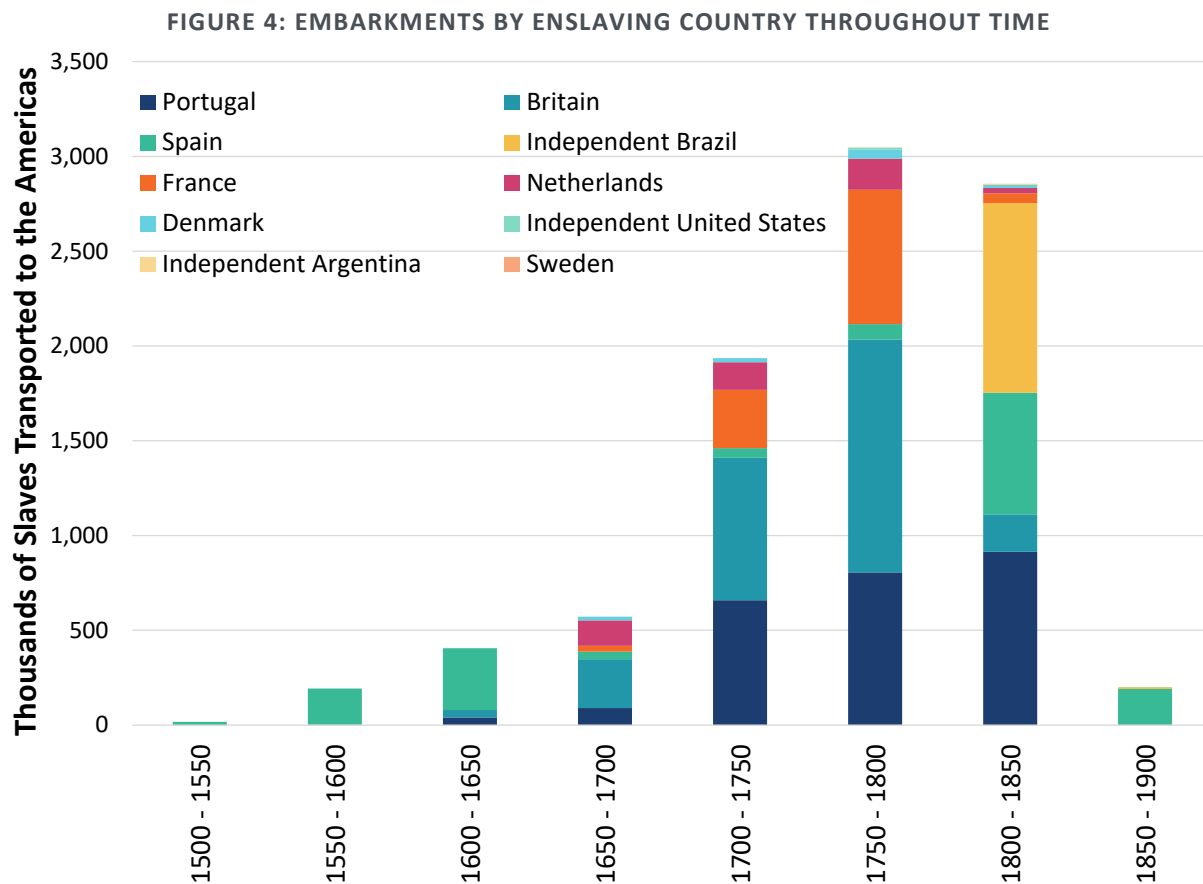
FIGURE 3: CUMULATIVE EMBARKMENTS, DISEMBARKMENTS AND DEATHS IN TRANSIT, 1510 TO 1870



Source: David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

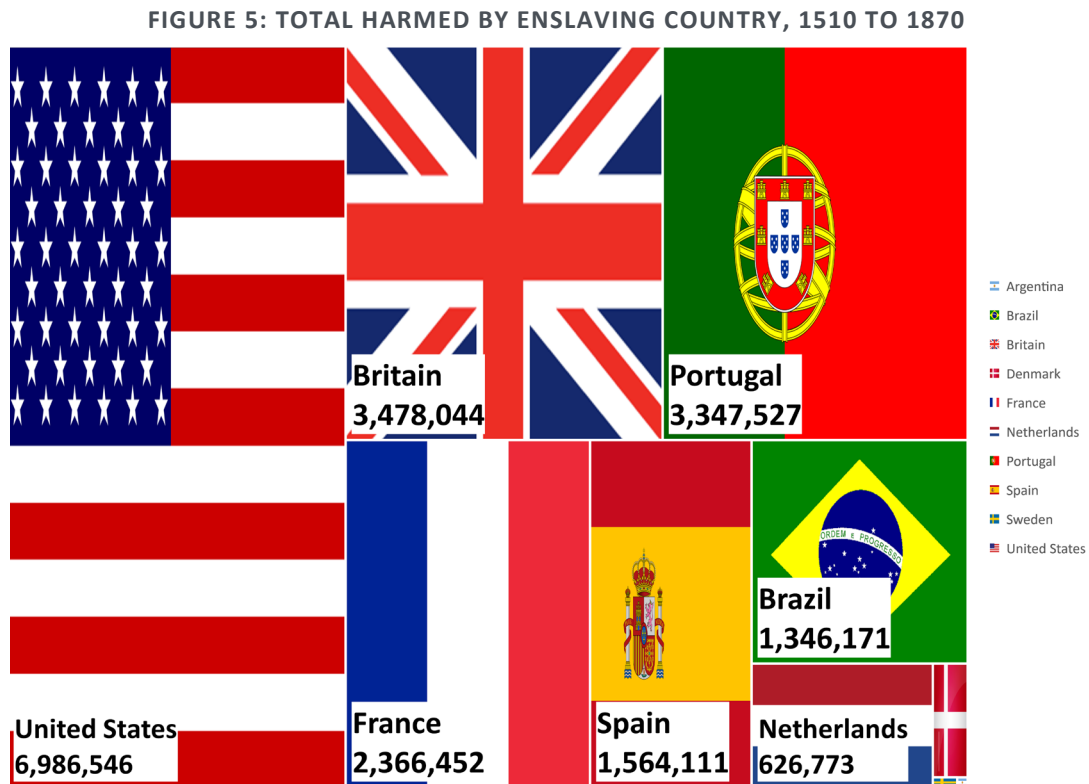
<sup>27</sup> David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

Figure 4 expands upon the summary in Figure 3 by breaking out embarkments by enslaving country.



Source: David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

Figure 5 summarizes the distribution of enslaved people by enslaving country. This figure includes the total embarked and born into slavery.



Source: David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

Table 2 summarizes the number of embarked and disembarked enslaved people by destination, with the difference being the number of enslaved people who died during the voyage.

**TABLE 2: EMBARKED, DISEMBARKED, DEATHS IN TRANSIT AND ESTIMATED BIRTHS INTO SLAVERY**

| Country                           | Embarked<br>Enslaved | Disembarked<br>Enslaved | Deaths in the<br>Middle Passage | Born into<br>Slavery | Total Number<br>Harmed |
|-----------------------------------|----------------------|-------------------------|---------------------------------|----------------------|------------------------|
| <i>Caribbean</i>                  |                      |                         |                                 |                      |                        |
| Antigua and Barbuda               | 142,013              | 119,866                 | 22,147                          | 47,338               | 189,351                |
| Bahamas                           | 15,012               | 13,228                  | 1,784                           | 5,004                | 20,016                 |
| Barbados                          | 454,342              | 375,874                 | 78,468                          | 151,447              | 605,789                |
| British Virgin Islands            | 19,230               | 17,085                  | 2,145                           | 6,410                | 25,640                 |
| Cuba                              | 879,788              | 766,310                 | 113,478                         | 293,263              | 1,173,051              |
| Dominica                          | 117,350              | 102,401                 | 14,949                          | 39,117               | 156,467                |
| Dominican Republic                | 34,662               | 27,644                  | 7,018                           | 11,554               | 46,216                 |
| Grenada                           | 140,265              | 123,378                 | 16,887                          | 46,755               | 187,020                |
| Haiti                             | 799,391              | 694,995                 | 104,396                         | 266,464              | 1,065,855              |
| Jamaica                           | 1,083,443            | 931,574                 | 151,869                         | 361,148              | 1,444,591              |
| Puerto Rico (U.S.)                | 31,261               | 26,336                  | 4,925                           | 10,420               | 41,681                 |
| Saint Kitts and Nevis             | 175,376              | 144,981                 | 30,395                          | 58,459               | 233,835                |
| Saint Lucia                       | 9,122                | 8,281                   | 841                             | 3,041                | 12,163                 |
| Trinidad and Tobago               | 45,131               | 39,434                  | 5,697                           | 15,044               | 60,175                 |
| Virgin Islands (U.S)              | 105,671              | 70,858                  | 34,813                          | 35,224               | 140,895                |
| <i>Central America and Mexico</i> |                      |                         |                                 |                      |                        |
| Belize                            | 1,023                | 899                     | 124                             | 341                  | 1,364                  |
| Honduras                          | 353                  | 282                     | 71                              | 118                  | 471                    |
| Mexico                            | 95,855               | 76,267                  | 19,588                          | 31,952               | 127,807                |
| Panama                            | 12,345               | 9,644                   | 2,701                           | 4,115                | 16,460                 |
| <i>South America</i>              |                      |                         |                                 |                      |                        |
| Argentina                         | 78,789               | 63,122                  | 15,667                          | 26,263               | 105,052                |
| Brazil                            | 3,520,273            | 3,169,287               | 350,986                         | 1,173,424            | 4,693,697              |
| Colombia                          | 252,746              | 201,631                 | 51,115                          | 84,249               | 336,995                |
| Guyana                            | 82,166               | 74,693                  | 7,473                           | 27,389               | 109,555                |
| Peru                              | 3,344                | 2,654                   | 690                             | 1,115                | 4,459                  |
| Suriname                          | 297,991              | 258,893                 | 39,098                          | 99,330               | 397,321                |
| Venezuela                         | 17,479               | 14,468                  | 3,011                           | 5,826                | 23,305                 |
| <i>North America</i>              |                      |                         |                                 |                      |                        |
| US                                | 341,734              | 281,055                 | 60,679                          | 7,623,675            | 7,965,409              |
| <i>Miscellaneous</i>              |                      |                         |                                 |                      |                        |
| British Overseas Territories      | 50,000               | 41,557                  | 8,443                           | 16,667               | 66,667                 |
| Dutch Overseas Territories        | 166,327              | 144,151                 | 22,176                          | 55,442               | 221,769                |
| French Overseas Territories       | 301,916              | 256,410                 | 45,506                          | 100,639              | 402,555                |
| Other                             | 19,785               | 15,907                  | 3,878                           | 6,595                | 26,380                 |
| <b>TOTAL</b>                      | <b>9,294,183</b>     | <b>8,073,165</b>        | <b>1,221,018</b>                | <b>10,607,825</b>    | <b>19,902,008</b>      |

Sources and Notes: David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>. For the territories other than the United States, the counts of those born into slavery are estimated as one third of the number of people embarked, based on the calculations in Bindu Marthur, *The*

*Empire Pays Back*, (United Kingdom, Diverse Productions: 2005.) For US birth data, we compute a birth ratio based off historical birth data. See J. David Hacker, "From '20. and odd' to 10 Million: The Growth of the Slave Population in the United States." *Slavery & Abolition* 41(4) (2020): 840–855.

This dataset allowed us to calculate damages for uncompensated labor in perhaps the most comprehensive manner to date. In the following sub-sections, we detail the methodological framework, results, and sensitivity to assumptions.

## **b. Uncompensated Labor: Methodological Framework**

In the 1990s, several academics published proposals for the calculation of compensation for slavery in the United States using market prices for enslaved people to approximate the lifetime value of an enslaved person's labor.<sup>28,29,30</sup> These papers calculate reparations (in 2020 dollars) of US\$43 billion (Ransom and Sutch, 1990), US\$3.6 trillion (Neal, 1990) US\$5.3 to US\$12.0 trillion (Marketti, 1990), and \$435.8 billion (Darity *et al.*, 2021).<sup>31</sup> We note that Ransom and Sutch consider the cost of an enslaved person's upkeep as an implicit 'wage' that was paid to the enslaved and subtract it from reparations. In the same vein, Robert Beckford's 2005

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<sup>28</sup> See e.g. Roger L. Ransom, and Richard Sutch. "Who Pays for Slavery?" In *The Wealth of Races: The Present Value of Benefits from Past Injustices*, ed. Richard F. America, (Praeger, 2002), 31–54; Larry Neal, "A Calculation and Comparison of the Current Benefits of Slavery and an Analysis of Who Benefits." In *The Wealth of Races: The Present Value of Benefits from Past Injustices*, ed. Richard F. America, (Praeger, 2002), 91–105; James Marketti, "Estimated Present Value of Income Diverted during Slavery." In *The Wealth of Races: The Present Value of Benefits from Past Injustices*, ed. Richard F. America, (Praeger, 2002), 107–123.

<sup>29</sup> Ransom and Sutchs (1990)—as described in Craemer (2015)—“use the market value of a slave from historical records as “the buyer’s calculation of the present value of the stream of income which the buyer could extract from the slave.” With that expected income stream representing the difference of the slave’s productivity and the cost of feeding and housing the slave, according to Ransom and Sutch (1990), “the price of a slave summarizes the capitalized value of the economic exploitation inherent in the slave system.” They define the term economic exploitation as “that part of labor’s product which is not returned to the slave as food, shelter, and other consumption items.” Neal’s (1990)—as described in Craemer (2015)—“empirical work involves three steps. The first estimates the market value of the unpaid net wages of slaves who lived at various times before emancipation....The second estimates the number of slaves who labored without fair pay....The third multiplies the amounts by the number of slaves...and aggregates them” where “Neal’s (1990) method relies on the market price of the slave as the future income stream expected by the slave owner.” See Thomas Craemer, "Estimating slavery reparations: Present value comparisons of historical multigenerational reparations policies." *Social Science Quarterly* 96(2) (2015): 639–655.

<sup>30</sup> Darity *et al.* calculate the cost of slavery using the “Asset value of the enslaved” for a reparations amount of US\$466.5 billion (2021 US Dollars), though they favor the wealth gap approach. See William Darity Jr. *et al.*, “The Cumulative Costs of Racism and the Bill for Black Reparations,” *Journal of Economic Perspectives* 36(2) (2022).

<sup>31</sup> 2009 US Dollars of US\$36.14 billion, US\$2.98 trillion, US\$4.46 trillion, US\$9.99 trillion, and 2021 US Dollars of US\$466.5 billion, respectively, have been converted to 2020 US Dollars using US CPI Growth Rate. See United States Bureau of Labor Statistics, “CPI Growth Rate,” United States Department of Labor, <https://www.bls.gov/cpi/data.htm>.

documentary, “The Empire Pays Back”<sup>32</sup> introduces a calculation where David Richardson, an economic historian; Peter Tompkins, an actuary; and Mick Antoniw, an attorney specializing in worker compensation, calculate compensation of £1 million per enslaved person. Their analysis is limited to British colonies where they estimate 3 million Africans taken to work as slaves plus 1 million born to slavery, resulting in £4 trillion in unpaid wages. Like Ransom and Sutch, they subtract the upkeep cost of the enslaved from the reparations calculation.<sup>33</sup>

More recent academic work, including Professor Thomas Craemer’s 2015 article “Estimating Slavery Reparations: Present Value Comparisons of Historical Multigenerational Reparations Policies,”<sup>34</sup> criticizes the approach based on the prices paid for enslaved people. Craemer writes, “[enslaved] prices resembled ‘wages’ only from the perspective of a slave owner, who would have had the choice of hiring free laborers instead of purchasing slaves.” Craemer further notes that from the perspective of the enslaved person, upkeep costs—Ransom and Sutch’s implicit wage—“did not resemble a ‘wage’ (much less a fair one) because the slave had no (legal) choice in the matter. If unhappy with the ‘wage’ (monetary incentives, food and provisions, clothing, etc.), the slave could not choose a different ‘employer’ (slave owner), thus ruling out any competition of “employers” (slave owners) for ‘employees’ (slaves).”

We agree with Craemer’s critique and with his proposed solution. Instead of using the prices of the enslaved to approximate the wages they should have been paid, we use the wages that would have been paid, had the enslaved been free. Our analysis starts with the wages at the time of enslavement and brings them forward using two approaches. The first uses an interest rate based on the purchasing power and time value of money. The second approach using the change in the value of labor to bring the lost wages of the enslaved to a contemporary value. Craemer uses historical data on hourly compensation for free labor and adds up the total hours of work that were available to slave owners in each year. He then multiplies the total work hours by all chattel slaves by the hourly compensation for free labor to obtain the yearly financial damages. Craemer applies a 3% interest rate to each of these yearly amounts. Using

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<sup>32</sup> Bindu Marthur, *The Empire Pays Back*, (United Kingdom, Diverse Productions: 2005.)

<sup>33</sup> The analysis in “The Empire Pays Back” arrives at total reparation damages of 7.5 trillion pounds. In addition to the 4 trillion pounds cited here, the academics consulted in the documentary also include calculations for unjust enrichment, which we do not treat as a separate head of damages. See Bindu Marthur, *The Empire Pays Back*, (United Kingdom, Diverse Productions: 2005.)

<sup>34</sup> Thomas Craemer, "Estimating slavery reparations: Present value comparisons of historical multigenerational reparations policies." *Social Science Quarterly* 96(2) (2015): 639–655.

this methodology, he calculates reparations for labor of people enslaved in the US ranging from US\$7.1 to US\$17.0 trillion (in 2020 US dollars).<sup>35</sup>

Our estimates of reparations for loss of life and uncompensated labor rely on—and expand—the methodology proposed by Craemer. Following his framework, we calculate reparations associated with uncompensated labor as the wages that the enslaved should have received during the years that they were enslaved. This approach estimates the value of the uncompensated labor at the time it was stolen and then brings that financial value forward to today’s dollars. We also provide an estimation that takes the value of that labor and brings it forward based on changes in the value of labor over the intervening years.

Two key factors drive our calculations. First, to estimate damages we use the number of labor hours that the enslaved were forced to supply, not the number of hours a non-enslaved person would have chosen to work. The reason is that the slave owners benefited from the labor that the enslaved *were forced to* supply, not the theoretical labor a free person *would have* supplied. Second, the number of hours should have been remunerated at the rate paid to a non-enslaved person, since those wages more closely capture the market value of labor. This second factor is estimated as the value of wages at the time of enslavement, brought forward to today’s dollars by application of a money interest rate and by a factor based on the growth in the value of wages.<sup>36</sup>

### c. Loss of Life and Uncompensated Labor

An important data challenge arises in calculating separately the damages for loss of life and for uncompensated labor. In our context, the LPL approach consists of (i) calculating the difference

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<sup>35</sup> US\$5.9 to US\$14.2 trillion (in 2009 US dollars) converted to 2020 US Dollars using US CPI Growth over that period. See United States Bureau of Labor Statistics, “CPI Growth Rate,” United States Department of Labor, <https://www.bls.gov/cpi/data.htm>.

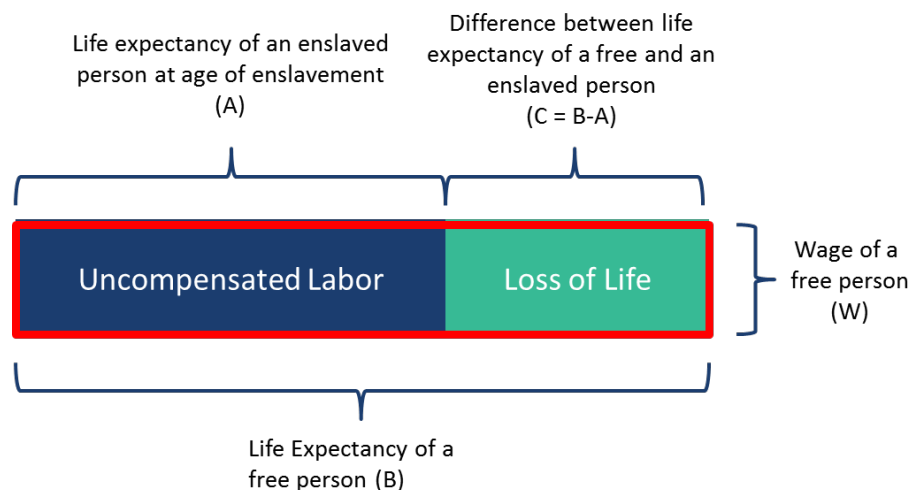
<sup>36</sup> As a technical matter in carrying out this second calculation, we simply value the stolen labor at current wage rates. This is arithmetically equivalent to starting with the contemporaneous value of the stolen labor and applying an interest rate based on the growth of money wages. We calculate this estimate of damages using 2020 average annual wages from OECD countries, compensating enslaved persons at the average wage of the enslaving country. Generally, enslaving countries have higher current wages than the colonized countries. As described later in this paper, a significant part of that wage difference is driven by the legacy of slavery. Therefore, if reparations are to reflect compensation but-for the harm, the current wages in the colonizing country are a more appropriate measure than current wages in the territory where the labor was stolen. For independent American countries, we use OECD average wages of the independent country where available. Since Brazil and Argentina are not OECD member countries, we use the average wage of the colonizing countries. We also note there is wide variation in these annual wages—the average wage in the US in 2020 was \$72,807, compared to \$29,093 in Portugal. See “Average wages (indicator),” OECD, 2023, accessed 24 February 24, 2023.

between the life expectancy of an enslaved person and that of a free person, (ii) calculating the labor income a person would likely have earned during those lost years, and (iii) aggregating over the number of enslaved persons.

Data requirements for this approach include the life expectancies for both enslaved and free people during the period of slavery. While there is life-expectancy data available for non-enslaved people in the United States, by decade, dating back to 1790,<sup>37</sup> for enslaved people, the earliest life-expectancy data dates back to 1813, after the abolition of the slave trade in British territories,<sup>38</sup> and no similar data has been identified for other countries.

A way to circumvent this lack of data is by combining the calculations of damages for lost productive life with the damages for loss of income into a single number. The methodology described in the previous sub-section focuses on the value of the labor supplied by the enslaved to slave owners. We expand this methodology by assuming that, but for their enslavement, the enslaved would have lived the same number of years on average as non-enslaved people. Therefore, compensation should encompass the wages associated with the years of life they lost due to their enslavement.<sup>39</sup> That is, we complement Craemer's approach by incorporating loss-of-life damages to his uncompensated-labor approach. See Figure 6.

**FIGURE 6: GRAPHIC REPRESENTATION OF FORGONE EARNINGS ANALYSIS**



By combining Uncompensated Labor and Loss of Life into a single Forgone Earnings category, we circumvent data limitations surrounding life expectancy of the enslaved (A in the diagram). Forgone earnings associated with each enslaved person can then be calculated as the life expectancy of a free person (B) multiplied by the prevailing

<sup>37</sup> J. David Hacker, "Decennial Life Tables for the White Population of the United States, 1790–1900." *Historical methods* 43(2) (2010): 45–79.

<sup>38</sup> Barry W. Higman. *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 7–39.

<sup>39</sup> Implicit in our analysis is that the additional years of life would have provided additional labor.

wage rate (W), the result is represented by the area within the red rectangle and it encompasses both Loss of Life and Uncompensated Labor damages.

The combined damages are based on the wages a non-enslaved person would have received for the number of hours per day worked by an enslaved person (the labor supplied), multiplied by the life expectancy of a non-enslaved person (the but-for life expectancy). As described below, this approach also allows us to reflect loss-of-life reparations for individuals who were enslaved and did not survive the Middle Passage.<sup>40</sup>

#### d. Modeling Assumptions

The first step is to determine the number of hours for which reparations should be paid. Craemer considers two scenarios: 12 and 24 hours per day. The justification for the former is that, on average, there were 12 hours of light a day. The justification for the latter scenario is that even hours that the enslaved spent resting were “restoration of energy for further forced labor. It was not spare time in the wage-labor sense with choice of activities and granting it or not was entirely up to the slave owner.”

In contrast with Craemer, we have access to daily data on wages for non-enslaved workers. We assume that the enslaved were forced to work the same number of hours that non-enslaved workers chose to work, for seven days a week. Most enslaved people worked in agriculture, and the working hours were dictated to a large extent by type of tasks assigned on the plantation. According to Higman, the enslaved generally worked from sunrise to sunset, however in some colonies (Jamaica and the windward islands) sugar factories operated around the clock 6 days per week until the early 19<sup>th</sup> century. In such cases the work periods were divided into ‘spells’. In the long spell, the enslaved could work from midday to 4:30 PM, break for two hours and then resume working until dark and turn up again for work again at daylight the following day; shifts could therefore last for up to 30 hours.<sup>41</sup> Towards Emancipation, during the period of apprenticeship, working hours were reduced to 40 ½ hours per week.<sup>42</sup> We use assume a 12-hour workday in our analysis. Note that following Craemer’s reasoning for a 24-hour workday would double the estimated harm.

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<sup>40</sup> Barry W. Higman. *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 7–39. Bindu Marthur, *The Empire Pays Back*, (United Kingdom, Diverse Productions: 2005.)

<sup>41</sup> Barry W. Higman. *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 7–39; Douglas Hall, “Slaves and Slavery in the British West Indies,” *Social and Economic Studies* 11(4) (1962): 305–18.

<sup>42</sup> Douglas Hall, “The Apprenticeship Period in Jamaica, 1834-1838.” *Caribbean Quarterly* 3(3) (1953): 142–66; O. Nigel Bolland, “Systems of Domination after Slavery: The Control of Land and Labor in the British West Indies after 1838,” *Comparative Studies in Society and History* 23(4) (1981): 591–619.

We use average daily wages from the Massachusetts Bureau of Statistics of Labor from 1760-1883. We use average wage growth from 1760-1860 to calculate average wages prior to this period. We assume that, particularly prior to industrialization in the United States, average wages were comparable across the Americas. We therefore use the Massachusetts wages as a proxy for average forgone wages of all enslaved laborers.

**TABLE 3: AVERAGE NOMINAL WAGES IN MASSACHUSETTS, 1760 TO 1883**

| Occupation              | Average Wage (Nominal \$/Day) |         |         |         |         |         |         |         |         |         |         |         |         |
|-------------------------|-------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
|                         | 1760                          | 1770    | 1780    | 1790    | 1800    | 1810    | 1820    | 1830    | 1840    | 1850    | 1860    | 1880    | 1883    |
| [1]                     | [2]                           | [3]     | [4]     | [5]     | [6]     | [7]     | [8]     | [9]     | [10]    | [11]    | [12]    | [13]    | [14]    |
| Average                 | \$0.301                       | \$0.328 | \$0.442 | \$0.632 | \$0.732 | \$0.915 | \$1.066 | \$1.097 | \$1.192 | \$1.317 | \$1.685 | \$2.043 | \$1.988 |
| Agricultural laborers   | \$0.311                       | \$0.330 | \$0.315 | \$0.396 | \$0.478 | \$0.779 | \$0.782 | \$0.803 | \$0.875 | \$0.950 | \$1.010 | \$1.310 | \$1.370 |
| Blacksmiths             |                               |         |         | \$0.694 |         |         | \$0.842 | \$1.120 | \$1.400 | \$1.470 | \$1.690 | \$2.280 | \$1.920 |
| Bookbinders             |                               |         |         |         |         |         |         |         | \$0.917 | \$1.460 | \$1.380 | \$1.910 | \$1.490 |
| Butchers                |                               |         | \$0.333 |         |         | \$0.500 | \$0.750 | \$0.917 |         |         |         | \$2.030 | \$1.360 |
| Carpenters              |                               |         | \$0.522 | \$0.539 | \$0.736 | \$1.090 | \$1.130 | \$1.070 | \$1.400 | \$1.370 | \$2.030 | \$2.420 | \$2.410 |
| Carriage Makers         |                               |         |         |         |         |         |         |         | \$1.340 | \$1.590 | \$1.850 | \$2.400 | \$2.270 |
| Clockmakers             |                               |         |         |         |         |         | \$1.130 | \$1.290 | \$1.290 | \$1.290 | \$1.960 | \$2.300 |         |
| Clothing Makers         |                               |         |         |         |         |         | \$1.000 | \$1.270 | \$0.896 | \$1.380 | \$1.430 | \$1.930 | \$1.990 |
| Cotton Mill Operatives  |                               |         |         |         |         |         |         | \$0.439 | \$0.897 | \$0.920 | \$1.030 | \$1.400 | \$1.270 |
| Glassmakers             |                               |         |         |         |         |         |         | \$1.130 | \$1.620 | \$2.440 | \$2.960 | \$1.790 | \$2.010 |
| Gold and Silver Workers |                               |         |         |         |         |         |         |         | \$0.974 | \$1.280 | \$1.690 | \$1.530 | \$3.210 |
| Harness Makers          |                               |         |         |         |         |         | \$0.880 | \$1.130 | \$1.250 | \$1.460 | \$1.650 |         |         |
| Laborers                | \$0.290                       | \$0.325 | \$0.376 | \$0.428 | \$0.623 | \$0.817 | \$0.910 | \$0.796 | \$0.872 | \$0.852 | \$0.975 | \$1.480 | \$1.310 |
| Machinists              |                               |         |         |         |         |         |         |         | \$1.350 | \$1.620 | \$2.150 | \$2.490 | \$2.250 |
| Masons                  |                               |         | \$0.666 | \$1.000 |         | \$1.410 | \$1.520 | \$1.220 | \$1.370 | \$1.330 | \$1.530 | \$2.790 | \$2.140 |
| Metal Workers           |                               |         |         |         |         |         | \$1.050 | \$1.230 | \$1.540 | \$1.420 | \$1.350 | \$2.160 | \$2.000 |
| Millwrights             |                               |         |         |         | \$1.090 |         | \$1.130 | \$1.210 | \$1.390 | \$1.390 | \$1.660 | \$2.650 | \$2.540 |
| Nail Makers             |                               |         |         | \$0.481 |         |         | \$1.000 | \$1.390 | \$0.860 | \$1.500 |         |         | \$1.840 |
| Painters                |                               |         |         |         |         | \$1.150 | \$1.340 | \$1.250 | \$1.320 | \$1.470 | \$1.850 | \$2.320 | \$1.970 |
| Paper Mill Operatives   |                               |         |         |         |         |         | \$1.090 | \$0.666 | \$0.749 | \$0.842 | \$1.170 | \$1.710 | \$1.710 |
| Printers                |                               |         |         |         |         |         | \$1.130 | \$1.250 | \$1.380 | \$1.170 | \$1.750 | \$2.180 | \$2.140 |
| Ship and Boat Builders  |                               |         |         | \$0.889 |         |         | \$1.250 | \$1.400 | \$1.330 | \$1.350 | \$3.650 | \$2.490 | \$3.250 |
| Shoemakers              |                               |         |         |         | \$0.733 |         |         | \$1.060 | \$0.873 | \$1.120 | \$1.700 | \$1.760 | \$1.870 |
| Stone Quarrymen         |                               |         |         |         |         |         |         |         | \$1.290 | \$1.450 | \$1.400 | \$2.330 | \$2.010 |
| Tanners and Curriers    |                               |         |         |         |         |         | \$1.000 | \$1.130 | \$1.460 | \$1.130 | \$1.670 | \$2.090 | \$1.860 |
| Wooden Goods Makers     |                               |         |         |         |         | \$0.660 | \$1.250 | \$1.360 | \$1.110 | \$1.720 | \$2.010 | \$2.280 |         |
| Woollen Mill Operatives |                               |         |         |         |         |         |         | \$1.120 | \$0.995 | \$0.865 | \$0.873 | \$1.310 | \$1.240 |

Sources and Notes: Carroll Davidson Wright, *Comparative Wages, Prices, and Cost of Living: From the Sixteenth Annual Report of the Massachusetts Bureau of Statistics of Labor, for 1885*. (Wright & Potter Printing Company, 1889).

We also need to determine the number of years of labor for which reparations would compensate. We follow Craemer’s assumption that those born into slavery began forced labor at the age of 5. Higman study of the British Caribbean reveals that children under 6 years of age and those classified as “aged” [70 years and older] were not deemed active members of the labour force.<sup>43</sup> Therefore, we calculate reparations associated with those born to slavery by

<sup>43</sup> Barry W. Higman. *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 46–47.

multiplying life expectancy at 5 years of age by the yearly wage rate. For a person that arrived in the Americas or Caribbean as an enslaved person, we assume forced labor began at the time of capture, which we further assume to be 20 years old.<sup>44</sup> Therefore, we calculate reparations associated with those that arrived in the Americas as enslaved people by multiplying life expectancy at age 20 times the yearly wage rate.<sup>45</sup> For example, in the decade encompassing 1820-29, a white 20-year-old person was expected to live 39.3 more years, and we assume that such a person would have worked until death.

Next, we consider that adding the enslaved to the paid workforce would have simultaneously increased the supply of paid workers and increased the demand for them (since a close substitute would no longer be available). The increase in supply on its own would lead to lower wages, while the increase in demand would lead to increased wages. As Craemer explains, it is likely impossible to quantify the magnitude of each of these two effects. Absent further evidence, we assume the two effects roughly cancel out, leaving wages unchanged in the but-for world.<sup>46</sup>

Finally, for all those that embarked on the Middle Passage and did not survive the journey, we calculate the same forgone earnings that we would for an enslaved person that survived. For example, consider a person who was enslaved and embarked in a year when life expectancy of a free person at 20 years old (the assumed age of capture) was 47 years (*i.e.*, in the America's a 20 year-old was expected to live 47 years more). Additionally, assume that the prevailing wage for a free person's work at the intended destination was 78 cents per day and that this

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<sup>44</sup> We are aware that younger people were captured and embarked. According to Bush (2010), "Children constituted an estimated nineteen per cent of captives shipped to Jamaica from 1764–1788 and children between ten and sixteen constituted fourteen percent of those transported to the British Caribbean from 1683 to 1791." However, the same sources notes that slave traders did not encourage the purchase of captives younger than age 12 and older than age 40 and babies and pregnant women were considered "undesirables". Barbara Bush, "African Caribbean Slave Mothers and Children: Traumas of Dislocation and Enslavement across the Atlantic World." *Caribbean Quarterly* 56(1/2) (2010): 69–94. Moreover, using a database of captured individuals on British slaver ships from 1819–1845, we find that the median age of African individuals transported to the Americas was 20. See "African Names Database," *SlaveVoyages*, 2021, <https://www.slavevoyages.org/resources/downloads#african-names-database-downloads/0/en/>.

<sup>45</sup> An exception to this approach arises in decades close to the end of enslavement for each territory. If in a given decade and territory the life expectancy at 20 years old extended beyond the date in which slavery was abolished in that territory, we calculate damages only through the date on which slavery was abolished.

<sup>46</sup> This is in line with Craemer (2015) who assumed that "the addition of freed slave laborers might not have exerted a net effect on [paid workers'] wages". To the extent this assumption is not neutral, it is likely conservative because the amount of enslaved labor removed from the market is likely greater than the amount of free labor those laborers would have chosen to supply.

person did not survive the journey. Then, the reparations associated with this person's forgone earnings would be 47 years of wages paid at US\$0.78 per day (for 7 days a week of labor).<sup>47</sup>

We also expand the geography and time periods considered by Craemer. Craemer focuses on the United States for the period from 1776 to 1865, noting that: "this is the time the United States could have abolished slavery but failed to do so." We extend Craemer's analysis by including the entirety of the Americas and the Caribbean and by starting the accounting of forgone earnings in the early 16th century, the start of the Spanish slave trade in the Americas. The first enslaved people in our dataset arrived in the Caribbean in the 1510s and in the Spanish Mainland Americas in the 1530s. We continue this accounting until slavery was abolished in each jurisdiction.

Extending the geographic scope of the analysis requires additional assumptions due to data limitations. First, regarding wage levels during the period of enslavement, we provide estimates assuming that free labor in territories other than the United States earned 75%, 100%, and 125% of the wages earned by agricultural workers in the United States. We choose this range since we have no *ex-ante* reason to assume that agricultural wages would have been higher or lower outside the United States and to show that even assuming low wages outside the United States (the 75% scenario), the reparations required are still extraordinary.<sup>48</sup>

We must also make assumptions about the number of people born into slavery outside of the United States. For every enslaved person embarked to the United States, 22 people were born into slavery. However, this ratio was likely lower in other geographies. For example, the calculation cited above, presented in the documentary "The Empire Pays Back," assumes one

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<sup>47</sup> Several authors have examined wage rates in the Caribbean, such as Higman (1984) and Hall (1962, 1953). This data does not extend for the full period considered, and we construct our estimates using US wage rates as a reference point. See, e.g., Barry W. Higman, *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 203; Douglas Hall, "Slaves and Slavery in the British West Indies," *Social and Economic Studies* 11(4) (1962): 305–18. 307, 308; Douglas Hall, "The Apprenticeship Period in Jamaica, 1834–1838," *Caribbean Quarterly* 3(3) (1953): 142–66.

<sup>48</sup> However, for our estimation based on the growth in the value of labor, we instead use 2020 average wages in the enslaving country. These are the United States (\$72,807), Portugal (\$29,093), Spain (\$38,426), France (\$47,373), United Kingdom (\$48,564), Denmark (\$60,984), The Netherlands (\$61,560), and Sweden (\$48,430). Average wages (indicator)," OECD, 2023, accessed 24 February 24, 2023. Several scholars note historical wages in non-US contexts, such as Higman (1984), who compiles data on average wages in 1834, or Hall (1953), who discusses the apprenticeship system in Jamaica in the 1830s. We acknowledge that records of wages outside of the US exist, but these data do not extend for the full time period we consider, and do not give a full record of wages across the Caribbean. See, for example, Barry W. Higman, *Slave Populations of the British Caribbean 1807–1834* (Maryland, USA: The Johns Hopkins University Press, 1984), 203; Douglas Hall, "Slaves and Slavery in the British West Indies," *Social and Economic Studies* 11(4) (1962): 305–18.; Douglas Hall. "The Apprenticeship Period in Jamaica, 1834–1838." *Caribbean Quarterly* 3(3) (1953): 142–66.

person born to slavery for every three that were embarked. As a conservative assumption, we follow this one-to-three ratio in our calculations.

This methodology allows us to calculate forgone earnings at the time that the labor was supplied or that the enslaved died prematurely. To bring those forgone earnings to the present, an interest rate must be chosen. For our calculation based on a money interest rate, we use a rate of 2.5%. For our calculation based on the growth in the value of labor, the equivalent interest rate would be 2.3%.<sup>49</sup> Given the centuries over which this compensation has been delayed, any compensation for the time value of money or labor will be significant and dominate the estimation. We use conservative estimates and, consequently, we provide lower bound estimates. We provide sensitivities to alternative interest rates below in Section II.A.1.f.

### e. Estimate of Damages

Table 4 summarizes our estimation based on wages at the time the labor was stolen under the assumption of a 2.5% interest rate, the “one-to-three” born into slavery ratio outside the US,<sup>50</sup> and assuming all free workers outside the United States would have earned the same wages<sup>51</sup> as an agricultural worker earned in the United States:

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<sup>49</sup> The calculation would actually require calculating separate rates for each time period and each country. 2.282% is the average rate, though throughout this paper we will quote it to one decimal place as 2.3%. In our calculations, we take the arithmetically equivalent shortcut and simply apply the current wages to the amounts of stolen labor.

<sup>50</sup> For all non-US territories, we use a one birth per three embarkations ratio to impute births due to a lack of data. This ratio is consistent with the birth ratio in the 2005 documentary: Bindu Marthur, *The Empire Pays Back*, (United Kingdom: Diverse Productions, 2005.) For the US, we utilize slave birth figures estimated by Hacker (2020). Source: J. David Hacker, "From '20. and odd' to 10 Million: The Growth of the Slave Population in the United States." *Slavery & Abolition* 41(4) (2020): 840–855.

<sup>51</sup> We find this assumption the most reasonable one because the economies in the Southern US, Americas and Caribbean were largely based around agriculture during the relevant period and the wage data we have identified for territories outside the United States does not cover all the geographies and time periods we model.

**TABLE 4: ESTIMATION OF REPARATIONS ASSOCIATED WITH FORGONE EARNINGS BY COUNTRY BASED ON 2.5% INTEREST**

| Country                      | Embarked Enslaved | Disembarked Enslaved | Deaths in Transit | Born into Slavery | Total Number Harmed | Value of Foregone Earnings<br>(2020 USD Billions) |                   |          |
|------------------------------|-------------------|----------------------|-------------------|-------------------|---------------------|---------------------------------------------------|-------------------|----------|
|                              |                   |                      |                   |                   |                     | Disembarked and Deaths in Transit                 | Born into Slavery | Total    |
| Caribbean                    |                   |                      |                   |                   |                     |                                                   |                   |          |
| Antigua and Barbuda          | 142,013           | 119,866              | 22,147            | 47,338            | 189,351             | \$489                                             | \$163             | \$652    |
| Bahamas                      | 15,012            | 13,228               | 1,784             | 5,004             | 20,016              | \$22                                              | \$7               | \$30     |
| Barbados                     | 454,342           | 375,874              | 78,468            | 151,447           | 605,789             | \$1,875                                           | \$625             | \$2,500  |
| British Virgin Islands       | 19,230            | 17,085               | 2,145             | 6,410             | 25,640              | \$51                                              | \$17              | \$68     |
| Cuba                         | 879,788           | 766,310              | 113,478           | 293,263           | 1,173,051           | \$1,717                                           | \$572             | \$2,289  |
| Dominica                     | 117,350           | 102,401              | 14,949            | 39,117            | 156,467             | \$330                                             | \$110             | \$440    |
| Dominican Republic           | 34,662            | 27,644               | 7,018             | 11,554            | 46,216              | \$366                                             | \$122             | \$488    |
| Grenada                      | 140,265           | 123,378              | 16,887            | 46,755            | 187,020             | \$391                                             | \$130             | \$522    |
| Haiti                        | 799,391           | 694,995              | 104,396           | 266,464           | 1,065,855           | \$2,478                                           | \$826             | \$3,303  |
| Jamaica                      | 1,083,443         | 931,574              | 151,869           | 361,148           | 1,444,591           | \$3,692                                           | \$1,231           | \$4,923  |
| Puerto Rico (U.S.)           | 31,261            | 26,336               | 4,925             | 10,420            | 41,681              | \$167                                             | \$56              | \$222    |
| Saint Kitts and Nevis        | 175,376           | 144,981              | 30,395            | 58,459            | 233,835             | \$620                                             | \$207             | \$827    |
| Saint Lucia                  | 9,122             | 8,281                | 841               | 3,041             | 12,163              | \$26                                              | \$9               | \$35     |
| Trinidad and Tobago          | 45,131            | 39,434               | 5,697             | 15,044            | 60,175              | \$189                                             | \$63              | \$252    |
| Virgin Islands (U.S.)        | 105,671           | 70,858               | 34,813            | 35,224            | 140,895             | \$260                                             | \$87              | \$347    |
| Central America and Mexico   |                   |                      |                   |                   |                     |                                                   |                   |          |
| Belize                       | 1,023             | 899                  | 124               | 341               | 1,364               | \$1                                               | \$0               | \$1      |
| Honduras                     | 353               | 282                  | 71                | 118               | 471                 | \$5                                               | \$2               | \$7      |
| Mexico                       | 95,855            | 76,267               | 19,588            | 31,952            | 127,807             | \$924                                             | \$308             | \$1,232  |
| Panama                       | 12,345            | 9,644                | 2,701             | 4,115             | 16,460              | \$66                                              | \$22              | \$88     |
| South America                |                   |                      |                   |                   |                     |                                                   |                   |          |
| Argentina                    | 78,789            | 63,122               | 15,667            | 26,263            | 105,052             | \$491                                             | \$164             | \$654    |
| Brazil                       | 3,520,273         | 3,169,287            | 350,986           | 1,173,424         | 4,693,697           | \$9,560                                           | \$3,187           | \$12,747 |
| Colombia                     | 252,746           | 201,631              | 51,115            | 84,249            | 336,995             | \$2,314                                           | \$771             | \$3,085  |
| Guyana                       | 82,166            | 74,693               | 7,473             | 27,389            | 109,555             | \$224                                             | \$75              | \$298    |
| Peru                         | 3,344             | 2,654                | 690               | 1,115             | 4,459               | \$28                                              | \$9               | \$37     |
| Suriname                     | 297,991           | 258,893              | 39,098            | 99,330            | 397,321             | \$1,041                                           | \$347             | \$1,388  |
| Venezuela                    | 17,479            | 14,468               | 3,011             | 5,826             | 23,305              | \$126                                             | \$42              | \$168    |
| North America                |                   |                      |                   |                   |                     |                                                   |                   |          |
| US                           | 341,734           | 281,055              | 60,679            | 7,623,675         | 7,965,409           | \$1,754                                           | \$13,602          | \$15,355 |
| Miscellaneous                |                   |                      |                   |                   |                     |                                                   |                   |          |
| British Overseas Territories | 50,000            | 41,557               | 8,443             | 16,667            | 66,667              | \$182                                             | \$61              | \$242    |
| Dutch Overseas Territories   | 166,327           | 144,151              | 22,176            | 55,442            | 221,769             | \$807                                             | \$269             | \$1,075  |
| French Overseas Territories  | 301,916           | 256,410              | 45,506            | 100,639           | 402,555             | \$1,067                                           | \$356             | \$1,422  |
| Other                        | 19,785            | 15,907               | 3,878             | 6,595             | 26,380              | \$172                                             | \$57              | \$230    |
| TOTAL                        | 9,294,183         | 8,073,165            | 1,221,018         | 10,607,825        | 19,902,008          | \$31,435                                          | \$23,495          | \$54,930 |

Source: Miscellaneous territories include non-sovereign states, such as the British Leeward Islands and Saint Barthélemy. David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

The table shows that, for our base scenario, reparations associated with loss of life and uncompensated labor (jointly forgone earnings) amount to **US\$55 trillion** dollars as of 2020.

This is equivalent to US\$2.8 million for each of the estimated 19.9 million enslaved people in the territories in the Americas and the Caribbean.<sup>52</sup>

An important part of the large difference in the amount per enslaved person (relative to the calculations of other authors) is driven by interest. For example, Craemer focuses on analyzing post-1776 United States. Our analysis takes into account the entire documented history of embarkments, which began in the Caribbean more than 250 years earlier. In the next subsection we illustrate how different assumptions affect our results, and in particular we show how when dealing with multi-century data, the choice of interest rate has a critical impact.

We summarize our estimation based on changes in the value of labor in Table 5. Similar to our other estimation, we assume the “one-to-three” born into slavery ratio outside the US<sup>53</sup> However, we use different contemporary wage rates for each colonizing country to calculate how much the value of labor has changed. For example, the appreciation in the value of labor of enslaved persons in Portuguese Brazil is calculated based on 2020 average annual wages in Portugal, whereas calculation for an enslaved persons in British Jamaica is based on 2020 average annual wages in England.

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<sup>52</sup> We note that US\$10.9 million is very close the VSL estimate used by the United States Department of Transportation of US\$11.6 million in 2020. United States Department of Transportation, “Departmental Guidance on Valuation of a Statistical Life in Economic Analysis,” March 23, 2021, <https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis>.

<sup>53</sup> For all non-US territories, we use a one birth per three embarkations ratio to impute births due to a lack of data. This ratio is consistent with the birth ratio in the 2005 documentary: Bindu Marthur, *The Empire Pays Back*, (United Kingdom: Diverse Productions, 2005.) For the US, we utilize enslaved birth figures estimated by Hacker (2020). Source: J. David Hacker, “From ‘20. and odd’ to 10 Million: The Growth of the Slave Population in the United States.” *Slavery & Abolition* 41(4) (2020): 840–855.

**TABLE 5: ESTIMATION OF REPARATIONS ASSOCIATED WITH FORGONE EARNINGS BY COUNTRY BASED ON 2.3% INTEREST**

| Country                      | Embarked Enslaved | Disembarked Enslaved | Deaths in Transit | Born into Slavery | Total Number Harmed | Value of Foregone Earnings<br>(2020 USD Billions) |                   |          |
|------------------------------|-------------------|----------------------|-------------------|-------------------|---------------------|---------------------------------------------------|-------------------|----------|
|                              |                   |                      |                   |                   |                     | Disembarked and Deaths in Transit                 | Born into Slavery | Total    |
| Caribbean                    |                   |                      |                   |                   |                     |                                                   |                   |          |
| Antigua and Barbuda          | 142,013           | 119,866              | 22,147            | 47,338            | 189,351             | \$280                                             | \$93              | \$373    |
| Bahamas                      | 15,012            | 13,228               | 1,784             | 5,004             | 20,016              | \$16                                              | \$5               | \$22     |
| Barbados                     | 454,342           | 375,874              | 78,468            | 151,447           | 605,789             | \$900                                             | \$300             | \$1,200  |
| British Virgin Islands       | 19,230            | 17,085               | 2,145             | 6,410             | 25,640              | \$34                                              | \$11              | \$46     |
| Cuba                         | 879,788           | 766,310              | 113,478           | 293,263           | 1,173,051           | \$1,252                                           | \$417             | \$1,670  |
| Dominica                     | 117,350           | 102,401              | 14,949            | 39,117            | 156,467             | \$229                                             | \$76              | \$305    |
| Dominican Republic           | 34,662            | 27,644               | 7,018             | 11,554            | 46,216              | \$54                                              | \$18              | \$72     |
| Grenada                      | 140,265           | 123,378              | 16,887            | 46,755            | 187,020             | \$275                                             | \$92              | \$366    |
| Haiti                        | 799,391           | 694,995              | 104,396           | 266,464           | 1,065,855           | \$1,538                                           | \$513             | \$2,051  |
| Jamaica                      | 1,083,443         | 931,574              | 151,869           | 361,148           | 1,444,591           | \$2,145                                           | \$715             | \$2,861  |
| Puerto Rico (U.S.)           | 31,261            | 26,336               | 4,925             | 10,420            | 41,681              | \$47                                              | \$16              | \$63     |
| Saint Kitts and Nevis        | 175,376           | 144,981              | 30,395            | 58,459            | 233,835             | \$347                                             | \$116             | \$463    |
| Saint Lucia                  | 9,122             | 8,281                | 841               | 3,041             | 12,163              | \$17                                              | \$6               | \$23     |
| Trinidad and Tobago          | 45,131            | 39,434               | 5,697             | 15,044            | 60,175              | \$73                                              | \$24              | \$97     |
| Virgin Islands (U.S.)        | 105,671           | 70,858               | 34,813            | 35,224            | 140,895             | \$207                                             | \$69              | \$275    |
| Central America and Mexico   |                   |                      |                   |                   |                     |                                                   |                   |          |
| Belize                       | 1,023             | 899                  | 124               | 341               | 1,364               | \$1                                               | \$0               | \$1      |
| Honduras                     | 353               | 282                  | 71                | 118               | 471                 | \$1                                               | \$0               | \$1      |
| Mexico                       | 95,855            | 76,267               | 19,588            | 31,952            | 127,807             | \$151                                             | \$50              | \$201    |
| Panama                       | 12,345            | 9,644                | 2,701             | 4,115             | 16,460              | \$19                                              | \$6               | \$26     |
| South America                |                   |                      |                   |                   |                     |                                                   |                   |          |
| Argentina                    | 78,789            | 63,122               | 15,667            | 26,263            | 105,052             | \$123                                             | \$41              | \$163    |
| Brazil                       | 3,520,273         | 3,169,287            | 350,986           | 1,173,424         | 4,693,697           | \$4,101                                           | \$1,367           | \$5,468  |
| Colombia                     | 252,746           | 201,631              | 51,115            | 84,249            | 336,995             | \$398                                             | \$133             | \$530    |
| Guyana                       | 82,166            | 74,693               | 7,473             | 27,389            | 109,555             | \$164                                             | \$55              | \$219    |
| Peru                         | 3,344             | 2,654                | 690               | 1,115             | 4,459               | \$5                                               | \$2               | \$7      |
| Suriname                     | 297,991           | 258,893              | 39,098            | 99,330            | 397,321             | \$749                                             | \$250             | \$999    |
| Venezuela                    | 17,479            | 14,468               | 3,011             | 5,826             | 23,305              | \$27                                              | \$9               | \$36     |
| North America                |                   |                      |                   |                   |                     |                                                   |                   |          |
| US                           | 341,734           | 281,055              | 60,679            | 7,623,675         | 7,965,409           | \$654                                             | \$11,768          | \$12,421 |
| Miscellaneous                |                   |                      |                   |                   |                     |                                                   |                   |          |
| British Overseas Territories | 50,000            | 41,557               | 8,443             | 16,667            | 66,667              | \$98                                              | \$33              | \$130    |
| Dutch Overseas Territories   | 166,327           | 144,151              | 22,176            | 55,442            | 221,769             | \$419                                             | \$140             | \$559    |
| French Overseas Territories  | 301,916           | 256,410              | 45,506            | 100,639           | 402,555             | \$523                                             | \$174             | \$697    |
| Other                        | 19,785            | 15,907               | 3,878             | 6,595             | 26,380              | \$31                                              | \$10              | \$41     |
| TOTAL                        | 9,294,183         | 8,073,165            | 1,221,018         | 10,607,825        | 19,902,008          | \$14,877                                          | \$16,509          | \$31,386 |

Note: Estimations labeled “2.3% interest” are calculated using an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present).

Source: Miscellaneous territories include non-sovereign states, such as the British Leeward Islands and Saint Barthélemy. David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

This estimation calculates reparations at a total of **US\$31.4 trillion** dollars as of 2020, less than our other estimation of \$55 trillion. For each of the approximately 19.9 million individuals harmed by chattel slavery in the Americas, this would be equal to approximately US\$1.6 million in compensation.

## f. Sensitivity to assumptions

Our scenario based on a money interest rate assumes a 2.5% rate and yields reparations for forgone earnings of US\$55 trillion for the Americas and Caribbean. Our scenario based on the appreciation in the value of labor is equivalent to using a 2.3% rate. To illustrate the impact of the choice of interest rate, note that if the rate is 3%, the forgone earnings calculations would be US\$217 trillion, or US\$10.9 million per enslaved person. Table 6 shows how our results vary with interest rates of 0%, 1%, 1.7%, 2.1%, 2.3%, 2.5%, 3% and 5%. We show also how the results vary as we change the assumption of wages outside the United States from 75% to 125% of those in the United States.

**TABLE 6: SENSITIVITY TABLE—ESTIMATION OF REPARATIONS BASED ON WAGES AT THE TIME LABOR WAS STOLEN FOR FORGONE EARNINGS IN THE AMERICAS AND THE CARIBBEAN (2020 US\$ BILLIONS)**

| Non-US Wages As A %<br>of US Wages | 75%           | 100%          | 125%          |
|------------------------------------|---------------|---------------|---------------|
| <b>Interest Rate</b>               |               |               |               |
| 0.0%                               | \$165         | \$191         | \$216         |
| 1.0%                               | \$1,355       | \$1,590       | \$1,826       |
| 1.7%                               | \$5,883       | \$7,004       | \$8,125       |
| 2.3%                               | \$25,738      | \$31,386      | \$37,034      |
| 2.5%                               | \$45,045      | \$54,930      | \$64,815      |
| 3.0%                               | \$175,283     | \$217,164     | \$259,045     |
| 5.0%                               | \$180,887,366 | \$229,314,206 | \$277,741,045 |

Note: The row labeled 2.3% shows the values for an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present).

Source: David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015);

"Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>;

"Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021,

<https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>.

## 2. Loss of Liberty

Loss of liberty is at the core of chattel slavery. It is clear that monetary compensation cannot compensate fully for its loss. But in the United States as well as in other parts of the Americas and Caribbean colonial contexts, there are indicia of compensation that has been paid to

people who have had their liberty forcibly and unjustly taken.<sup>54</sup> As with other components, we begin with data from the US context and then turn to the question of how to interpret it in the economic context of other nations and economies. We present our estimate based on the value of manumissions and provide two alternative measures based on false imprisonment and on reparations for forced internment of Japanese-Americans in the United States during World War II.

### a. Primary Estimate of Harm: Manumissions

Across time and societies, the enslaved in certain circumstances could purchase their freedom. Detailed information about such transactions or manumissions has generally been scarce. Analysis by Cole (2005), for example, addressed this issue by considering manumissions in the context of an economic transaction.<sup>55</sup> Here, the manumission is viewed as compensation to the slave owner for the value of the uncompensated labor the enslaved would have provided plus a premium above this amount that the enslaved paid to gain their liberty. Cole found empirical evidence that the premium was about 20 percent. This construct is useful in our building-block approach, because it isolates the value of labor from the price of manumission.

We apply the 20% premium directly to the lifetime wages,<sup>56</sup> or loss of life, values estimated for each country and each year. This means that for our estimation that leads to US\$55 trillion in forgone earnings, there would be an additional US\$11 trillion in reparations associated with loss of liberty. Similarly, for our other estimation that leads to US\$31.4 trillion in forgone earnings, there would be an addition US\$6.3 trillion in reparations associated with loss of liberty (see Table 7).

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<sup>54</sup> There is significant case law on compensation for false imprisonment. For example, New York State tort law holds that a successful plaintiff is entitled to damages for time of unjust imprisonment, including but not limited to mental anguish, shame and humiliation, ridicule, degradation, and damage to reputation. 59 *N.Y. Jur. 2d* False Imprisonment, § 152

<sup>55</sup> Shawn Cole, "Capitalism and Freedom: Manumissions and the Slave Market in Louisiana, 1725–1820," *The Journal of Economic History* 65(4) (2005): 1008–1027.

<sup>56</sup> We acknowledge that premiums could have been different in geographies outside the United States, but use the 20% premium due to data availability. See Hilary Beckles and Verene Shepherd, *Trading Souls : Europe's Transatlantic Trade in Africans to the Caribbean* (Kingston, Jamaica: Ian Randle Publishers, 2007); Daive A. Dunkley, *Agency of the Enslaved : Jamaica and the Culture of Freedom in the Atlantic World* (Lanham, Maryland: Lexington Books, 2013); David Eltis and Stanley L. Engerman. 2011. *The Cambridge World History of Slavery Volume 3: Ad 1420–Ad 1804*, (Cambridge, United Kingdom: Cambridge University Press, 2011); Patterson Orlando, *Slavery and Social Death: A Comparative Study*, (Cambridge, Massachusetts: Harvard University Press, 1982); Verene Shepherd, *Working Slavery Pricing Freedom: Perspectives from the Caribbean Africa & the African Diaspora*, (New York: Palgrave, 2001).

TABLE 7: DAMAGES CALCULATED BASED ON MANUMISSIONS

|                                                   | Based On      |               |
|---------------------------------------------------|---------------|---------------|
|                                                   | 2.3% Interest | 2.5% Interest |
| Forgone Wages and Loss of Life Damages, 2020 \$bn | \$31,386      | \$54,930      |
| Premium for Self-Manumission                      | 20%           | 20%           |
| Total Award, 2020 \$bn                            | \$6,277       | \$10,986      |

Note: The column labeled 2.3% shows the values for an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present).

Sources and Notes: Shawn Cole, "Capitalism and Freedom: Manumissions and the Slave Market in Louisiana, 1725-1820," *The Journal of Economic History* 65(4) (2005): 1008–1027.

## b. Alternative Estimate of Harm: Compensation for Wrongful Imprisonment

Compensation for loss of liberty also can be observed directly in the case of payments made to people found to have been wrongfully imprisoned. We consider two additional pieces of evidence from the US context, where compensation for long-term wrongful imprisonment has been extensively documented.<sup>57</sup>

First, for people wrongfully imprisoned by the US federal government, current law provides compensation of US\$50,000 per year of wrongful incarceration. In cases where the imprisoned was held on death row, the compensation is increased to US\$150,000 per year.<sup>58</sup> Many state governments in the United States also provide compensation to people wrongfully imprisoned for state crimes. The amounts are similar, with a median amount equal to US\$50,000 annually. Several states provide additional non-monetary compensation in the form of social services or benefits. Because these amounts also compensate for the lost opportunity to earn income, we adjust them to remove the amount of wages consistent with full-time employment at the minimum wage.<sup>59</sup> Table 8 provides a summary and Table 9 illustrates the dispersion across different states.

<sup>57</sup> Similar laws regarding compensation for wrongful imprisonment exist in contexts outside of the US, however we find that these laws usually compensate individuals for short-term imprisonment rather than long-term, per-year awards like in the US. See, for example, *Bisham Seegobin v. Attorney General of Trinidad and Tobago*, CV 3089 of 2009, TT 2012 HC 201 (TT June 12, 2012).

<sup>58</sup> "Key Provisions in Wrongful Conviction Compensation Laws," May 27, 2022, <https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf>

<sup>59</sup> We adjust for state and federal minimum wage. See United States Department of Labor, "Consolidated State Minimum Wage Update Table," October 1, 2022.

**TABLE 8: SUMMARY OF COMPENSATION BY US STATES FOR WRONGFUL INCARCERATION**

|         | Base Award per<br>Year, Less Income at<br>Minimum Wage | All Awards, Less<br>Income at Minimum<br>Wage |
|---------|--------------------------------------------------------|-----------------------------------------------|
| Average | \$43,543                                               | \$58,543                                      |
| Median  | \$34,920                                               | \$34,920                                      |
| Mode    | \$34,920                                               | \$34,920                                      |

Sources and Notes: These payments are not inflation-adjusted. Excludes states that give compensation at a certain "cap" rather than by year and states that measure award strictly on annual income (CT, MD, UT, and VA). Twenty (20) states also offer non-monetary services, such as tuition assistance or housing assistance. United States Office of Justice Programs, "Fact Sheet: The Justice for All Act," United States Department of Justice, April 2006, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/justice-for-all-act-fs000311.pdf>; "Compensation Statutes: A National Overview," May 21, 2018, [https://www.law.umich.edu/special/exoneration/Documents/CompensationByState\\_InnocenceProject.pdf](https://www.law.umich.edu/special/exoneration/Documents/CompensationByState_InnocenceProject.pdf); "Key Provisions in Wrongful Conviction Compensation Laws," May 27, 2022, <https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf>; "Idaho officials pay US\$2.6M for wrongful convictions of 2 men," The Spokesman-Review, June 15, 2021; Montana State Assembly Bill HB 92, State of Montana, 2021; Nevada State Assembly Bill NO. 104, State of Nevada, 2019.

**TABLE 9: COMPENSATION FOR WRONGFUL INCARCERATION IN THE US**

| Jurisdiction         | Date Last Amended | Annual Income at Minimum Wage | Award per Year | Award per Year, less Income | Additional Award for Death Row | Miscellaneous Additional Award | All Awards, Net Income |
|----------------------|-------------------|-------------------------------|----------------|-----------------------------|--------------------------------|--------------------------------|------------------------|
| Federal              | 2004              | \$15,080                      | \$50,000       | \$34,920                    | \$100,000                      | n.a.                           | \$134,920              |
| Alabama              | 2001              | \$15,080                      | \$50,000       | \$34,920                    | n.a.                           | n.a.                           | \$34,920               |
| California           | 2017              | \$24,960                      | \$51,100       | \$26,140                    | n.a.                           | n.a.                           | \$26,140               |
| Colorado             | 2013              | \$25,002                      | \$70,000       | \$44,998                    | \$50,000                       | n.a.                           | \$94,998               |
| District of Columbia | 1981              | \$31,200                      | \$200,000      | \$168,800                   | n.a.                           | n.a.                           | \$168,800              |
| Florida              | 2017              | \$17,805                      | \$50,000       | \$32,195                    | n.a.                           | n.a.                           | \$32,195               |
| Hawaii*              | 2016              | \$21,008                      | \$50,000       | \$28,992                    | n.a.                           | \$100,000                      | \$128,992              |
| Iowa                 | 1997              | \$15,080                      | \$18,250       | \$3,170                     | n.a.                           | n.a.                           | \$3,170                |
| Idaho                | 2021              | \$15,080                      | \$62,000       | \$46,920                    | \$75,000                       | n.a.                           | \$121,920              |
| Illinois**           | 2011              | \$20,800                      | \$199,150      | \$178,350                   | n.a.                           | n.a.                           | \$178,350              |
| Kansas               | 2018              | \$15,080                      | \$65,000       | \$49,920                    | n.a.                           | n.a.                           | \$49,920               |
| Louisiana            | 2011              | \$15,080                      | \$25,000       | \$9,920                     | n.a.                           | n.a.                           | \$9,920                |
| Michigan             | 2016              | \$20,072                      | \$50,000       | \$29,928                    | n.a.                           | n.a.                           | \$29,928               |
| Minnesota            | 2014              | \$20,800                      | \$50,000       | \$29,200                    | n.a.                           | n.a.                           | \$29,200               |
| Missouri             | 2022              | \$19,656                      | \$65,335       | \$45,679                    | n.a.                           | n.a.                           | \$45,679               |
| Mississippi          | 2009              | \$15,080                      | \$50,000       | \$34,920                    | n.a.                           | n.a.                           | \$34,920               |
| Montana              | 2021              | \$17,992                      | \$60,000       | \$42,008                    | n.a.                           | n.a.                           | \$42,008               |
| North Carolina       | 2008              | \$15,080                      | \$50,000       | \$34,920                    | n.a.                           | n.a.                           | \$34,920               |
| New Jersey           | 2013              | \$22,880                      | \$50,000       | \$27,120                    | n.a.                           | n.a.                           | \$27,120               |
| Nevada***            | 2019              | \$16,640                      | \$100,000      | \$83,360                    | n.a.                           | n.a.                           | \$83,360               |
| Ohio                 | 2010              | \$18,096                      | \$56,752       | \$38,656                    | n.a.                           | n.a.                           | \$38,656               |
| Texas                | 2011              | \$15,080                      | \$80,000       | \$64,920                    | n.a.                           | n.a.                           | \$64,920               |
| Vermont****          | 2014              | \$22,797                      | \$45,000       | \$22,203                    | n.a.                           | n.a.                           | \$22,203               |
| Washington           | 2013              | \$28,080                      | \$50,000       | \$21,920                    | \$50,000                       | n.a.                           | \$71,920               |
| Wisconsin            | 1987              | \$15,080                      | \$5,000        | \$0                         | n.a.                           | n.a.                           | \$0                    |
| Average              |                   |                               |                | <b>\$45,363</b>             |                                |                                | <b>\$60,363</b>        |
| Median               |                   |                               |                | <b>\$34,920</b>             |                                |                                | <b>\$38,656</b>        |

Sources and Notes: These payments are not inflation-adjusted. Excludes states that give compensation at a certain "cap" rather than by year and states that measure award strictly on annual income (CT, MD, UT, and VA). 20 states also offer non-monetary services, such as tuition assistance or housing assistance. United States Office of Justice Programs, "Fact Sheet: The Justice for All Act," United States Department of Justice, April 2006, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/justice-for-all-act-fs000311.pdf>; "Compensation Statutes: A National Overview," May 21, 2018, [https://www.law.umich.edu/special/exoneration/Documents/CompensationByState\\_InnocenceProject.pdf](https://www.law.umich.edu/special/exoneration/Documents/CompensationByState_InnocenceProject.pdf); "Key Provisions in Wrongful Conviction Compensation Laws," May 27, 2022, <https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf>; "Idaho officials pay US\$2.6M for wrongful convictions of 2 men," The Spokesman-Review, June 15, 2021; Montana State Assembly Bill HB 92, State of Montana, 2021; Nevada State Assembly Bill NO. 104, State of Nevada, 2019.

Applying the median compensation of US\$38,656 per year to total number of years of individual enslavement in the Americas and Caribbean of almost 802 million years results in an estimate of US\$31 trillion. By taking the current value that the United States assigns, we sidestep the need to use interest to bring to the reparations to present value. If we assume that other geographies would assign a lower award per year of unjust imprisonment (*e.g.*, 75% or 50% of what is assigned in the United States), the resulting reparations would still be in the tens of trillions of dollars (US\$23.2 trillion for our 75% example and US\$15.5 trillion in the 50% case).

**TABLE 10: DAMAGES RESULTING FROM WRONGFUL INCARCERATION**

|                                                         |              |
|---------------------------------------------------------|--------------|
| Median Unjust Imprisonment Award, Less Income (2020 \$) | \$38,656     |
| Enslaved Total Life Years (mm)                          | 801.58       |
| Total Award (2020 \$mm)                                 | \$30,986,174 |

Sources and Notes: These payments are not inflation-adjusted. United States Office of Justice Programs, “Fact Sheet: The Justice for All Act,” United States Department of Justice, April 2006, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/justice-for-all-act-fs000311.pdf>; “Compensation Statutes: A National Overview,” May 21, 2018, [https://www.law.umich.edu/special/exoneration/Documents/CompensationByState\\_InnocenceProject.pdf](https://www.law.umich.edu/special/exoneration/Documents/CompensationByState_InnocenceProject.pdf); “Key Provisions in Wrongful Conviction Compensation Laws,” May 27, 2022, <https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf>; “Idaho officials pay US\$2.6M for wrongful convictions of 2 men,” The Spokesman-Review, June 15, 2021; Montana State Assembly Bill HB 92, State of Montana, 2021; Nevada State Assembly Bill NO. 104, State of Nevada, 2019.

Second, reparation payments were made to Japanese-Americans interned during World War II. Those payments amounted to US\$43,753 (tax free, 2020 dollars). The period of internment was from 19 February 1942 to 20 March 1946<sup>60</sup>, about four years, making the reparations equal to at least US\$10,718 annually (based on the assumption internment typically lasted the entire period). When scaled to the total life-years of enslavement, this award would equate to US\$8.6 trillion total damages attributed to loss of liberty.

**TABLE 11: DAMAGES RESULTING FROM LOSS OF LIBERTY**

|                        | Total Damages (2020 US\$tn) |
|------------------------|-----------------------------|
| Manumissions           | <b>\$6.28–10.99</b>         |
| Alternative Approaches |                             |
| Unjust Imprisonment    | \$30.99                     |
| Japanese Internment    | \$8.59                      |

### 3. Personal Injury

An enslaved African in the British West Indies was chattel. The Official Slave Codes in Barbados (1661) institutionalized the dehumanization of black people as property. Under these laws,

<sup>60</sup> Taylor Weik, “Behind Barbed Wire: Remembering America’s Largest Internment Camp,” NBC News, March 16, 2016. <https://www.nbcnews.com/news/asian-america/behind-barbed-wire-remembering-america-s-largest-internment-camp-n535086>.

“Africans were gibbeted, castrated, branded with hot irons, dismembered and locked in dungeons for unlimited periods as punishment.”<sup>61</sup>

Brutal punishments and incapacitating work injuries in the British and Danish West Indies were likely universal across the enslaved in the Americas and Caribbean. Therefore, we assume that all enslaved people suffered personal injury.

We again look to previous instances where compensation for comparable damages has been paid. Specifically, the compensation paid to the victims of the 9/11 terrorist attacks serves as the anchoring point for our analysis. As mentioned above, the September 11 Victim Compensation Fund of 2001 awarded on average US\$1.44 million for death claims and US\$159,072 for personal injury claims. That is, personal injury claims represent 11% of the average death claim.

Based on this, we calculate personal injury damages as 11% of the damages associated with forgone earnings. This results in our estimate of reparations associated with personal injury of **US\$6.04 trillion**, based on our estimate of US\$55 trillion in lost wages and an estimate of **US\$3.45 trillion** based on our other estimate of US\$31.4 trillion of lost wages.<sup>62</sup>

## 4. Mental Pain and Anguish

The harms of slavery extended past physical violence and forced labor—enslavement inflicted significant mental anguish, emotional harm, and psychological trauma on Black individuals in the Americas. There is significant precedent in domestic and international law in remedying the mental pain and anguish resulting from gross violations of human rights, such as chattel slavery.<sup>63</sup> As Professor Shepherd notes:

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<sup>61</sup> Hilary Beckles, *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013), 63; see also “Illness and death among the enslaved,” Danish National Archives, <https://www.virgin-islands-history.org/en/history/slavery/illness-and-death-among-the-enslaved/#:~:text=Life%20as%20an%20enslaved%20laborer,injuries%20and%20death's%20constant%20presence:> “Life as an enslaved laborer in the Danish West Indies was not only characterized by hard work, brutal punishment and powerlessness. But also by diseases, incapacitating work injuries and death’s constant presence.”

<sup>62</sup> At a 2.5% interest rate, we obtain a damages estimate for forgone earnings of US\$55 trillion. Multiplying this figure by 11% yields a figure of US\$6 trillion. At present day wages, we obtain a damages estimate of \$31 trillion. Multiplying this figure by 11% yields a figure of \$3.5 trillion.

<sup>63</sup> In the US, restitution for infliction of emotional distress, or the tort of outrage, is well supported in case law. See, for example, § 16:16. *Generally; the tort of outrage*, 4A American Law of Torts § 16:16. Generally, support for claiming the tort of outrage requires the acts be “malicious, intentional, willful, [and] wanton” and “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency.” See

Psychological rehabilitation is particularly vital because of the impact of slavery and colonialism on the psyche and consequent behavior of African people. [...] Indeed, many argue that no other group has ever been subjected to attacks as serious to their physical and mental integrity over a comparable time period as the Africans trafficked to the Americas and their descendants.<sup>64</sup>

We have been unable to calculate any direct historical measures of mental pain and anguish; rather we draw on modern estimates of these harms to infer the historical values. In using a current estimation of a harm, we are both estimating the historical harm and bringing it forward to today's values at the same time. If, as is the case with mental pain and anguish, we estimate a year of suffering at US\$30,000 today what we are implicitly doing is combining an estimate of historical harm with the application of interest to bring that value to today. For example, if asked what the harm for a year of mental pain and anguish in 1800 was, we would answer that by starting with our contemporaneous value of US\$30,000 and reversing the application of interest.<sup>65</sup> In this example, we would say that one year of mental pain and anguish in 1800 is valued at US\$131.18, and when we apply a 2.5% interest rate to bring that value forward to 2020 it equals US\$30,000.<sup>66</sup>

As noted, we have been unable to calculate any direct historical estimates of the harm from mental pain and anguish. Consequently, we look to contemporary measures. The United Nations Compensation Commission (UNCC) outlines compensation amounts for various events that cause mental pain and anguish.<sup>67</sup> The psychological trauma experienced during conflict situations differs from that of a lifetime of enslavement, yet offers a helpful framework in assessing compensation awards for the emotional violence suffered by the enslaved. We adopt

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Parsons v. Walters, 297 So. 3d 250 (Miss. 2020), *West's Key Number Digest*, Damages 57.7; Swartzfager v. Saul, 213 So. 3d 55 (Miss. 2017), *West's Key Number Digest*. For support in international law, see, e.g., United Nations General Assembly, "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," March 21, 2006. <https://www.ohchr.org/sites/default/files/2021-08/N0549642.pdf>; UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, July 17, 1998, <https://www.refworld.org/docid/3ae6b3a84.html>.

<sup>64</sup> Hilary Beckles, *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013).

<sup>65</sup> We have separately established the interest rate to use in bringing harms forward. It is this interest rate we would use to reverse the impact of interest and estimate the implied historical harm.

<sup>66</sup>  $US\$30,000 = US\$131.18 \times (1.025)^{(2020 - 1800)}$ .

<sup>67</sup> See United Nations Compensation Commission, "Determination of ceilings for compensation for mental pain and anguish," United Nations, 1992. <https://uncc.ch/sites/default/files/attachments/S-AC.26-DEC%208%20%5B1992%5D.pdf>

the UNCC maximum award of US\$30,000 to measure the harm of mental pain and anguish. This amount is less than the sum of potential harms of US\$93,000 identified by the UNCC and is therefore a conservative measure.<sup>68</sup> Because enslavement was an on-going, lifetime harm, we take this as a measure of annual harm. We then apply this number to the total number of years of life of enslaved persons in the Americas, including those who embarked and were born into slavery, to estimate the total amount for psychological trauma.

**TABLE 12: ESTIMATION OF MENTAL PAIN AND ANGUISH (US\$)**

|                                                      |                 |
|------------------------------------------------------|-----------------|
| Total Enslaved Persons                               | 19,902,008      |
| Number of Life Years Under Chattel Slavery           | 801,580,220     |
| Maximum Award for Mental Pain and Anguish            | \$30,000        |
| Total Reparations for Mental Pain and Anguish (\$bn) | <b>\$24,047</b> |

Sources and Notes: United Nations Compensation Commission, “Determination of ceilings for compensation for mental pain and anguish,” United Nations, 1992. <https://uncc.ch/sites/default/files/attachments/S-AC.26-DEC%208%20%5B1992%5D.pdf>

Reparations for mental pain and anguish total about US\$24 trillion or approximately US\$1.2 million per enslaved person. These amounts are already in today’s dollars, and there is no need to apply an interest rate.

## 5. Gender-Based Violence

Gender-based violence—predominantly sexual assault and forced pregnancy—was widely experienced by enslaved women and documented by slavers.<sup>69</sup> Here we aim to identify and measure the additional harm experienced by victims of gender-based violence beyond those harms already identified. The additional harm from gender-based violence is associated with the pain and suffering from the loss of sexual autonomy and, in the case of forced pregnancy, having to endure a pregnancy, plus the additional fear of constantly living under the threat of such violence. Sexual violence was necessary to the proliferation of slavery after the slave trade

<sup>68</sup> Such award would be the cumulative total of compensation granted for death of a spouse, child, or parent; serious personal injury; sexual assault; witnessing intentional infliction of harm; fear of illegal detention; and deprivation of economic resources. See United Nations Compensation Commission, “Determination of ceilings for compensation for mental pain and anguish,” United Nations, 1992. <https://uncc.ch/sites/default/files/attachments/S-AC.26-DEC%208%20%5B1992%5D.pdf>

<sup>69</sup> We acknowledge that men and children also suffered sexual violence under slavery. However, due to a lack of data, we are unable to quantify the resulting damages. Sexual violence against women was a key legal issue for the propagation of slavery, and Black women’s reproductive capacity was central to legislating slavery. Additionally, several slavers kept journals recording sexual abuse against women. See Verene Shepherd and Ahmed Reid, “Women, Slavery and the Reparation Movement in the Caribbean.” *Social and Economic Studies* 68(3/4) (2019): 31–59.

ended, especially in the United States, as enslaved women's childbearing potential became the only way to increase the enslaved population.<sup>70</sup>

Detailed databases recording sexual assaults do not exist, partially because rape and sexual violence toward enslaved women was legal. To make the analysis tractable, we start by identifying the female years of enslaved persons after age 10.<sup>71</sup> We then apply a per-year measure of harm to estimate the total reparations under this category. These estimates are largely based on contemporary judicial rulings, so our per-year estimate of harm is already in current dollars and does not require interest.<sup>72</sup>

We start with our estimates of number of years of enslavement and apply an appropriate fraction to estimate the number of years of female enslavement. In his 1989 article, Geggus examines the age and sex composition of those enslaved in Atlantic trade, with a particular focus on the French slave trade and found that the median slave ship had a male-to-female ratio of 1.65; implying that 38% of those enslaved were women.<sup>73</sup> The '75<sup>th</sup> percentile' of male-to-female ratios on slave ships was 1.88; implying that 35% of those enslaved were women. In our analysis, we applied 35% to the counts of enslaved people to calculate the number of enslaved women. For the sake of consistency, we keep this 35% assumption both for those who were brought across the Middle Passage and for those who were born into slavery. We believe that this number serves as a lower-bound.

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<sup>70</sup> Verene Shepherd and Ahmed Reid, "Women, Slavery and the Reparation Movement in the Caribbean." *Social and Economic Studies* 68(3/4) (2019): 31–59.; Barbara Bush, "'Sable Venus', 'She Devil' or 'Drudge'? British Slavery and the 'Fabulous Fiction' of Black Women's Identities, c. 1650–1838," *Women's History Review* 9(4) (2000): 761–789; Sheena Boa, "Free Black and Coloured Women in a White Man's Slave Society" (M. Phil. Thesis, University of the West Indies, 1988); Lucille Mathurin Mair, *A Historical Study of Women in Jamaica, 1655–1844*. (Kingston: University of the West Indies Press, 2006); Douglas Hall, *In Miserable Slavery: Thomas Thistlewood in Jamaica 1750–86*. (Mona: University of the West Indies Press, 1999); Patterson Orlando, *Slavery and Social Death: A Comparative Study*. (Cambridge Mass: Harvard University Press, 1982); Hilary Beckles, "Property Rights in Pleasure: The Marketing of Enslaved Women's Sexuality," in *Engendering History: Caribbean Women in Historical Perspective*, ed. Verene Shepherd et al., (Kingston: Ian Randle, 1995): 125–140.

<sup>71</sup> In our estimates, we use the free person life expectancy because of data limitation that we do not have enslaved life expectancy for all regions and periods of interest. In English colonies, the age of consent varied between 10 and 12. Other regions considered menarche the age of sexual maturity. We recognize the likelihood of disproportionate rates of childhood sexual abuse on enslaved children, and use age 10 as a conservative estimate of the age of first non-consensual sexual encounter. See Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South*. (The University of North Carolina Press, 2004.) and Stephen Robertson, "Age of Consent Laws," *Children & Youth in History*, <https://cyh.rrchnm.org/items/show/230>.

<sup>72</sup> We chose to leave the analysis in current dollars because any change in our estimate that resulted from discounting and re-inflating the estimates would reflect those calculations, not something fundamental about the harm being measured.

<sup>73</sup> David Geggus, "Sex Ratio, Age and Ethnicity in the Atlantic Slave Trade: Data from French Shipping and Plantation Records." *The Journal of African History* 30(1) (1989): 23–44.

Several studies have looked into sexual abuse of enslaved women, and they agree that slave owners and other white men sexually assaulted at least 58% of all enslaved women aged 15–30 years.<sup>74</sup> This figure likely undercounts the proportion of women who experienced gender-based violence, as it does not include women who were forced into sex work or coerced into sex with other enslaved men.<sup>75</sup> And all enslaved women lived under the threat of sexual violence. Given the prevalence of sexual abuse and the near-constant threat enslaved women faced in having their sexual autonomy revoked or abused, we believe it is reasonable to assume 100% of enslaved women over the age of 10 faced sexual abuse. For example, a 2019 report from Urmila Bhoola, the Special Rapporteur on contemporary forms of slavery, finds that 98–99% of women and girls subjected to forced labor experience sexual violence today.<sup>76</sup>

To quantify compensation for this harm, we turn to judicial rulings on compensation for rape and forced pregnancy. During the period of slavery, laws punishing rape existed across the Americas—English common law, for example, set the age of consent between 10 to 12.<sup>77</sup> In five US states, enslaved persons accused of rape could receive the death penalty, whereas white men would receive five to 21 years prison sentences.<sup>78</sup> However, we were unable to find historical compensation amounts for rape and gender-based violence. As such, similar to the approach taken for mental pain and anguish, we use modern-day compensation amounts given to victims of sexual violence to infer these missing historical valuations. There is a significant range of compensation provided by US courts, varying from US\$55 to US\$15 million.<sup>79</sup> As summarized in Table 13, the range for awards we have identified in other countries is also wide.

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<sup>74</sup> Cynthia Prather *et al.*, "Racism, African American Women, and Their Sexual and Reproductive Health: A Review of Historical and Contemporary Evidence and Implications for Health Equity." *Health Equity* 2(1) (2018):249–259. See also, Carolyn M. West and Kamilah Johnson. "Sexual Violence in the Lives of African American Women: Risk, Response, and Resilience." *National Online Resource Center on Violence Against Women*, March 2013.

<sup>75</sup> Forced sex between enslaved people was common in the Americas as a means of increasing the slave population. See David Brion Davis, "Slavery, Sex, and Dehumanization" in *Sex, Power, and Slavery*, ed. Gwyn Campbell and Elizabeth Elbourne (Athens: Ohio University Press, 2004).

<sup>76</sup> Figure presented by the former Special Rapporteur on Contemporary Forms of Slavery, Mrs. Urmila Bhoola, in 2019 to the Human Rights Council in Geneva. Statement available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24959&LangID=E>; International Labour Office and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, International Labour Office, 2017.

<sup>77</sup> Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South*. (The University of North Carolina Press, 2004.)

<sup>78</sup> Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South*. (The University of North Carolina Press, 2004.)

<sup>79</sup> MC SK, Lt. Col. Balumisa Manasse *et al.* (Mar 9, 2011), RP 038/RMP 1427/NGG/2009 RMP 1280/MTL/09; *Amy McQuillin v. Carlos Perez*, No. COA07-949, (2005).

**TABLE 13: SUMMARY OF DAMAGE AWARDS FOR GENDER-BASED VIOLENCE**

| Context                 | Year | Crime                  | Award (\$2020) Case                                                                                                                                                                   |
|-------------------------|------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Peru                    | 2006 | Rape; Sexual Violence  | \$51,600 Miguel Castro Castro Prison v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 160, ¶¶ 260(x)–, 223–24, 310–11, 433.c).ix-x (Nov. 25, 2006)) |
| Guatemala               | 2004 | Rape                   | \$27,400 Case of the Plan de Sánchez Massacre v. Guatemala. Reparations. Judgment 19 November 2004. Series C No. 116, paras.87-89                                                     |
| Mexico                  | 2010 | Rape; Forced Pregnancy | \$83,300 Case of Rosendo Cantú et al. v. Mexico, Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 31, 2010. Series C No. 216, paras.72-75.                   |
| Peru                    | 1997 | Rape; Torture          | \$64,400 Miguel Castro Castro Prison v. Peru. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, paras. 305-307 and 432(h).                              |
| Turkey                  | 2015 | Rape; Torture          | \$51,830 Aydin v. Turkey 23178/94, Judgment (Merits and Just Satisfaction), Court (Grand Chamber), 25/09/1997, para.131.                                                              |
| Bosnia                  | 2015 | Rape of minor          | \$16,055 Bosiljko Marković and Ostojica Marković, Case No. S1 1 K 012024 14 Kri, 24 June 2015, para.242                                                                               |
| Bosnia                  | 2019 | Rape                   | \$18,180 A v Bosnia and Herzegovina, 11 September 2019, CAT/C/67/D/854/2017, para.2.5.                                                                                                |
| Peru                    | 2018 | Rape; Forced Pregnancy | \$159,120 Agencia EFE, 'El Supremo de Perú condena a un militar por violación como delito de lesa humanidad,' Qué Pasa Media, February 13, 2018.                                      |
| Peru                    | 2018 | Rape                   | \$16,700 El Supremo de Perú condena a un militar por violación como delito de lesa humanidad, EFE, 13 February 2018.                                                                  |
| Chad                    | 2016 | Rape                   | \$111,025 Judgment on Reparations, EAC, First Instance Chamber, 29 July 2016, para.60                                                                                                 |
| Chad                    | 2016 | Sexual Slavery         | \$138,781 Judgment on Reparations, EAC, First Instance Chamber, 29 July 2016, para.60                                                                                                 |
| Guam                    | 2016 | Rape                   | \$16,200 The 2016 Guam World War II Loyalty Recognition Act, S. 2943, (a)(1)(A) and (c)(2)(A).                                                                                        |
| Peru                    | 2011 | Rape                   | \$3,795 Supreme Decree No. 051-2011-PCM, 16 June 2011.                                                                                                                                |
| DRC                     | 2009 | Rape                   | \$60,500 Mulenge/Lemera 2009, RMP0933/KMC/10.                                                                                                                                         |
| Bulgaria                | 2003 | Rape of minor          | \$13,632 M.C. v. Bulgaria (2012)                                                                                                                                                      |
| Guatemala               | 2005 | Rape; Torture          | \$3,520 (ed.) What happened to the Women? Gender and Reparations for Human Rights Violations, in R. Rubio-Marin Science Research Council (2006), 92-135, p111.                        |
| Croatia                 | 2015 | Sexual Violence        | \$24,490 Zakon o pravima žrtava seksualnog nasilja za vrijeme oružane agresije na Republiku Hrvatsku u Domovinskom ratu (NN 064/2015)                                                 |
| Average                 |      |                        | <b>\$50,619</b>                                                                                                                                                                       |
| Average (Americas only) |      |                        | <b>\$58,006</b>                                                                                                                                                                       |

These estimates tend to be for singular or defined duration events, not lifetime harms. Some of them include compensation for lost wages, which we previously estimated separately. They tend to include compensation for the ongoing anguish from singular events, not the continuing harm from cumulative sexual violence. As a consequence, judgement is required in settling on a measure of annual harm. We use US\$50,000 per year per adult enslaved women, regardless of the country they resided in. This estimate implicitly has two components—an estimate of the historical harm in a given year and the application of interest to it. For example, we are estimating approximately US\$218.63 per year of abuse in 1800 and then bringing that amount forward to 2020 using a 2.5% interest rate to arrive at the current estimate of harm of US\$50,000.<sup>80</sup> This estimate is easily scalable. For example, a harm per year of US\$100,000 would double our calculation of total harm presented in Table 14.

<sup>80</sup> US\$50,000 = US\$218.63 × (1.025) ^ (2020 – 1800).

**TABLE 14: SUMMARY OF DAMAGES FOR GENDER-BASED VIOLENCE**

| Region          | Enslaved Women Experiencing Sexual Abuse | Years of Gender-Based Violence (GBV) Experienced by Disembarked Enslaved Women | Lifetime GBV Damages for Enslaved Women Brought to the Americas (2020 USD Billions) | Lifetime GBV Damages for Enslaved Women Born in the Americas (2020 USD Billions) | Total Lifetime Damages for Enslaved Women Experiencing GBV (2020 USD Billions) |
|-----------------|------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Caribbean       | 1,208,925                                | 51,339,836                                                                     | \$2,567                                                                             | \$856                                                                            | \$3,423                                                                        |
| Central America | 30,242                                   | 1,320,356                                                                      | \$66                                                                                | \$22                                                                             | \$88                                                                           |
| South America   | 1,314,147                                | 56,622,132                                                                     | \$2,831                                                                             | \$944                                                                            | \$3,775                                                                        |
| US              | 97,590                                   | 4,286,205                                                                      | \$214                                                                               | \$3,855                                                                          | \$4,069                                                                        |
| Other           | 159,038                                  | 6,573,179                                                                      | \$329                                                                               | \$110                                                                            | \$438                                                                          |
| <b>Total</b>    | <b>2,809,942</b>                         | <b>120,141,709</b>                                                             | <b>\$6,007</b>                                                                      | <b>\$5,786</b>                                                                   | <b>\$11,793</b>                                                                |

## 6. Summary of Quantified Damages from the Period of Enslavement

**TABLE 15: SUMMARY OF QUANTIFIED REPARATIONS FROM THE PERIOD OF ENSLAVEMENT**

| Damage Category                           | Total Damages (2020 US\$ Billion) |                  |
|-------------------------------------------|-----------------------------------|------------------|
|                                           | 2.3% Interest                     | 2.5% Interest    |
| Forgone Earnings                          | \$31,386                          | \$54,930         |
| Loss of Liberty                           | \$6,277                           | \$10,986         |
| Personal Injury                           | \$3,452                           | \$6,042          |
| Gender-Based Violence                     | \$11,793                          | \$11,793         |
| Mental Pain and Anguish                   | \$24,047                          | \$24,047         |
| <b>Total Damages for Wrongful Conduct</b> | <b>\$76,956</b>                   | <b>\$107,799</b> |

Note: The column labeled 2.3% shows the values for an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present). Quantification is based on the number of enslaved people who embarked to each destination country or were born into slavery. It encompasses (i) loss of life and uncompensated labor (jointly, foregone earnings), discussed in section II.A.1, (ii) loss of liberty, discussed in section II.A.2, (iii) personal injury, discussed in section II.A.3, (iv) mental pain and anguish, discussed in section II.A.4, (v) and gender based violence, discussed in section II.A.5.

**TABLE 16: SUMMARY OF QUANTIFIED REPARATIONS BY DESTINATION AND ENSLAVING COUNTRY BASED ON 2.5% INTEREST (2020 US\$ BILLIONS)**

|                              | Enslaving Country |         |          |         |         |             |          |          |        |               |           |
|------------------------------|-------------------|---------|----------|---------|---------|-------------|----------|----------|--------|---------------|-----------|
| Country                      | Argentina         | Brazil  | Britain  | Denmark | France  | Netherlands | Portugal | Spain    | Sweden | United States | Total     |
| Destination Country          |                   |         |          |         |         |             |          |          |        |               |           |
| Caribbean                    |                   |         |          |         |         |             |          |          |        |               |           |
| Antigua and Barbuda          |                   |         | \$1,280  |         |         |             |          |          |        |               | \$1,280   |
| Bahamas                      |                   |         | \$58     |         |         |             |          |          |        |               | \$58      |
| Barbados                     |                   |         | \$4,906  |         |         |             |          |          |        |               | \$4,906   |
| British Virgin Islands       |                   |         | \$133    |         |         |             |          |          |        |               | \$133     |
| Cuba                         |                   |         |          |         |         |             |          | \$4,492  |        |               | \$4,492   |
| Dominica                     |                   |         | \$864    |         |         |             |          |          |        |               | \$864     |
| Dominican Republic           |                   |         |          |         |         |             |          | \$957    |        |               | \$957     |
| Grenada                      |                   |         | \$999    |         | \$25    |             |          |          |        |               | \$1,024   |
| Haiti                        |                   |         |          |         | \$6,483 |             |          |          |        |               | \$6,483   |
| Jamaica                      |                   |         | \$9,559  |         |         |             |          | \$102    |        |               | \$9,661   |
| Puerto Rico (U.S.)           |                   |         |          |         |         |             |          | \$436    |        |               | \$436     |
| Saint Kitts and Nevis        |                   |         | \$1,622  |         |         |             |          |          |        |               | \$1,622   |
| Saint Lucia                  |                   |         | \$69     |         |         |             |          |          |        |               | \$69      |
| Trinidad and Tobago          |                   |         | \$165    |         |         |             |          | \$330    |        |               | \$495     |
| Virgin Islands (U.S.)        |                   |         |          | \$681   |         |             |          |          |        |               | \$681     |
| Central America and Mexico   |                   |         |          |         |         |             |          |          |        |               |           |
| Belize                       |                   |         | \$2      |         |         |             |          |          |        |               | \$2       |
| Honduras                     |                   |         |          |         |         |             |          | \$14     |        |               | \$14      |
| Mexico                       |                   |         |          |         |         |             |          | \$2,418  |        |               | \$2,418   |
| Panama                       |                   |         |          |         |         |             |          | \$173    |        |               | \$173     |
| South America                |                   |         |          |         |         |             |          |          |        |               |           |
| Argentina                    | \$8               |         |          |         |         |             |          | \$1,276  |        |               | \$1,284   |
| Brazil                       |                   | \$4,434 |          |         |         |             | \$20,582 |          |        |               | \$25,016  |
| Colombia                     |                   |         |          |         |         |             |          | \$6,055  |        |               | \$6,055   |
| Guyana                       |                   |         | \$533    |         |         | \$52        |          |          |        |               | \$586     |
| Peru                         |                   |         |          |         |         |             |          | \$73     |        |               | \$73      |
| Suriname                     |                   |         |          |         |         | \$2,723     |          |          |        |               | \$2,723   |
| Venezuela                    |                   |         |          |         |         |             |          | \$330    |        |               | \$330     |
| North America                |                   |         |          |         |         |             |          |          |        |               |           |
| US                           |                   |         | \$3,344  |         |         |             |          |          |        | \$26,790      | \$30,134  |
| Miscellaneous                |                   |         |          |         |         |             |          |          |        |               |           |
| British Overseas Territories |                   |         | \$476    |         |         |             |          |          |        |               | \$476     |
| Dutch Overseas Territories   |                   |         |          |         |         | \$2,111     |          |          |        |               | \$2,111   |
| French Overseas Territories  |                   |         |          |         | \$2,779 |             |          |          | \$12   |               | \$2,791   |
| Other                        |                   |         |          |         |         |             |          | \$450    |        |               | \$450     |
| TOTAL                        | \$8               | \$4,434 | \$24,011 | \$681   | \$9,288 | \$4,886     | \$20,582 | \$17,107 | \$12   | \$26,790      | \$107,799 |

Note: Quantification is based on the number of enslaved people who embarked to each destination country or were born into slavery. It encompasses (i) loss of life and uncompensated labor (jointly, foregone earnings), discussed in section II.A.1, (ii) loss of liberty, discussed in section II.A.2, (iii) personal injury, discussed in section II.A.3, (iv) mental pain and anguish, discussed in section II.A.4, (v) and gender based violence, discussed in section II.A.5. Where no figure is shown, this does not warrant that no liability has been found but that no data is currently available.

**TABLE 17: SUMMARY OF QUANTIFIED REPARATIONS BY DESTINATION AND ENSLAVING COUNTRY BASED ON 2.3% INTEREST (2020 US\$ BILLIONS)**

|                              | Enslaving Country |         |          |         |         |             |          |          |        |               |          |
|------------------------------|-------------------|---------|----------|---------|---------|-------------|----------|----------|--------|---------------|----------|
| Country                      | Argentina         | Brazil  | Britain  | Denmark | France  | Netherlands | Portugal | Spain    | Sweden | United States | Total    |
| Destination Country          |                   |         |          |         |         |             |          |          |        |               |          |
| Caribbean                    |                   |         |          |         |         |             |          |          |        |               |          |
| Antigua and Barbuda          |                   |         | \$914    |         |         |             |          |          |        |               | \$914    |
| Bahamas                      |                   |         | \$42     |         |         |             |          |          |        |               | \$42     |
| Barbados                     |                   |         | \$3,502  |         |         |             |          |          |        |               | \$3,502  |
| British Virgin Islands       |                   |         | \$95     |         |         |             |          |          |        |               | \$95     |
| Cuba                         |                   |         |          |         |         |             |          | \$3,207  |        |               | \$3,207  |
| Dominica                     |                   |         | \$617    |         |         |             |          |          |        |               | \$617    |
| Dominican Republic           |                   |         |          |         |         |             |          | \$683    |        |               | \$683    |
| Grenada                      |                   |         | \$713    |         | \$18    |             |          |          |        |               | \$731    |
| Haiti                        |                   |         |          |         | \$4,628 |             |          |          |        |               | \$4,628  |
| Jamaica                      |                   |         | \$6,824  |         |         |             |          | \$73     |        |               | \$6,897  |
| Puerto Rico (U.S.)           |                   |         |          |         |         |             |          | \$311    |        |               | \$311    |
| Saint Kitts and Nevis        |                   |         | \$1,158  |         |         |             |          |          |        |               | \$1,158  |
| Saint Lucia                  |                   |         | \$49     |         |         |             |          |          |        |               | \$49     |
| Trinidad and Tobago          |                   |         | \$118    |         |         |             |          | \$235    |        |               | \$353    |
| Virgin Islands (U.S.)        |                   |         |          | \$486   |         |             |          |          |        |               | \$486    |
| Central America and Mexico   |                   |         |          |         |         |             |          |          |        |               |          |
| Belize                       |                   |         | \$1      |         |         |             |          |          |        |               | \$1      |
| Honduras                     |                   |         |          |         |         |             |          | \$10     |        |               | \$10     |
| Mexico                       |                   |         |          |         |         |             |          | \$1,726  |        |               | \$1,726  |
| Panama                       |                   |         |          |         |         |             |          | \$124    |        |               | \$124    |
| South America                |                   |         |          |         |         |             |          |          |        |               |          |
| Argentina                    | \$6               |         |          |         |         |             |          | \$911    |        |               | \$916    |
| Brazil                       |                   | \$3,165 |          |         |         |             | \$14,693 |          |        |               | \$17,858 |
| Colombia                     |                   |         |          |         |         |             |          | \$4,323  |        |               | \$4,323  |
| Guyana                       |                   |         | \$381    |         |         | \$37        |          |          |        |               | \$418    |
| Peru                         |                   |         |          |         |         |             |          | \$52     |        |               | \$52     |
| Suriname                     |                   |         |          |         |         | \$1,944     |          |          |        |               | \$1,944  |
| Venezuela                    |                   |         |          |         |         |             |          | \$236    |        |               | \$236    |
| North America                |                   |         |          |         |         |             |          |          |        |               |          |
| US                           |                   |         | \$2,387  |         |         |             |          |          |        | \$19,125      | \$21,512 |
| Miscellaneous                |                   |         |          |         |         |             |          |          |        |               |          |
| British Overseas Territories |                   |         | \$340    |         |         |             |          |          |        |               | \$340    |
| Dutch Overseas Territories   |                   |         |          |         |         | \$1,507     |          |          |        |               | \$1,507  |
| French Overseas Territories  |                   |         |          |         | \$1,984 |             |          |          | \$8    |               | \$1,992  |
| Other                        |                   |         |          |         |         |             |          | \$322    |        |               | \$322    |
| TOTAL                        | \$6               | \$3,165 | \$17,141 | \$486   | \$6,630 | \$3,488     | \$14,693 | \$12,213 | \$8    | \$19,125      | \$76,956 |

Note: Estimations labeled “2.3% interest” are calculated using an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present).

Quantification is based on the number of enslaved people who embarked to each destination country or were born into slavery. It encompasses (i) loss of life and uncompensated labor (jointly, foregone earnings), discussed in section II.A.1, (ii) loss of liberty, discussed in section II.A.2, (iii) personal injury, discussed in section II.A.3, (iv) mental pain and anguish, discussed in section II.A.4, (v) and gender based violence, discussed in section II.A.5. Where no figure is shown, this does not warrant that no liability has been found but that no data is currently available.

## B. Not Quantified Harms

The analyses above quantified harms during the period of enslavement related to lost labor, lost life, loss of liberty through false imprisonment, personal injury, and gender-based violence. There were additional harms inflicted upon the enslaved that are not (fully) captured by those estimates, including psychological mistreatment and deprivation of social and political life.

Unfortunately, data limitations prevented us from quantifying these harms. These harms are important and we address them briefly below.

Since legal institutions considered enslaved persons to be property, the enslaved could not fully participate in social and political affairs.<sup>81</sup> As Professor Beckles notes:

*[D]ivisions and lack of egalitarianism [...] made the Atlantic World deeply unstable. [Enslaved persons] were not incorporated into the Atlantic World as citizens with equal rights, but as chattel, enslaved, and as the inferior 'Other'.*<sup>82</sup>

Enslaved people were forced to leave their own families and cultural traditions behind and adopt European customs, religion, and language, furthering their isolation.<sup>83</sup> Even as countries of formerly enslaved persons established their own governance systems post-independence, they faced issues of sovereignty from former colonizing powers, economic hardships, and hostility in an overwhelmingly racist global arena.<sup>84</sup>

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<sup>81</sup> Jim Crow laws and Black codes were laws passed in the southern United States that limited the rights of Black citizens, including limited employment opportunity, voter suppression, and segregation. *Scott v. Sandford*, 60 U.S. 19 How. 393 393 (1856); Sir Hilary Beckles, “The Historical Context of the Business of Transatlantic Chattel Slavery” in *Proceedings of the Symposium: Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean*, American Society of International Law, May 20–21, 2021.

<sup>82</sup> Verene Shepherd, *I Want To Disturb My Neighbor: Lectures on Slavery, Emancipation and Postcolonial Jamaica* (Kingston, Jamaica: Ian Randle Publishers, 2007).

<sup>83</sup> Nearly half of enslaved people were separated from their families upon arrival to the Americas, and approximately 1 in 4 enslaved people sold were children, separated from parents. “Black Families Severed by Slavery,” Equal Justice Initiative, January 29, 2018. <https://eji.org/news/history-racial-injustice-black-families-severed-by-slavery/>. See also Verene Shepherd, *I Want To Disturb My Neighbor: Lectures on Slavery, Emancipation and Postcolonial Jamaica* (Kingston, Jamaica: Ian Randle Publishers, 2007); David Brion Davis, “Slavery, Sex, and Dehumanization” in *Sex, Power, and Slavery*, ed. Gwyn Campbell and Elizabeth Elbourne (Athens: Ohio University Press, 2004); Monica Schuler, *“Alas Kongo”: A Social History of Indentured African Immigration into Jamaica 1841–1865* (Baltimore: Johns Hopkins University Press, 1979); Sasha Tuner, *Contested Bodies: Pregnancy Childrearing and Slavery in Jamaica* (Philadelphia: University of Pennsylvania Press, 2017); Maureen Warner Lewis, *Central Africa in the Caribbean: Transcending Time Transforming Cultures*. (Barbados: University of the West Indies Press, 2003); Maureen Warner Lewis, *Trinidad Yoruba - from Mother Tongue to Memory* (University of Alabama Press, 2009).

<sup>84</sup> Verene Shepherd, *I Want To Disturb My Neighbor: Lectures on Slavery, Emancipation and Postcolonial Jamaica* (Kingston, Jamaica: Ian Randle Publishers, 2007).

Further, enslaved individuals faced incalculable physical, psychological, sexual, and emotional trauma that cannot be quantified.<sup>85</sup> As Judge Patrick Robinson<sup>86</sup> notes:

[O]ne does not have to be a devotee of the Olympics of the oppressed to be able to agree that transatlantic chattel slavery as an atrocity exemplifying man's inhumanity to man has never been surpassed... [A]s an atrocity, transatlantic chattel slavery was: striking for its duration of over four hundred years [and] unmatched for its barbarity.<sup>87</sup>

Underpinning this maltreatment was the institutionalized dehumanization of African people. As Professor Beckles notes:

[The slave trade] fed the most barbaric system of human bondage the world had seen. Africans were reduced by slave relations to the legal status of non-humans [...] property, chattel, and real estate [...] They had no right to life; their existence as social beings was at the pleasure of owners whose rights over them were effectively unlimited.<sup>88</sup>

Slavery had incalculable effects on the psyche of those it dominated and dehumanized, potentially leading to the internalization of Black "inferiority."<sup>89</sup> Racial ethnic groups have developed internal discrimination towards each other with a preference for whiteness<sup>90</sup>, a

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<sup>85</sup> The enslaved were "gibbeted, castrated, branded with hot irons, dismembered, and locked in dungeons for unlimited periods as punishment for insubordination." See Hilary Beckles, *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013), 82; Patterson, Orlando. *The Sociology of Slavery: An Analysis of the Origins, Development and Structure of Negro Slave Society in Jamaica* (London: McGibbon and Kee. 1967); Bruce Golding, "Debates in Jamaica's House of Representatives," February 27, 2007.

<sup>86</sup> Judge Patrick L. Robinson, Member of the International Court of Justice, is Honorary President Emeritus of the American Society of International Law, and served as Chair for the First and Second Symposia on Reparations under International Law for Trans-Atlantic Chattel Slavery.

<sup>87</sup> Judge Patrick Robinson, "Welcome and Opening Remarks at Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean Symposium," The American Society of International Law, May 20, 2021.

<sup>88</sup> Hilary Beckles, "'Slavery was a long, long time ago': remembrance, reconciliation and the reparations discourse in the Caribbean." *A Review of International English Literature* 38(1) (January 2007):15–16.

<sup>89</sup> See Frantz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1952); Lise Fitzpatrick, "African Names and Naming Practices: The Impact Slavery and European Domination had on the African Psyche, Identity and Protest," (MA Thesis, The Ohio State University, 2012).

<sup>90</sup> Arthur H. Goldsmith, Darrick Hamilton, and William Darity Jr., "Shades of Discrimination: Skin Tone and Wages," 2006, *American Economic Review* 96(2) (May 2006): 242–245.

phenomenon bred out of slavery called colorism.<sup>91</sup> As Professor Beckles notes, “[t]hese socio-legal perceptions of Africans, and the punishments they received, reflected the British definition of them as property...nonhumans deserving of their enslavement.”<sup>92</sup> In every aspect of life, the enslaved were reduced to nonbeings. While we cannot quantify the damages arising from the psychological and physical mistreatment of enslaved persons, we recognize its unique cruelty and role in promoting the economic and political enrichment of slavers.

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<sup>91</sup> Verna M. Keith and Cedric Herring, “Skin Tone and Stratification in the Black Community,” *American Journal of Sociology* 97(3) (1991):760–778.

<sup>92</sup> Hilary Beckles, *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013), 82.

# III. Reparations for the Period After the Formal Abolition of Chattel Slavery

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In 2021, Professor Beckles noted:

the reparations movement is not just looking at how much is required to compensate labor, but what is required to promote the development of democratic society and economy today out of the rubble of an abandoned colony.<sup>93</sup>

This statement recognizes that the effects of slavery have extended centuries beyond the dates on which it was outlawed in the Americas and the Caribbean. In this section, we seek to document, and when possible quantify, those lasting effects.

## A. Quantified Damages

The nature of the ongoing harms that result from enslavement but materialize in the post-enslavement period are more commingled than from the period of enslavement. We offer as a summary of harm the difference in wealth between the formerly enslaved and the societies that enslaved them. This represents a measure of harm from slavery that developed in the post enslavement period. As this measure does not fully capture all of the harms from the period of post enslavement, we also identify certain additional quantifiable categories of harm.

### 1. Summary Estimate of Harm: Wealth Disparity

The economic consequences of enslavement will impact both the opportunity to develop human capital and consume goods and services (including education and other investments that can increase income) during one's lifetime as well as the opportunity to accumulate wealth that can be passed on across generations. In the lifetime of an individual, both effects are realized: the victim achieves less income and consumption in their lifetime and leaves behind less wealth for her heirs. From the perspective today of a descendent of enslaved people, a key

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<sup>93</sup> Sir Hilary Beckles, "The Historical Context of the Business of Transatlantic Chattel Slavery" in *Proceedings of the Symposium: Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean*, American Society of International Law, May 20–21, 2021.

expression of the cumulative loss of wealth across time is the difference in accumulated wealth between affected and unaffected (or beneficiary) races or societies.

Wealth differentials as a measure of harm is inherently conservative for two reasons. First, it does not incorporate non-economic harms. Second, it does not account for the differential in economic consumption over time, *e.g.*, it accounts for the fact that current descendants of the enslaved are worse-off than the descendants of the enslavers, but it does not fully account for all the preceding generations of descendants of the enslaved who were also worse off, say by living in smaller homes or enjoying the use of fewer material possessions during their lifetimes. Nevertheless, we find it a useful lower-bound summary of harm.<sup>94</sup> We first estimate the wealth disparity between Black and white people in the United States and then provide an estimate of the wealth disparity between the remaining colonized countries in the Americas and Caribbean and their colonizers.

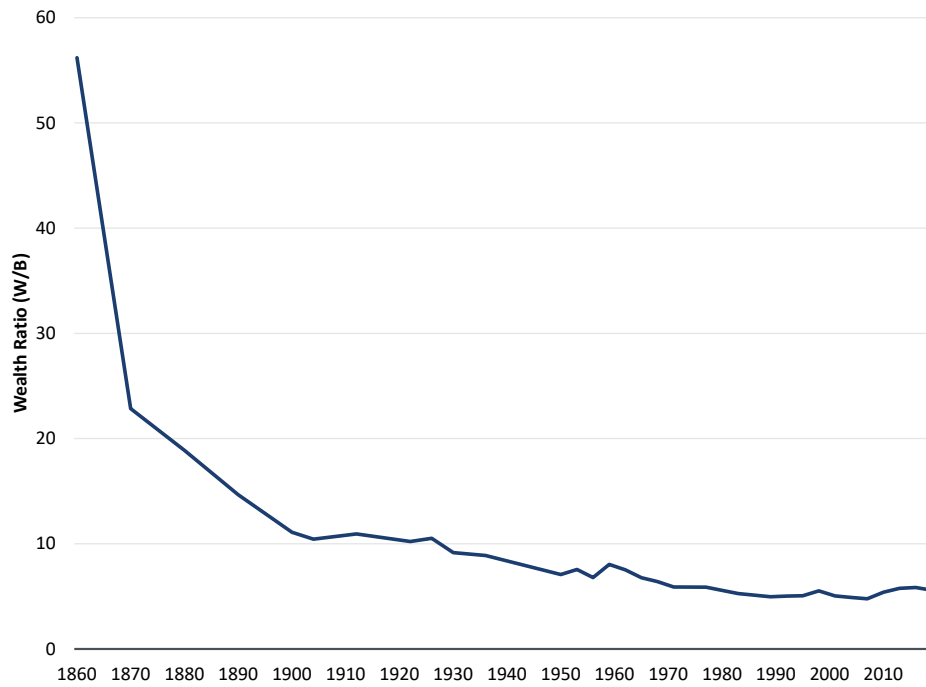
Today, the wealth gap between Black and white Americans remains one of the largest indicators of racial disparity. Using an 1860-2019 dataset compiled by Derenoncourt *et al.* (2022), we show that the racial wealth gap has remained mostly stagnant over the last 50 years, with the largest changes occurring directly following emancipation (1860-1900).<sup>95</sup> See Figure 7

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<sup>94</sup> This approach to estimating reparations is used by others. See, for example, William Darity Jr. *et al.*, “The Cumulative Costs of Racism and the Bill for Black Reparations,” *Journal of Economic Perspectives* 36(2) (Spring 2022). The one sense in which wealth disparity is not conservative for measuring just the post enslavement period is to the extent of the wealth disparity that existed at the end of the period of enslavement. As this is a very small portion of total wealth today, we still consider our approach to be conservative.

<sup>95</sup> Ellora Derenoncourt *et al.*, “Wealth of Two Nations: The U.S. Racial Wealth Gap, 1860–2020,” *National Bureau of Economic Research Working Paper No. 30101*, June 2022.

**FIGURE 7: WHITE-TO-BLACK PER-CAPITA WEALTH RATIO IN THE UNITED STATES, 1860 TO 2019**



Source: Ellora Derenoncourt *et al.*, “Wealth of Two Nations: The U.S. Racial Wealth Gap, 1860–2020,” *National Bureau of Economic Research Working Paper No. 30101*, June 2022.

In Table 18, below, we summarize the white-to-Black wealth ratio from 1860 to 2020, by decade. As is clearly shown, the racial wealth gap has increased since the 1990s.

**TABLE 18: WHITE-TO-BLACK PER CAPITA WEALTH RATIO IN THE UNITED STATES, 1860 TO 2020**

| Year | Wealth Ratio (W/B) | % Change |
|------|--------------------|----------|
| 1860 | 56.19              | n.a.     |
| 1870 | 22.85              | -59.3%   |
| 1880 | 18.88              | -17.4%   |
| 1890 | 14.66              | -22.3%   |
| 1900 | 10.77              | -26.6%   |
| 1910 | 10.94              | 1.6%     |
| 1920 | 10.21              | -6.7%    |
| 1930 | 9.85               | -3.6%    |
| 1940 | 8.89               | -9.7%    |
| 1950 | 7.31               | -17.7%   |
| 1960 | 7.45               | 1.9%     |
| 1970 | 6.36               | -14.6%   |
| 1980 | 5.57               | -12.4%   |
| 1990 | 5.00               | -10.3%   |
| 2000 | 5.13               | 2.7%     |
| 2010 | 5.31               | 3.5%     |
| 2020 | 5.72               | 7.6%     |

Source: Ellora Derenoncourt *et al.*, “Wealth of Two Nations: The U.S. Racial Wealth Gap, 1860–2020,” *National Bureau of Economic Research Working Paper No. 30101*, June 2022.

Using the wealth gap as a measure of the economic opportunities lost to Black people in the United States in earning, saving, and investing since emancipation, we estimate a US\$277,967 per-person disparity in accumulated wealth.<sup>96</sup> As shown in Table 19, applying this to the approximately 41.3 million Black individuals in the US, as of the 2020 Census, we estimate US\$11.5 trillion in aggregate damages for Black individuals in the US.<sup>97</sup>

<sup>96</sup> This is consistent with Darity Jr. and Mullen (2020), who estimate reparations at US\$267,000 per person for descendants of enslaved persons. See Ellora Derenoncourt *et al.*, “Wealth of Two Nations: The U.S. Racial Wealth Gap, 1860–2020,” *National Bureau of Economic Research Working Paper No. 30101*, June 2022; William Darity Jr. *et al.*, “The Cumulative Costs of Racism and the Bill for Black Reparations,” *Journal of Economic Perspectives* 36(2) (Spring 2022).

<sup>97</sup> United States Census Bureau, “Table HH-2: Households, by Race and Hispanic Origin of the Householder: 1970 to Present, Current Population Survey,” United States Department of Commerce, November 2022, <https://www.census.gov/data/tables/time-series/demo/families/households.html>.

**TABLE 19: MAGNITUDE OF THE WHITE-BLACK WEALTH GAP  
IN THE UNITED STATES (2020 US\$)<sup>98</sup>**

|                           |            |
|---------------------------|------------|
| Mean Black Wealth, 2019   | \$60,126   |
| Mean White Wealth, 2019   | \$338,093  |
| Wealth Gap Ratio          | 5.62       |
| Wealth Gap (\$)           | \$277,967  |
| Black Population, 2020    | 41,332,911 |
| Wealth Gap Damages (\$bn) | \$11,489   |

Source: Ellora Derenoncourt *et al.*, “Wealth of Two Nations: The U.S. Racial Wealth Gap, 1860–2020,” *National Bureau of Economic Research Working Paper No. 30101*, June 2022.

For the rest of the Americas and the Caribbean, we estimate the current day, per-person differential in wealth between African descended population of a country and the wealth of the slave-trading country. This is an imperfect method, since the wealth disparities between enslaving countries and the African descended population of countries in the Americas are driven by multiple variables. On the one hand, and to some extent, the lower wealth of colonized countries is due to the effects of colonization beyond the creation of slavery-based economies. On the other hand, the African-descended populations of the colonized countries tend to do worse economically than the national averages we are using here.<sup>99</sup> Furthermore, the higher wealth of the slave-trading countries may not rest exclusively on the benefits derived from the slave trade. In a hypothetical world that never experienced transatlantic chattel slavery, the wealth of the slave-trading countries would have been lower and the wealth of the colonized countries would have been higher, but we do not know if the gap would have been completely eliminated. Nevertheless, we find the wealth differential a useful summary measure of harm, especially considering its inherently conservative nature. As shown in Table 20, we find the accumulated wealth differential for these countries to be US\$11.4 trillion.

<sup>98</sup> United States Bureau of Labor Statistics, “Consumer Price Index,” United States Department of Labor, <https://www.bls.gov/cpi/data.htm>.

<sup>99</sup> This legacy of colorism is noted below in the discussion of additional harms.

**TABLE 20: MAGNITUDE OF THE WEALTH GAP ACROSS THE AMERICAS (2020 US\$)**

| Destination Country                            | Enslaving Country | Black Adults<br>(thousands) | Wealth per Adult<br>(\$) | Total Wealth<br>(\$bn) | But-For Wealth<br>per Adult (\$) | Wealth Gap per<br>Black Adult (\$) | Total Wealth Gap<br>(\$bn) |
|------------------------------------------------|-------------------|-----------------------------|--------------------------|------------------------|----------------------------------|------------------------------------|----------------------------|
| Antigua and Barbuda                            | United Kingdom    | 70                          | \$22,987                 | \$2                    | \$299,559                        | \$276,572                          | \$19                       |
| Bahamas                                        | United Kingdom    | 278                         | \$53,490                 | \$15                   | \$299,559                        | \$246,069                          | \$68                       |
| Barbados                                       | United Kingdom    | 221                         | \$70,469                 | \$16                   | \$299,559                        | \$229,090                          | \$51                       |
| Cuba*                                          | Spain             | 11,301                      | \$25,452                 | \$288                  | \$224,385                        | \$198,933                          | \$2,248                    |
| Dominica                                       | United Kingdom    | 49                          | \$37,139                 | \$2                    | \$299,559                        | \$262,420                          | \$13                       |
| Dominican Republic*                            | Spain             | 11,000                      | \$25,452                 | \$280                  | \$224,385                        | \$198,933                          | \$2,188                    |
| Grenada                                        | United Kingdom    | 78                          | \$52,012                 | \$4                    | \$299,559                        | \$247,547                          | \$19                       |
| Haiti                                          | France            | 6,621                       | \$911                    | \$6                    | \$325,862                        | \$324,951                          | \$2,152                    |
| Jamaica                                        | United Kingdom    | 2,041                       | \$20,161                 | \$41                   | \$299,559                        | \$279,398                          | \$570                      |
| Saint Lucia                                    | United Kingdom    | 138                         | \$32,496                 | \$4                    | \$299,559                        | \$267,063                          | \$37                       |
| Trinidad and Tobago                            | United Kingdom    | 1,032                       | \$45,506                 | \$47                   | \$299,559                        | \$254,053                          | \$262                      |
| Belize                                         | United Kingdom    | 64                          | \$10,383                 | \$1                    | \$299,559                        | \$289,176                          | \$19                       |
| Honduras*                                      | Spain             | 202                         | \$25,452                 | \$5                    | \$224,385                        | \$198,933                          | \$40                       |
| Mexico                                         | Spain             | 1,703                       | \$44,340                 | \$75                   | \$224,385                        | \$180,045                          | \$307                      |
| Panama                                         | Spain             | 262                         | \$45,649                 | \$12                   | \$224,385                        | \$178,736                          | \$47                       |
| Argentina                                      | Spain             | 123                         | \$8,474                  | \$1                    | \$224,385                        | \$215,911                          | \$27                       |
| Brazil                                         | Portugal          | 15,791                      | \$19,796                 | \$313                  | \$160,347                        | \$140,551                          | \$2,219                    |
| Colombia                                       | Spain             | 2,422                       | \$16,457                 | \$40                   | \$224,385                        | \$207,928                          | \$504                      |
| Guyana                                         | United Kingdom    | 145                         | \$12,252                 | \$2                    | \$299,559                        | \$287,307                          | \$42                       |
| Peru                                           | Spain             | 811                         | \$18,995                 | \$15                   | \$224,385                        | \$205,390                          | \$167                      |
| Suriname                                       | The Netherlands   | 143                         | \$7,410                  | \$1                    | \$403,852                        | \$396,442                          | \$57                       |
| Venezuela                                      | Spain             | 661                         | \$23,028                 | \$15                   | \$224,385                        | \$201,357                          | \$133                      |
| Territories Which Have Not Gained Independence |                   | 1,294                       |                          |                        |                                  | \$196,987                          | \$255                      |
|                                                |                   |                             |                          |                        |                                  | <b>Total</b>                       | <b>\$11,442</b>            |

Sources and Notes: Data on wealth per adult is not available for countries marked with an asterisk (\*). For these countries, we use average Latin American wealth per adult. Territories that have not gained independence include: Puerto Rico, the US Virgin Islands, British Virgin Islands, French Guiana, Guadeloupe, Martinique, Montserrat, Saint Pierre and Miquelon, Curacao, Sint Eustatius, Sint Maarten, Bermuda and Saint Barthelemy. The wealth gap used for them is the average wealth gap of the former colonies of the relevant sovereign, except for Puerto Rico where the wealth gap between Black and white Americans is used. We assume 100% of the population in Caribbean countries is Black or Afro-Caribbean, whereas we use country-level statistics on race Central and South America. For consistency with US values, we include categories such as Creole, and exclude categories such as *pardo* ("mixed-race") in Brazil, but acknowledge many of these people face structural racism due to the color of their skin. "Global Wealth Databook 2022," Credit Suisse, 2020; Central Intelligence Authority, "Argentina," *The World Factbook*, January 30, 2023; Central Intelligence Authority, "Panama," *The World Factbook*, January 18, 2023; Central Intelligence Authority, "Honduras," *The World Factbook*, January 26, 2023; Central Intelligence Authority, "Colombia," *The World Factbook*, January 26, 2023; Central Intelligence Authority, "Suriname," *The World Factbook*, January 30, 2023; Jazmin Aguilar Rangel, "Infographic: Afrodescendants in Mexico," Wilson Center, July 29, 2022; Government of Guyana, "Compendium 2: Population Composition," Guyana Bureau of Statistics, July 2016; "Belize Population and Housing Census," UNFPA and Statistical Institute of Belize Country Report, 2010; "Cuadro 2.11. Distribución Porcentual de la Población, Según Autoreconocimiento Étnico," República Bolivariana de Venezuela Ministerio del Poder Popular del Despacho de la Presidencia y Seguimiento de la Gestión de Gobierno Instituto Nacional de Estadística Bolivarian Republic of Venezuela Ministry of People's Power of the Office of the Presidency and Monitoring of Government Management National Institute of Statistics, 2011; "Tabela 1.3.1—População residente, por cor ou raça, segundo o sexo e os grupos de idade—Brasil—2010," IGBE 2010 Census, 2010.

Our estimate of the total harm from transatlantic chattel slavery for the period of post-enslavement is US\$22.9 trillion is based on summing up the harms calculated for each country (see Table 21). The cumulative effects of the many harms from slavery are only partially captured by our wealth differential calculation. In the following section, we provide data on

several of the individual harms. As these harms are partially reflected in the wealth differential, they are not fully additive to our central estimate of US\$22.9 trillion.<sup>100</sup> Consequently, this estimate should be viewed as a lower bound.

**TABLE 21: TOTAL HARM FOR THE PERIOD OF POST-ENSLAVEMENT  
(2020 US\$ BILLIONS)**

|                           |          |
|---------------------------|----------|
| US Wealth Gap Damages     | \$11,489 |
| Non-US Wealth Gap Damages | \$11,442 |
| Total Wealth Gap Damages  | \$22,931 |

Sources and Notes: See Table 19 and Table 20.

The harms reported above accumulated over more than a century since the end of the period of enslavement and they are follow-on harms that continued from the experiences of enslavement. They were calculated as the summation of harms that we calculated at the individual country level. Those individual country level damages that amount to \$22.9 trillion in reparations overall are presented in Table 22.

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<sup>100</sup> We were not able to disentangle the overlapping nature of all of the harms.

**TABLE 22: TOTAL REPARATION FOR THE PERIOD OF POST-ENSLAVEMENT (2020 US\$ BILLIONS)  
BY ENSLAVING AND DESTINATION COUNTRY**

|                              | Enslaving Country |        |         |         |         |             |          |         |        |               |          |
|------------------------------|-------------------|--------|---------|---------|---------|-------------|----------|---------|--------|---------------|----------|
| Country                      | Argentina         | Brazil | Britain | Denmark | France  | Netherlands | Portugal | Spain   | Sweden | United States | Total    |
| Destination Country          |                   |        |         |         |         |             |          |         |        |               |          |
| Caribbean                    |                   |        |         |         |         |             |          |         |        |               |          |
| Antigua and Barbuda          |                   |        | \$19    |         |         |             |          |         |        |               | \$19     |
| Bahamas                      |                   |        | \$68    |         |         |             |          |         |        |               | \$68     |
| Barbados                     |                   |        | \$51    |         |         |             |          |         |        |               | \$51     |
| British Virgin Islands       |                   |        | \$3     |         |         |             |          |         |        |               | \$3      |
| Cuba                         |                   |        |         |         |         |             |          | \$2,248 |        |               | \$2,248  |
| Dominica                     |                   |        | \$13    |         |         |             |          |         |        |               | \$13     |
| Dominican Republic           |                   |        |         |         |         |             |          | \$2,188 |        |               | \$2,188  |
| Grenada                      |                   |        | \$19    |         | \$0     |             |          |         |        |               | \$19     |
| Haiti                        |                   |        |         |         | \$2,152 |             |          |         |        |               | \$2,152  |
| Jamaica                      |                   |        | \$564   |         |         |             |          | \$6     |        |               | \$570    |
| Puerto Rico (U.S.)           |                   |        |         |         |         |             |          | \$114   |        |               | \$114    |
| Saint Kitts and Nevis        |                   |        |         |         |         |             |          |         |        |               | \$0      |
| Saint Lucia                  |                   |        | \$37    |         |         |             |          |         |        |               | \$37     |
| Trinidad and Tobago          |                   |        | \$88    |         |         |             |          | \$175   |        |               | \$262    |
| Virgin Islands (U.S.)        |                   |        |         | \$6     |         |             |          |         |        |               | \$6      |
| Central America and Mexico   |                   |        |         |         |         |             |          |         |        |               |          |
| Belize                       |                   |        | \$19    |         |         |             |          |         |        |               | \$19     |
| Honduras                     |                   |        |         |         |         |             |          | \$40    |        |               | \$40     |
| Mexico                       |                   |        |         |         |         |             |          | \$307   |        |               | \$307    |
| Panama                       |                   |        |         |         |         |             |          | \$47    |        |               | \$47     |
| South America                |                   |        |         |         |         |             |          |         |        |               |          |
| Argentina                    | \$0               |        |         |         |         |             |          | \$26    |        |               | \$27     |
| Brazil                       |                   | \$393  |         |         |         |             | \$1,826  |         |        |               | \$2,219  |
| Colombia                     |                   |        |         |         |         |             |          | \$504   |        |               | \$504    |
| Guyana                       |                   |        | \$38    |         |         | \$4         |          |         |        |               | \$42     |
| Peru                         |                   |        |         |         |         |             |          | \$167   |        |               | \$167    |
| Suriname                     |                   |        |         |         |         | \$57        |          |         |        |               | \$57     |
| Venezuela                    |                   |        |         |         |         |             |          | \$133   |        |               | \$133    |
| North America                |                   |        |         |         |         |             |          |         |        |               |          |
| US                           |                   |        | \$1,275 |         |         |             |          |         |        | \$10,214      | \$11,489 |
| Miscellaneous                |                   |        |         |         |         |             |          |         |        |               |          |
| British Overseas Territories |                   |        |         |         |         |             |          |         |        |               | \$0      |
| Dutch Overseas Territories   |                   |        |         |         |         | \$23        |          |         |        |               | \$23     |
| French Overseas Territories  |                   |        |         |         | \$106   |             |          |         |        |               | \$106    |
| Other                        |                   |        |         |         |         |             |          | \$3     |        |               | \$3      |
| TOTAL                        | \$0               | \$393  | \$2,193 | \$6     | \$2,258 | \$83        | \$1,826  | \$5,957 | \$0    | \$10,214      | \$22,931 |

Note: For the United States the reparation for the period of post-enslavement represents the wealth gap between the average Black and white person in the United States, multiplied by the number of Black people in the United states. For the rest of the Americas and the Caribbean, we estimate the current day, per-person differential in wealth between African descended population of a country and the wealth per-person of the slave-trading country and multiply by the estimated population of African descendants in each destination country. Where no figure is shown, this does not warrant that no liability has been found but that no data is currently available.

## 2. Other Indicia of Harm

### a. Loss of Life

We illustrate differences in life expectancy between the descendants of victims of chattel slavery and the colonizer populations. First, Table 23 shows how life expectancy in the countries that were destination for disembarkments of enslaved people is significantly lower than in the enslaving countries.

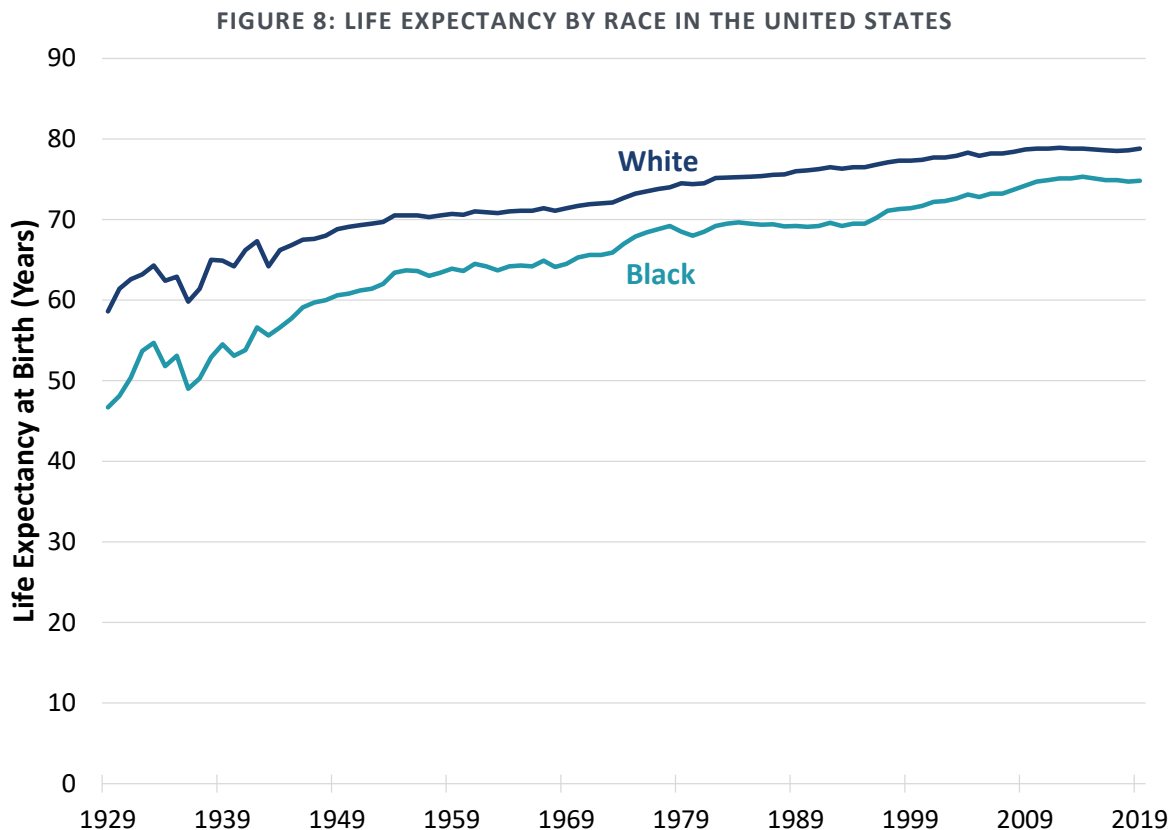
**TABLE 23: CURRENT LIFE EXPECTANCY IN ENSLAVED EMBARKMENT DESTINATIONS  
AND IN ENSLAVING COUNTRIES**

| <b>Country</b>                                | <b>Life Expectancy<br/>at Birth</b> |
|-----------------------------------------------|-------------------------------------|
| <b><i>Enslaving Countries</i></b>             |                                     |
| Denmark                                       | 82                                  |
| France                                        | 82                                  |
| Portugal                                      | 81                                  |
| Spain                                         | 82                                  |
| The Netherlands                               | 81                                  |
| United Kingdom                                | 81                                  |
| <b><i>Average</i></b>                         | <b>82</b>                           |
| <b><i>Destination Countries</i></b>           |                                     |
| Antigua and Barbuda                           | 79                                  |
| Argentina                                     | 76                                  |
| Barbados                                      | 77                                  |
| Brazil                                        | 74                                  |
| Cuba                                          | 78                                  |
| Dominica                                      | 77                                  |
| Dominican Republic                            | 73                                  |
| Grenada                                       | 75                                  |
| Guyana                                        | 68                                  |
| Haiti                                         | 64                                  |
| Honduras                                      | 71                                  |
| Jamaica                                       | 72                                  |
| St. Kitts and Nevis                           | 71                                  |
| St. Lucia                                     | 73                                  |
| St. Vincent and the Grenadines                | 72                                  |
| The Bahamas                                   | 73                                  |
| Trinidad and Tobago                           | 74                                  |
| United States                                 | 77                                  |
| <b><i>Average (With United States)</i></b>    | <b>74</b>                           |
| <b><i>Average (Without United States)</i></b> | <b>73</b>                           |

Source: Life expectancy at birth is the average number of years a newborn is expected to live if mortality patterns at the time of its birth remain constant in the future. "Life expectancy at birth, total (years)," World Bank, 2020, <https://data.worldbank.org/indicator/SP.DYN.LE00.IN>.

Life expectancy is on average 7.9 years longer in the enslaving countries than in the destination countries. This means that a person living in an enslaving country today can expect to live 11% longer than if they live in a colonized country.

Demographic data for the United States allow for a more refined approach. Within the United States, there is a clear demographic distinction between the descendants of the enslaved (and other African immigrants and their descendants, who through institutionalized racism are victims of the legacy of slavery) and the white population. See Figure 4. As shown in Figure 8, the gap in life expectancy between white and Black populations has decreased over the last 100 years, but as of 2010 there was still a 3.78 year difference, which was almost 5 years for men and over 3 years for women.



**TABLE 24: LIFE EXPECTANCY AT BIRTH BY RACE AND SEX IN THE UNITED STATES, 1900 TO 2010**

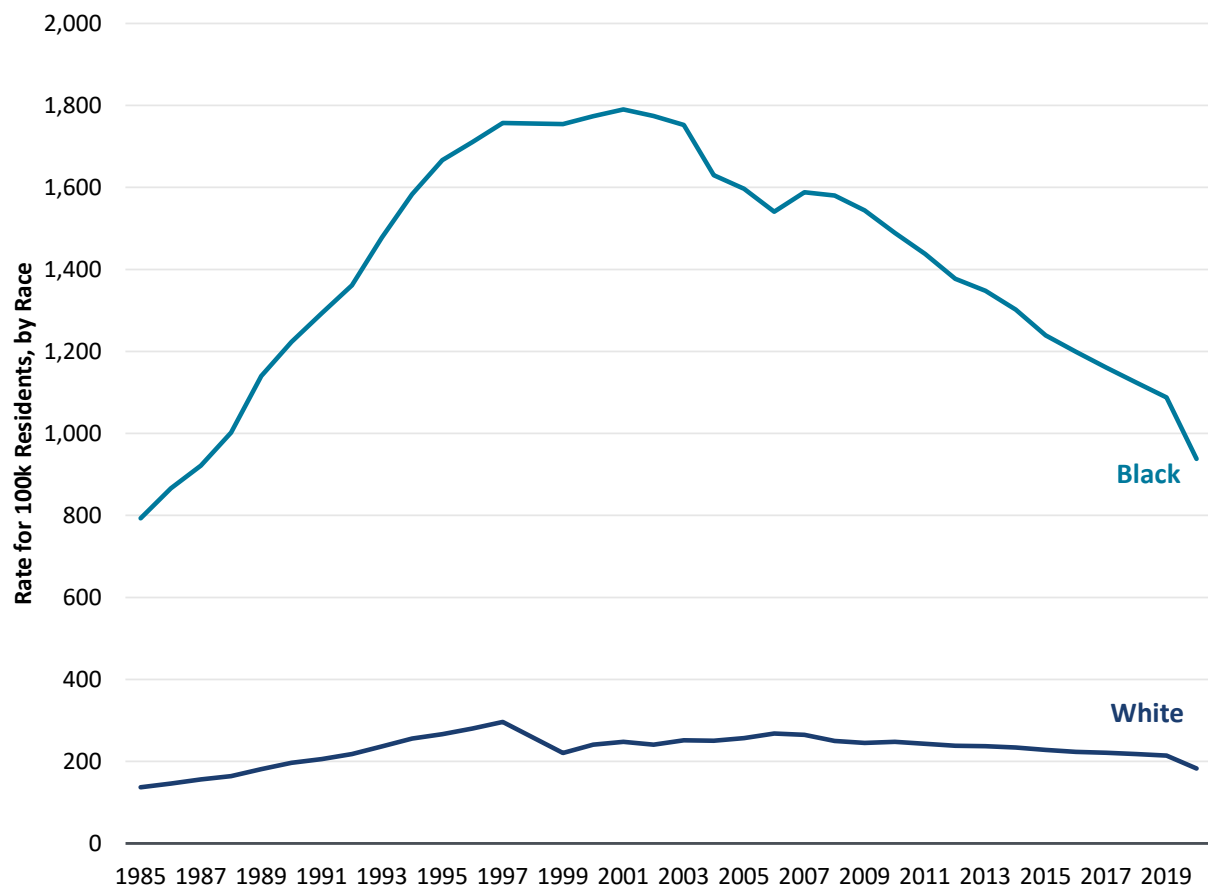
| Decade         | Difference in<br>Average Life<br>Expectancy in Years<br>(Male)<br>[1] | Difference in<br>Average Life<br>Expectancy in Years<br>(Female)<br>[2] | Difference in<br>Average Life<br>Expectancy in Years<br>(All)<br>[3] |
|----------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------|
| 1900           | 16.22                                                                 | 16.47                                                                   | 16.28                                                                |
| 1910           | 16.18                                                                 | 15.95                                                                   | 15.99                                                                |
| 1920           | 10.35                                                                 | 12.06                                                                   | 11.14                                                                |
| 1930           | 10.57                                                                 | 11.33                                                                   | 10.94                                                                |
| 1940           | 8.74                                                                  | 10.19                                                                   | 9.40                                                                 |
| 1950           | 6.7                                                                   | 8.28                                                                    | 7.42                                                                 |
| 1960           | 6.46                                                                  | 7.30                                                                    | 6.82                                                                 |
| 1970           | 6.13                                                                  | 5.32                                                                    | 5.72                                                                 |
| 1980           | 6.85                                                                  | 5.35                                                                    | 6.09                                                                 |
| 1990           | 7.84                                                                  | 5.58                                                                    | 6.66                                                                 |
| 2000           | 6.15                                                                  | 4.35                                                                    | 5.14                                                                 |
| 2010           | 4.67                                                                  | 3.09                                                                    | 3.78                                                                 |
| <b>Average</b> | <b>8.91</b>                                                           | <b>8.77</b>                                                             | <b>8.78</b>                                                          |

Source: Race and ethnicity categories changed over the period, though we use we use ‘Non-Hispanic White’ and ‘Non-Hispanic Black’ values where possible. National Center for Health Statistics, “National Vital Statistics Reports, United States Life Tables,” Centers for Disease Control and Prevention.

## **b. Loss of Liberty**

Post-enslavement, African descendants are at greater risk of losing liberty through increased incarceration rates. As an example, we illustrate differences in incarceration rates between the Black and white population in the United States.

**FIGURE 9: IMPRISONMENT RATE PER 100,000 US RESIDENTS OF A GIVEN RACE, 1985 TO 2020**



Source: United States Bureau of Justice Statistics, “Prisoners in 1996,” by Christopher J. Mumola and Allen J. Beck, United States Department of Labor, June 1997; United States Bureau of Justice Statistics, “Prisoners in 1997,” by Darrell K. Gilliard and Allen J. Beck, United States Department of Labor, August 1998; United States Bureau of Justice Statistics, “Prisoners in 1998,” by Allen J. Beck and Christopher J. Mumola, United States Department of Labor, August 1999; United States Bureau of Justice Statistics, “Prisoners in 2008,” by William Sabol *et al.*, United States Department of Labor, December 2009; United States Bureau of Justice Statistics, “Prisoners in 2018,” by E. Ann Carson, United States Department of Labor, April 2020; United States Bureau of Justice Statistics, “Prisoners in 2020,” by E. Ann Carson, United States Department of Labor, December 2021.

### c. Income Disparity

Descendants of enslaved people have earned less income than others, even to this day. This can be seen both at the national level in the impact on countries with large legacies for formerly enslaved and within countries in differences between black and white earnings. Table 25 shows that the average GDP per capita in the destination countries excluding the United States is US\$10,077 per capita (\$13,192, if the United States is included), while for enslaving countries it exceeds \$40,000 per capita. We also present data on the income gap between Black and white people in the United States.

TABLE 25: DISEMBARKED SLAVES AND CURRENT GDP PER CAPITA IN EUROPEAN SLAVE-HOLDING COUNTRIES, AND COUNTRIES WHERE SLAVES DISEMBARKED IN THE AMERICAS AND THE CARIBBEAN

|                              | Number of Disembarked Slaves | GDP per Capita (USD) |
|------------------------------|------------------------------|----------------------|
| <b>Enslaving Countries</b>   |                              |                      |
| Denmark                      | n.a.                         | \$61,063             |
| France                       | n.a.                         | \$39,037             |
| Portugal                     | n.a.                         | \$22,195             |
| Spain                        | n.a.                         | \$27,056             |
| The Netherlands              | n.a.                         | \$52,396             |
| United Kingdom               | n.a.                         | \$41,098             |
|                              | <b>Average</b>               | <b>\$40,474</b>      |
| <b>Destination Countries</b> |                              |                      |
| Antigua and Barbuda          | 119,866                      | \$13,993             |
| Argentina                    | 63,122                       | \$8,586              |
| Barbados                     | 375,874                      | \$16,319             |
| Brazil                       | 3,169,287                    | \$6,815              |
| Cuba                         | 766,310                      | \$9,478              |
| Dominica                     | 102,401                      | \$7,004              |
| Dominican Republic           | 27,644                       | \$7,268              |
| Grenada                      | 123,378                      | \$9,273              |
| Guyana                       | 74,693                       | \$6,956              |
| Haiti                        | 694,995                      | \$1,272              |
| Honduras                     | 282                          | \$2,406              |
| Jamaica                      | 931,574                      | \$4,665              |
| St. Kitts and Nevis          | 144,981                      | \$18,441             |
| St. Lucia                    | 8,281                        | \$8,805              |
| The Bahamas                  | 13,228                       | \$24,665             |
| Trinidad and Tobago          | 39,434                       | \$15,286             |
| United States                | 281,055                      | \$63,028             |
| Former Union States          | 35,389                       | \$63,091             |
| Former Confederate States    | 245,666                      | \$52,069             |
|                              | <b>Average (inc. U.S.)</b>   | <b>\$13,192</b>      |
|                              | <b>Average (excl. U.S.)</b>  | <b>\$10,077</b>      |

Sources and Notes: Sources and Notes: : David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (Yale University Press, 2015); "Trans-Atlantic Slave Trade—Database," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/database>; "Trans-Atlantic Slave Trade—Essays," Slave Voyages, 2021, <https://www.slavevoyages.org/voyage/essays#interpretation/overview-trans-atlantic-slave-trade/introduction/0/en/>; "GDP (current US\$)," The World Bank World Development Indicators, 2022; "Population, total," The World Bank World Development Indicators, 2020.

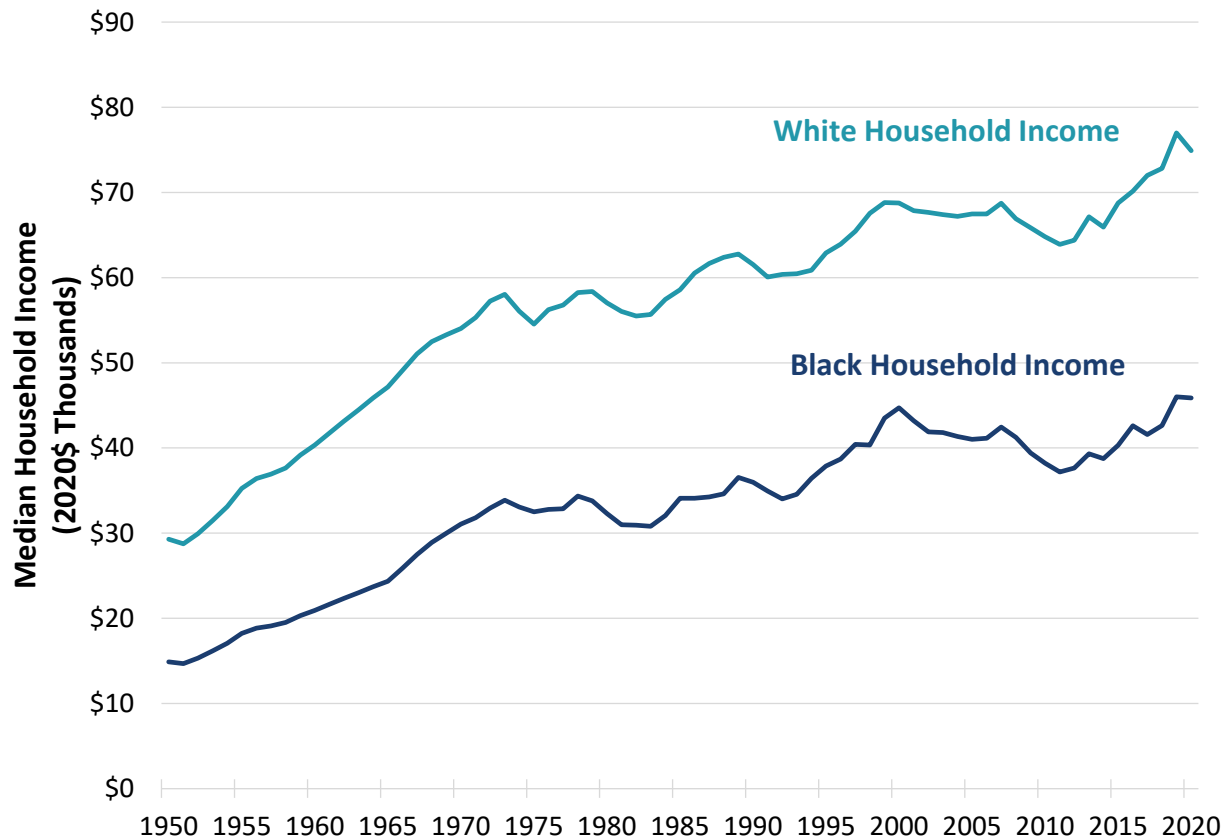
**TABLE 26: DISCREPANCY IN MEDIAN INCOME BETWEEN  
BLACK AND WHITE HOUSEHOLDS IN THE UNITED STATES<sup>101</sup>**

| <b>Decade</b> | <b>White Households</b> | <b>Black Households</b> | <b>Discrepancy</b> |
|---------------|-------------------------|-------------------------|--------------------|
| 1950s         | \$33,795                | \$17,404                | 49%                |
| 1960s         | \$46,870                | \$24,820                | 47%                |
| 1970s         | \$56,488                | \$32,902                | 42%                |
| 1980s         | \$58,761                | \$33,067                | 44%                |
| 1990s         | \$63,195                | \$37,677                | 40%                |
| 2000s         | \$67,536                | \$41,819                | 38%                |
| 2010s         | \$68,696                | \$40,420                | 41%                |

Sources and Notes: All values in 2020 US Dollars. United States Census Bureau, “Households by Total Money Income, Race, and Hispanic Origin of Householder: 1967 to 2020,” United States Department of Commerce, 2021; National Center for Education Statistics, “Median family income, by race/ethnicity of head of household: 1950 to 1993,” United States Department of Education, 1996.

<sup>101</sup> Aaron O’Neill, “Median household income in the United States, by race and Hispanic origin from 1967 to 2021,” Statista, September 22, 2022, <https://www.statista.com/statistics/1086359/median-household-income-race-us/>. See also, National Center for Education Statistics, “Median family income, by race/ethnicity of head of household: 1950 to 1993,” United States Department of Education, 1996.

FIGURE 10: MEDIAN HOUSEHOLD INCOME IN THE UNITED STATES BY RACE, 1950 TO 2021



Source: All values in 2020 US Dollars. United States Census Bureau, "Households by Total Money Income, Race, and Hispanic Origin of Householder: 1967 to 2020," United States Department of Commerce, 2021; National Center for Education Statistics, "Median family income, by race/ethnicity of head of household: 1950 to 1993," United States Department of Education, 1996.

#### d. Unemployment Disparity

Exacerbating the disparity in incomes is the ability to find work. Again, using the United States as an example, the unemployment rate for Black Americans has consistently been more than twice as large as for white Americans.

TABLE 27: UNEMPLOYMENT RATE IN THE UNITED STATES BY RACE

| Decade         | Unemployment rate<br>(Black) | Unemployment rate<br>(White) | Difference in<br>Unemployment Rates |
|----------------|------------------------------|------------------------------|-------------------------------------|
| 1970           | 12.5%                        | 5.8%                         | 6.7%                                |
| 1980           | 15.0%                        | 6.3%                         | 8.7%                                |
| 1990           | 11.0%                        | 5.0%                         | 6.0%                                |
| 2000           | 10.0%                        | 4.9%                         | 5.1%                                |
| 2010           | 10.8%                        | 5.5%                         | 5.3%                                |
| <b>Average</b> | <b>11.9%</b>                 | <b>5.5%</b>                  | <b>6.4%</b>                         |

Source: United States Bureau of Labor Statistics, “Labor force characteristics by race and ethnicity, 2020,” United States Department of Labor, November 2021.

## e. Health Care

Professor Beckles has highlighted that poor health outcomes in the Caribbean are an integral part of the legacy of slavery. As he noted in 2021:

Another viewpoint is that that period of enslavement of wealth extraction and colonization left the people of the Caribbean who are the descendants of that process in the depths of poverty. This poverty has translated into mass illiteracy **and extreme public ill health**. When you look at the Black population today in the Caribbean, if you use the marker of chronic diseases—hypertension, diabetes—and apply it across the world, the Black people in the Caribbean are the sickest people in the world because the descendants of the enslaved people in the Caribbean have the highest per capita expression of diabetes and hypertension. This is why today the first two major slave societies, Barbados and Jamaica, are now competing for the title “Amputation Capital of the World” because there is no place in the world with the same kind of expression of diabetic amputation challenges. Barbados and Jamaica have the highest percentage of amputations per capita in the world because the correlation between that medical fact and the fact that Barbados and Jamaica were the first two significant chattelization economies in the world.<sup>102</sup>

Indeed, as the following tables illustrates, life expectancy is significantly lower in the Americas and the Caribbean relative to their enslaving countries. Similarly, death rates from

<sup>102</sup> Sir Hilary Beckles, “The Historical Context of the Business of Transatlantic Chattel Slavery” in *Proceedings of the Symposium: Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean*, American Society of International Law, May 20–21, 2021; Hilary Beckles, *Britain’s Black Debt: Reparations for Caribbean Slavery and Native Genocide* (Kingston, Jamaica: University of the West Indies Press, 2013).

cardiovascular disease and the prevalence of diabetes are much higher in the Americas and Caribbean.

**TABLE 28: HEALTH OUTCOMES IN ENSLAVING COUNTRIES AND IN THE AMERICAS AND CARIBBEAN**

| Country                                       | Life Expectancy<br>at Birth | Death Rate from<br>Cardiovascular<br>Disease | Diabetes<br>Prevalence |
|-----------------------------------------------|-----------------------------|----------------------------------------------|------------------------|
| <b><i>Enslaving Countries</i></b>             |                             |                                              |                        |
| Denmark                                       | 82                          | 119                                          | 5                      |
| France                                        | 82                          | 91                                           | 5                      |
| Portugal                                      | 81                          | 128                                          | 9                      |
| Spain                                         | 82                          | 107                                          | 10                     |
| The Netherlands                               | 81                          | 113                                          | 5                      |
| United Kingdom                                | 81                          | 132                                          | 6                      |
| <b><i>Average</i></b>                         | <b>82</b>                   | <b>115</b>                                   | <b>7</b>               |
| <b><i>Destination Countries</i></b>           |                             |                                              |                        |
| Antigua and Barbuda                           | 79                          | 227                                          | 12                     |
| Argentina                                     | 76                          | 184                                          | 5                      |
| Barbados                                      | 77                          | 186                                          | 14                     |
| Brazil                                        | 74                          | 176                                          | 9                      |
| Cuba                                          | 78                          | 197                                          | 8                      |
| Dominica                                      | 77                          | 267                                          | 12                     |
| Dominican Republic                            | 73                          | 311                                          | 11                     |
| Grenada                                       | 75                          | 271                                          | 13                     |
| Guyana                                        | 68                          | 448                                          | 12                     |
| Haiti                                         | 64                          | 449                                          | 9                      |
| Honduras                                      | 71                          | 298                                          | 5                      |
| Jamaica                                       | 72                          | 200                                          | 11                     |
| St. Kitts and Nevis                           | 71                          | 299                                          | 16                     |
| St. Lucia                                     | 73                          | 221                                          | 12                     |
| St. Vincent and the Grenadines                | 72                          | 292                                          | 8                      |
| The Bahamas                                   | 73                          | 247                                          | 9                      |
| Trinidad and Tobago                           | 74                          | 227                                          | 13                     |
| United States                                 | 77                          | 157                                          | 11                     |
| <b><i>Average (With United States)</i></b>    | <b>74</b>                   | <b>259</b>                                   | <b>10</b>              |
| <b><i>Average (Without United States)</i></b> | <b>73</b>                   | <b>265</b>                                   | <b>10</b>              |

Sources: Life expectancy at birth is the average number of years a newborn is expected to live if mortality patterns at the time of its birth remain constant in the future. Death rate is measured in annual number of deaths from cardiovascular disease per 100,000 people. Diabetes prevalence is the share of people aged 20–79 who have diabetes. “Life expectancy at birth, total (years),” The World Bank World Development Indicators, 2020, <https://data.worldbank.org/indicator/SP.DYN.LE00.IN>; “Deaths-Cardiovascular diseases-Sex: Both-Age: Age-standardized (Rate),” Our World in Data, 2019, <https://ourworldindata.org/grapher/cardiovascular-disease-death-rates?tab=table>; “Diabetes prevalence (% of population ages 20 to 79),” Our World in Data, 2021, <https://ourworldindata.org/search?q=diabetes>.

This health disparity also materializes within countries. In the United States, Black individuals face reduced access to quality medical care. In 2021, Black men were twice as likely to report not seeing a doctor due to cost than were white men,<sup>103</sup> and Black women were 71% more likely to report not seeing a doctor due to cost than were white women.<sup>104</sup> In several US states, Black men were more than three times more likely to report not seeing a doctor due to cost than white men.<sup>105</sup> Table 29 details these disparities.

**TABLE 29: INCIDENCE OF SEEKING MEDICAL CARE AMONG WHITE AND BLACK AMERICANS**

| <b>Race</b>      | <b>Men</b>  | <b>Women</b> |
|------------------|-------------|--------------|
| Black            | 12%         | 12%          |
| White            | 6%          | 7%           |
| <b>Disparity</b> | <b>100%</b> | <b>71%</b>   |

Source: “Men Who Report Not Seeing a Doctor in the Past 12 Months Due to Cost by Race/Ethnicity,” Kaiser Family Foundation, 2021.; “Women Who Report Not Seeing a Doctor in the Past 12 Months Due to Cost by Race/Ethnicity,” Kaiser Family Foundation, 2021.

The disparity in the ability to afford a doctor is partially driven by the disparity in uninsured rates between non-elderly Black and white people. While the uninsured rates for both Black and white people in the US have fallen over the past 15 years, the relative disparity in uninsured rates has remained unchanged (see Table 30 below).<sup>106</sup> While the uninsured rates for the non-elderly Black population fell by 44% between 2008 and 2021, Black people are still about 50% more likely to be uninsured than white people in the US.

<sup>103</sup> “Men Who Report Not Seeing a Doctor in the Past 12 Months Due to Cost by Race/Ethnicity,” Kaiser Family Foundation, 2021. <https://www.kff.org/other/state-indicator/men-who-report-not-seeing-a-doctor-in-the-past-12-months-due-to-cost-by-race-ethnicity/?currentTimeframe=0&selectedDistributions=white--black&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

<sup>104</sup> “Women Who Report Not Seeing a Doctor in the Past 12 Months Due to Cost by Race/Ethnicity,” Kaiser Family Foundation, 2021. <https://www.kff.org/womens-health-policy/state-indicator/women-who-did-not-see-a-doctor-in-the-past-12-months-due-to-cost-by-race-ethnicity/?currentTimeframe=0&selectedDistributions=white--black&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

<sup>105</sup> These states were Nebraska, New Jersey, Indiana, Minnesota and Maryland.

<sup>106</sup> “Uninsured Rates for the Nonelderly by Race/Ethnicity,” Kaiser Family Foundation, 2021. <https://www.kff.org/uninsured/state-indicator/nonelderly-uninsured-rate-by-raceethnicity/?activeTab=graph&currentTimeframe=0&startTimeframe=12&selectedDistributions=white--black&selectedRows=%7B%22wrapups%22:%7B%22united-states%22:%7B%7D%7D%7D&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

TABLE 30: INCIDENCE OF MEDICAL INSURANCE AMONG WHITE AND BLACK PEOPLE IN THE US

| Year              | Black Uninsured Rate | White Uninsured Rate | Disparity |
|-------------------|----------------------|----------------------|-----------|
| 2008              | 19.5%                | 12.5%                | 56.0%     |
| 2009              | 19.7%                | 12.7%                | 55.1%     |
| 2010              | 19.9%                | 13.1%                | 51.9%     |
| 2011              | 19.3%                | 12.8%                | 50.8%     |
| 2012              | 18.9%                | 12.5%                | 51.2%     |
| 2013              | 18.8%                | 12.3%                | 52.8%     |
| 2014              | 14.9%                | 9.8%                 | 52.0%     |
| 2015              | 12.1%                | 7.7%                 | 57.1%     |
| 2016              | 10.7%                | 7.1%                 | 50.7%     |
| 2017              | 11.1%                | 7.3%                 | 51.7%     |
| 2018              | 11.5%                | 7.5%                 | 52.1%     |
| 2019              | 11.4%                | 7.8%                 | 45.2%     |
| 2021              | 10.9%                | 7.2%                 | 51.2%     |
| Average Disparity |                      |                      | 52.2%     |

Source: “Uninsured Rates for the Nonelderly by Race/Ethnicity,” Kaiser Family Foundation, 2021, <https://www.kff.org/uninsured/state-indicator/nonelderly-uninsured-rate-by-raceethnicity/?activeTab=graph&currentTimeframe=0&startTimeframe=12&selectedDistributions=white--black&selectedRows=%7B%22wrapups%22:%7B%22united-states%22:%7B%2D%7D%7D&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

One consequence of these disparities is that Black people in the US are much more likely to die sooner from the same diseases than their white counterparts. For example, asthma is three times more likely an underlying cause of death for Black people in the US than it is for white people.<sup>107</sup> Additionally, the overall cancer death rate is 19% higher for Black people than for white people.<sup>108</sup> Finally, Black people generally develop and die from age-related diseases earlier than white people in the US.<sup>109</sup>

In addition to experiencing lower rates of insurance coverage, higher barriers to access health care, and worse health outcomes than their white counterparts, Black people in the US are more likely to report mistrust in the medical system. This mistrust is due at least in part to a history of

<sup>107</sup> Office of Minority Health, “Asthma and African Americans,” United States Department of Health and Human Services, February 11, 2021, <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=15>.

<sup>108</sup> Stacy Simon, “Gap in Cancer Death Rates between Blacks and Whites Narrows,” American Cancer Society, February 14, 2019, <https://www.cancer.org/latest-news/gap-in-cancer-death-rates-between-blacks-and-whites-narrows.html>.

<sup>109</sup> Morgan E. Levine and Eileen M. Crimmins, “Evidence of Accelerated Aging among African Americans and Its Implications for Mortality,” *Social Science & Medicine* (118) (2014): 27–32.

unethical medical experimentation on black bodies<sup>110</sup> and modern-day medical discrimination. In an October 2020 poll, 7 in 10 Black people in the US said they were treated unfairly by the health care system and 55% percent said they distrusted it.<sup>111</sup> The problem of medical discrimination is particularly acute for Black mothers. Among Black women who have a child under the age of 18, 41% say there was a time in the past three years when health care provider talked down to them or did not treat them with respect. Black women overall are also more likely than Black men to report feeling that health care provider did not believe they were telling the truth.<sup>112</sup> Due to distrust in the medical system, half of Black adults said they would not want to get a coronavirus vaccine if it was deemed safe by scientists and was freely available.<sup>113</sup>

These effects of access and trust in the medical system can also be seen in the infant mortality rates in the United States.

**TABLE 31: INFANT MORTALITY BY RACE IN THE UNITED STATES**

|                  | Percent Mortality<br>(Black)<br>[A] | Percent Mortality<br>(White)<br>[B] | Difference in Percent<br>Mortality<br>[C] |
|------------------|-------------------------------------|-------------------------------------|-------------------------------------------|
| Infant Mortality | 1.06%                               | 0.45%                               | 0.61%                                     |

Sources and Notes: Centers for Disease Control and Prevention, "Infant Mortality Rates by Race and Ethnicity," United States Department of Health & Human Services, 2019.

In summary, Black people in the US experience reduced access to medical care. Even when they receive medical care, they are more likely to report being discriminated against and face higher mortality rates than their white counterparts.

<sup>110</sup> Harriet A. Washington, *Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present* (Anchor, 2008).

<sup>111</sup> Michael A. Fletcher, "Black Americans See a Health-Care System Infected by Racism, New Poll Shows," *National Geographic*, October 16, 2020, <https://www.nationalgeographic.com/history/article/black-americans-see-health-care-system-infected-racism-new-poll-shows#close>.

<sup>112</sup> Khiara M. Bridges, "Implicit Bias and Racial Disparities in Health Care," *American Bar Association Human Rights Magazine* 43(3).

<sup>113</sup> Liz Hamel *et al.*, "KFF/The Undeclared Survey on Race and Health," *Kaiser Family Foundation*, October 13, 2020, <https://www.kff.org/report-section/kff-the-undeclared-survey-on-race-and-health-main-findings/>.

## f. Compensatory Payment to Slavers

Compensation linked to slavery has been awarded and paid in the past—to *enslavers*. One of the most infamous cases is the payment to slavers following Haiti’s independence.<sup>114</sup> As noted by Professor Daut in 2020:

On April 17, 1825, the French king...issued a decree stating France would recognize Haitian independence but only at the price of 150 million francs – or around 10 times the amount the U.S. had paid for the Louisiana territory. The sum was meant to compensate the French colonists for their lost revenues from slavery.<sup>115</sup>

An investigation conducted by the New York Times concluded that:

France ultimately agreed to reduce its original demand to 90 million francs. But we found that Haiti made payments totaling 112 million francs over the course of seven decades, or about \$560 million in today’s dollars<sup>116</sup>

In the early 2000s, former Haitian president Jean-Bertrand Aristide became one of the leading voices demanding restitution for the payments made to France. As noted by the Miami Herald on December 18, 2003:

In the months leading up to Jan. 1 bicentennial celebrations, Aristide has launched a controversial campaign to get France to repay its former colony billions of dollars in restitution. And he has already sent Paris a bill, down to the very last cent: \$21,685,135,571.48.<sup>117</sup>

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<sup>114</sup> Reparations to slavers were also paid in the United States when the enslaved people in the District of Columbia were emancipated. Kris Manjapra, “D.C.’s Enslavers Got Reparations. Freed People Got Nothing.” *Politico Magazine*, June 17, 2022, <https://www.politico.com/news/magazine/2022/06/17/washington-emancipation-day-00038824>.

<sup>115</sup> Marlene Daut, “When France extorted Haiti—the greatest heist in history,” *The Conversation*, June 30, 2018. <https://theconversation.com/when-france-extorted-haiti-the-greatest-heist-in-history-137949>. See also, Alex Dupuy, “Spanish Colonialism and the Origin of Underdevelopment in Haiti,” *Latin American Perspectives* 3(2) (1976): 5–29, and Alex Dupuy, *Rethinking the Haitian Revolution : Slavery Independence and the Struggle for Recognition* (Lanham, Maryland: Rowman & Littlefield, 2019).

<sup>116</sup> Lazaro Gamio *et al.*, “The Ransom: Haiti’s Lost Billions,” *The New York Times*, May 20, 2022. <https://www.nytimes.com/interactive/2022/05/20/world/americas/enslaved-haiti-debt-timeline.html>

<sup>117</sup> Jacqueline Charles, “Aristide Pushes for Restitution from France,” *The Miami Herald*, December 18, 2003. <https://www.latinamericanstudies.org/haiti/haiti-restitution.htm>

While this amount far exceeds the amount paid to the former slave owners and their descendants, it comes very close to the New York Times 2022 estimate:

But [the \$560 million in payments note above] only begins to account for the loss. With the help of 15 leading economists from around the world, we modeled what might have happened if that money had gone into the Haitian economy, rather than being shipped off to France without getting any goods or services in return.

Our estimates found that over time, the payments to France cost Haiti from \$21 billion to \$115 billion in lost economic growth. Put in perspective, that is anywhere from one to 8 times the size of Haiti's entire economy in 2020.

However, Mr. Aristide's call for restitution was interrupted by his ouster from power following a coup in 2004, which may well have been linked—at least partially—to his call for reparations. As noted in the New York Times:

France's ambassador to Haiti at the time, Thierry Burkard, said in an interview that France and the United States had effectively orchestrated "a coup" against Mr. Aristide, and that his abrupt removal was "probably a bit about" his call for reparations from France, too.<sup>118</sup>

On May 10, 2015, during the inauguration of a slavery memorial in Guadeloupe, French President François Hollande seemed to acknowledge France's obligation when he stated "When I come to Haiti, I will, for my part, settle the debt that we have"<sup>119</sup> only to have "aides rushing to clarify that the debt referred to was a moral one and did not involve any financial compensation."<sup>120</sup>

Along this same vein of implicitly admitting wrongdoing, in 2016, France's parliament symbolically repealed the 1825 ordinance that required the Haitian payments to former slaveholders. However, financial restitution has yet to occur.

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<sup>118</sup> Constant Méheut *et al.*, "The Ransom: Demanding Reparations, and Ending Up in Exile," *The New York Times*, May 26, 2022. <https://www.nytimes.com/2022/05/20/world/americas/haiti-aristide-reparations-france.html>

<sup>119</sup> Stéphanie Trouillard, "Hollande's Vow to Settle 'Debt' to Haiti Sparks Confusion," *France 24*, May 12, 2015. <https://www.france24.com/en/20150512-hollande-vow-haiti-debt-france-settle-slavery-confusion>.

<sup>120</sup> Stéphanie Trouillard, "Hollande's Vow to Settle 'Debt' to Haiti Sparks Confusion," *France 24*, May 12, 2015. <https://www.france24.com/en/20150512-hollande-vow-haiti-debt-france-settle-slavery-confusion>.

Payments to former enslavers are an affront to reparations for slavery. For example, it has been widely documented that Haiti's payments to former slavers crippled the Haitian economy, prevented its economic and institutional development, and perpetuated the extractive legacy of French colonialism.<sup>121</sup> We were asked to identify payments made to slavers and allocate these payments by country.

Financial compensation to enslavers was not uncommon in the Americas and the Caribbean. In several countries, including Britain, Denmark, France, and the Netherlands, financial compensation to enslavers was a driving question in the abolition process.<sup>122</sup> In places such as Cuba and Brazil, states gradually ended enslavement rather than compensating slavers.<sup>123</sup> Other territories gave land or labor to enslavers, as seen in the apprenticeship period in countries such as Jamaica and the land grants awarded to Spanish enslavers in Puerto Rico.<sup>124</sup>

We summarize financial compensation granted to enslavers in Table 32. In addition to awards paid directly between enslaving countries and enslavers, we include payments between Haiti and France. We exclude situations in which enslavers either did not receive financial compensation (such as Brazil and Cuba) or where these amounts are highly disputed (such as Argentina). We convert awards from historical currencies to 2020 US Dollars using exchange rates from French francs and Pound Sterling to US Dollars in 1831, and then bringing these rates forward using a 2.5% discount rate to 2020.<sup>125</sup> Collectively, enslaving countries paid a total of \$12.5 billion to enslavers as a result of emancipation.

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<sup>121</sup> Catherine Porter *et al.*, "The Root of Haiti's Misery: Reparations to Enslavers", *The New York Times*, May 20, 2022. <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

<sup>122</sup> Frédérique Beauvois, *Between Blood and Gold: The Debates over Compensation for Slavery in the Americas*, (Berghahn Books, 2016).

<sup>123</sup> Brazil passed a "free-birth law" in 1871 that both planned to phase out slavery and compensated slavers. See Junius P. Rodriguez, *Slavery in the United States: A Social, Political, and Historical Encyclopedia* (Santa Barbara, California: ABC Clío, 2007).

<sup>124</sup> Frédérique Beauvois, *Between Blood and Gold: The Debates over Compensation for Slavery in the Americas*, (Berghahn Books, 2016).

<sup>125</sup> Exchange rates were relatively stable during this period. See, William Tate, 'A Manual of Exchanges,' 1831; Håkan Lobell "Foreign exchange rates 1804–1914" in *Exchange rates, prices, and wages, 1277–2008*, ed. Rodney Edvinsson *et al.*, *Historical Monetary and Financial Statistics for Sweden*, 2010.

TABLE 32: SUMMARY OF FINANCIAL COMPENSATION TO ENSLAVERS

| Enslaving Country                        | Territory                             | Year | Payment (Historical Local Currency) | Payment (Historical Conversion to US\$) | Payment (2020 US\$)     |
|------------------------------------------|---------------------------------------|------|-------------------------------------|-----------------------------------------|-------------------------|
| Britain                                  | Caribbean Colonies                    | 1833 | £20,000,000                         | \$88,888,889                            | \$8,999,332,660         |
| Denmark                                  | Caribbean Colonies                    | 1853 | £200,000                            | \$888,889                               | \$54,920,312            |
| France                                   | Martinique, French Guiana, Guadeloupe | 1849 | £5,000,000                          | \$22,222,222                            | \$1,515,543,716         |
| France                                   | Haiti                                 | 1838 | FRF 90,000,000                      | \$15,748,031                            | \$1,409,190,725         |
| Netherlands                              | Suriname                              | 1863 | £1,100,000                          | \$4,888,889                             | \$235,970,131           |
| Spain                                    | Puerto Rico                           | 1873 | £1,400,000                          | \$6,222,222                             | \$234,613,895           |
| Sweden                                   | Saint Barthémey                       | 1846 | FRF 250,000                         | \$43,745                                | \$3,212,746             |
| United States                            | District of Columbia                  | 1862 | \$896,700                           | \$896,700                               | \$44,362,693            |
| <b>Total, across Enslaving Countries</b> |                                       |      |                                     |                                         | <b>\$12,497,146,879</b> |

Note: We note that the award granted to French enslavers was not specific to colonies in the Americas. However, due to a lack of data, we allocate the indemnity to French colonies in the Caribbean. Frédérique Beauvois, *Between Blood and Gold: The Debates over Compensation for Slavery in the Americas*, Berghahn Books, 2016; Virgin Islands History, 'The end of slavery—Compensation to the slave owners, The Danish West-Indies—Sources of History'; Lancelot Benistant, 'The compensation of slave owners after the abolition of slavery in the French and British colonies: a comparative and quantitative perspective,' Paris School of Economics Master Thesis, September 2022; Victor Schoelcher, 'Histoire de l'esclavage pendant les deux dernières années,' 1833 [History of slavery in its final two years]; Constant Méheut *et al.*, "The Ransom: Demanding Reparations, and Ending Up in Exile," *The New York Times*, May 26, 2022. <https://www.nytimes.com/2022/05/20/world/americas/haïti-aristide-reparations-france.html>; DC Emancipation Act, April 16, 1862; Record Group 11; General Records of the United States Government; National Archives. For currency conversion, see, William Tate, 'A Manual of Exchanges,' 1831. We use a flat exchange during this early- to mid-1800s, as exchange rates were relatively stable in this period. See, Håkan Lobell "Foreign exchange rates 1804–1914" in *Exchange rates, prices, and wages, 1277–2008*, ed. Rodney Edvinsson *et al.*, Historical Monetary and Financial Statistics for Sweden, 2010.

We allocate the compensation granted to enslavers to each country. The results are shown in Table 33. For British colonies, we weight awards for each country by the total number of embarkments and estimated births in each country under British rule.<sup>126</sup>

<sup>126</sup> The 20 million pound award granted to British enslavers was split across its colonies. For example, a team of researchers at University College, London estimates Jamaica's share of this indemnity amount at 10,988,511 historical pounds, comparable to our final number of 10,127,253 1833 GBP, or 4.6 billion 2020 USD. See Professor Verene Shepherd and Ahmed Reid, "The Jamaica Paid a Heavy Price for Freedom," *CARICOM Reparations Commission*, March 3, 2018, <https://caricomreparations.org/jamaica-paid-heavy-price-freedom/>.

**TABLE 33: SUMMARY OF FINANCIAL COMPENSATION TO ENSLAVERS APPORTIONED BY COUNTRY  
(2020 US\$)**

| Country                                  | Britain                | Denmark             | France                 | Netherlands          | Spain                | Sweden             | United States           |
|------------------------------------------|------------------------|---------------------|------------------------|----------------------|----------------------|--------------------|-------------------------|
| <b>Destination Country</b>               |                        |                     |                        |                      |                      |                    |                         |
| <i>Caribbean</i>                         |                        |                     |                        |                      |                      |                    |                         |
| Antigua and Barbuda                      | \$599,630,389          |                     |                        |                      |                      |                    |                         |
| Bahamas                                  | \$63,386,108           |                     |                        |                      |                      |                    |                         |
| Barbados                                 | \$1,918,396,697        |                     |                        |                      |                      |                    |                         |
| British Virgin Islands                   | \$81,196,034           |                     |                        |                      |                      |                    |                         |
| Puerto Rico                              |                        |                     |                        |                      | \$234,613,895        |                    |                         |
| Cuba                                     |                        |                     |                        |                      |                      |                    |                         |
| Dominica                                 | \$495,494,258          |                     |                        |                      |                      |                    |                         |
| Dominican Republic                       |                        |                     |                        |                      |                      |                    |                         |
| Grenada                                  | \$581,127,996          |                     |                        |                      |                      |                    |                         |
| Haiti                                    |                        |                     | \$1,409,190,725        |                      |                      |                    |                         |
| Jamaica                                  | \$4,556,925,790        |                     |                        |                      |                      |                    |                         |
| Saint Kitts and Nevis                    | \$134,380,914          |                     |                        |                      |                      |                    |                         |
| Saint Lucia                              | \$38,516,392           |                     |                        |                      |                      |                    |                         |
| Trinidad and Tobago                      | \$116,756,772          |                     |                        |                      |                      |                    |                         |
| US Virgin Islands                        |                        | \$54,920,312        |                        |                      |                      |                    |                         |
| <i>Central America and Mexico</i>        |                        |                     |                        |                      |                      |                    |                         |
| Belize                                   | \$4,319,477            |                     |                        |                      |                      |                    |                         |
| Honduras                                 |                        |                     |                        |                      |                      |                    |                         |
| Mexico                                   |                        |                     |                        |                      |                      |                    |                         |
| Panama                                   |                        |                     |                        |                      |                      |                    |                         |
| <i>South America</i>                     |                        |                     |                        |                      |                      |                    |                         |
| Argentina                                |                        |                     |                        |                      |                      |                    |                         |
| Brazil                                   |                        |                     |                        |                      |                      |                    |                         |
| Colombia                                 |                        |                     |                        |                      |                      |                    |                         |
| Guyana                                   | \$318,197,250          |                     |                        |                      |                      |                    |                         |
| Peru                                     |                        |                     |                        |                      |                      |                    |                         |
| Suriname                                 |                        |                     |                        | \$235,970,131        |                      |                    |                         |
| Venezuela                                |                        |                     |                        |                      |                      |                    |                         |
| <i>North America</i>                     |                        |                     |                        |                      |                      |                    |                         |
| US                                       | \$1,427,159            |                     |                        |                      |                      |                    | \$44,362,693            |
| <i>Miscellaneous</i>                     |                        |                     |                        |                      |                      |                    |                         |
| British Overseas Territories             | \$2,457,415            |                     |                        |                      |                      |                    |                         |
| Dutch Overseas Territories               |                        |                     |                        |                      |                      |                    |                         |
| French Overseas Territories              | \$87,120,009           |                     | \$1,515,543,716        |                      |                      | \$3,212,746        |                         |
| Other                                    |                        |                     |                        |                      |                      |                    |                         |
| <b>Total, by Enslaving Country</b>       | <b>\$8,999,332,660</b> | <b>\$54,920,312</b> | <b>\$2,924,734,441</b> | <b>\$235,970,131</b> | <b>\$234,613,895</b> | <b>\$3,212,746</b> | <b>\$44,362,693</b>     |
| <b>Total, across Enslaving Countries</b> |                        |                     |                        |                      |                      |                    | <b>\$12,497,146,879</b> |

Note: Compensation amounts are weighted by total embarkments and estimated births in colonies. French enslavers were compensated in Martinique, Guadeloupe, and French Guiana. Frédérique Beauvois, *Between Blood and Gold: The Debates over Compensation for Slavery in the Americas*, Berghahn Books, 2016; Virgin Islands History, 'The end of slavery—Compensation to the slave owners, The Danish West-Indies—Sources of History'; Lancelot Benistant, 'The compensation of slave owners after the abolition of slavery in the French and British colonies: a comparative and quantitative perspective,' Paris School of Economics Master Thesis, September 2022; Victor Schoelcher, 'Histoire de l'esclavage pendant les deux dernières années,' 1833. [History of slavery in its final two years]; Constant Méheut *et al.*, "The Ransom: Demanding Reparations, and Ending Up in Exile," *The New York Times*, May 26, 2022. <https://www.nytimes.com/2022/05/20/world/americas/haiti-aristide-reparations-france.html>; DC Emancipation Act, April 16, 1862; Record Group 11; General Records of the United States Government; National Archives. For currency conversion, see, William Tate, 'A Manual of Exchanges,' 1831. We use a flat exchange during this early- to mid-1800s, as exchange rates were relatively stable in this period. See, Håkan Lobell "Foreign exchange rates 1804–1914" in *Exchange rates, prices, and wages, 1277–2008*, ed. Rodney Edvinsson *et al.*, Historical Monetary and Financial Statistics for Sweden, 2010.

## B. Additional Harms Not Quantified

The creation of “Blackness” as an inferior social caste and the institutionalization of this racist ideology was used to justify chattel slavery. African enslaved persons came from diverse linguistic, religious, and cultural backgrounds—the idea that they were a monolith, and inferior to Europeans, is a historical construction for colonialist exploitation and the slave trade.<sup>127</sup> Abolition did not end racism or erase slavery’s legacy, nor did systems of “racial democracy” that took root after emancipation.<sup>128</sup> Our analysis addresses the economic and wealth aspects of racism post-abolition, but we are unable to quantify the innumerable ways in which racism and racist institutions affect the lives of Black individuals today. Below, we discuss some unquantified impacts post-abolition, focusing on racial violence, health, discrimination, climate insecurity, and debt, and race’s intersections with other marginalized identities (an intersectional approach). We recognize these harms as inseparable from the legacy of slavery.

While no longer institutionalized through enslavement, Black individuals in the Americas have faced significant racial violence since abolition. Between 1882 and 1968, 3,446 Black Americans in the US were lynched, a violent public act in which lawless mobs execute individuals without trial, as a means of enforcing racial segregation and promoting racist stereotypes.<sup>129</sup> Similarly, Black individuals continue to face significantly higher rates of violence at the hands of police, an institution borne out of the “slave patrols” that would hunt down escaped enslaved persons and later the police departments that would enforce Jim Crow laws through brutality.<sup>130</sup> Police violence is not a US phenomenon alone, as Black individuals in the Caribbean and South America likewise face high rates of police brutality—75% of people shot by police in Brazil, for example, are Black.<sup>131</sup> Indisputably, racial violence remains an issue in the Americas.

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<sup>127</sup> Barbara Fields, “Ideology and Race in American History,” in *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York/Oxford: Oxford University Press, 1982), 143–177.

<sup>128</sup> Carlos Hasenbalg and Suellen Huntington. “Brazilian Racial Democracy: Reality or Myth?” *Humboldt Journal of Social Relations* 10(1) (1982): 129–42.

<sup>129</sup> “History of Lynching in America,” NAACP, <https://naacp.org/find-resources/history-explained/history-lynching-america>.

<sup>130</sup> “The Origins of Modern Day Policing,” NAACP, <https://naacp.org/find-resources/history-explained/origins-modern-day-policing>.

<sup>131</sup> See Azam Ahmed, “Where the Police Wear Masks, and the Bodies Pile Up Fast,” *The New York Times*, December 20, 2019, <https://www.nytimes.com/2019/12/20/world/americas/brazil-police-shootings-murder.html>; Sanoja Bhaumik, “Black Lives Matter Comes to Colombia,” *The Bogota Post*, June 23, 2020. <https://thebogotapost.com/black-lives-matter-comes-to-colombia/46928/>.

The legacy of slavery has significant health consequences for Black individuals in the Americas. Enduring racist experiences create significant stress, which results in long-term health implications, including increased blood pressure and cortisol levels.<sup>132</sup> Research also suggests that racial discrimination results in lower self-esteem and higher rates of depression among African American and Caribbean individuals.<sup>133</sup> In addition to the emotional consequences of facing racism, Black populations face a higher prevalence of chronic diseases, such as diabetes and high blood pressure, because of the dietary culture that emerged during enslavement.<sup>134</sup> Similarly, the pressure to conform to Eurocentric beauty standards both negatively affects Black women's self-worth and makes them vulnerable to harmful beauty practices, which can cause mercury poisoning, kidney damage, cancer, and premature puberty.<sup>135</sup>

Racism also leads to discrimination, stigmatization, ostracism, and other forms of "othering" of Black individuals in the Americas. Black individuals have historically faced discrimination in health care, housing, employment, social settings, education, and more.<sup>136</sup> Racist and inadequate representation of Black individuals in media entrenches stereotypes and negatively affects Black individuals' sense of self.<sup>137</sup> Additionally, popular culture in the US often

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<sup>132</sup> See, for example, Cheryl A. Armstead *et al.*, "Relationship of racial stressors to blood pressure responses and anger expression in black college students." *Health Psychology* 8(5) (1989): 541-56; Patrick R. Steffen *et al.*, "Effects of perceived racism and anger inhibition on ambulatory blood pressure in African Americans." *Psychosomatic Medicine* 65(5) (2003): 746-50; Brooke G. McKenna *et al.*, "When Anger Remains Unspoken: Anger and Accelerated Epigenetic Aging Among Stress-Exposed Black Americans." *Psychosomatic Medicine* 83(9) (2021): 949-958; Julie Ober Allen *et al.*, "Cortisol and Racial Health Disparities Affecting Black Men in Later Life: Evidence From MIDUS II." *American Journal of Men's Health* 13(4) (2019).

<sup>133</sup> Eleanor K. Seaton *et al.*, "The Prevalence of Perceived Discrimination among African American and Caribbean Black Youth." *Developmental Psychology* 44(5) (2008): 1288-97.

<sup>134</sup> Hilary Beckles, "The Reparation Movement: Greatest Political Tide of the Twenty-first Century," *Social and Economic Studies* 68(3&4) (2019); George Howard *et al.*, "Association of Clinical and Social Factors With Excess Hypertension Risk in Black Compared With White US Adults," *JAMA* 320(13) (2018): 1338-1348.; Barry W. Higman, *Jamaican Food : History Biology Culture*, (The University of the West Indies Press, 2008).

<sup>135</sup> We note that the pressure to conform to white beauty standards is heavily impacted by colorism. Germiné H. Awad *et al.*, "Beauty and Body Image Concerns Among African American College Women." *The Journal of Black Psychology* 41(6) (2015): 540-564; Ami R. Zota and Bhavna Shamasunder. "The Environmental Injustice of Beauty: Framing Chemical Exposures from Beauty Products as a Health Disparities Concern," *American Journal of Obstetrics and Gynecology* 217(4) (2017).

<sup>136</sup> Verene Shepherd, "Past Imperfect, Future Perfect? Reparations, Rehabilitation, Reconciliation," *The Journal of African American History* 103(1-2) (March 2018); Abigail Thernstrom and Stephan Thernstrom, "Black Progress: How Far We've Come, and How Far We Have to Go," *The Brookings Institution*, March 1, 1998.

<sup>137</sup> Narissra M. Punyanunt-Carter "The Perceived Realism of African American Portrayals on Television," *Howard Journal of Communications* 19(3) (2008): 241-257; "Black Representation in Film and TV: The Challenges and Impact of Increasing Diversity," McKinsey, March 11, 2021; Jadesola T. Olayinka *et al.*, "#BlackGirlMagic: Impact of the Social Media Movement on Black Women's Self Esteem." *International Journal of Women's Dermatology*

denigrates Black culture—African American Vernacular English (AAVE), despite having its own grammatical rules, is perceived as less proper than Standard English.<sup>138</sup> The constant belittling of Blackness and Black culture, as well as the legacy of enslavement, furthers discrimination against Black individuals. Exposure to violent human rights abuses, such as chattel slavery, can harm both the individual who experienced the trauma and their offspring.<sup>139</sup> Several researchers have examined how Black individuals inherit the stress and trauma from enslaved persons and those who lived through the threats of violence in the political systems that succeeded slavery.<sup>140</sup>

Further, resource exploitation of the Americas and the Caribbean during slavery has left their economies weakened and deeply vulnerable to the rising costs of climate change.<sup>141</sup> As Professor Verene Shepherd notes, most of those who live in the Caribbean today would not live there if it were not for chattel slavery:

[I]t is impossible to examine the present ecological crisis in vulnerable Small Island Developing States (SIDS) in the Caribbean without recalling and understanding the manner in which we have been subjected to this precarious position. Our obvious geographical location has made us, as a Region, susceptible to the effects of natural disasters. Yet, if we recall, our ancestors were not willing passengers on ships to this

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7(2) (January 2021): 171–173; Antonio C. La Pastina, Joseph D. Straubhaar, and Lirian Sifuentes, “Why Do I Feel I Don’t Belong to the Brazil on TV?” *Popular Communication* 12(2) (2014): 104–116.

<sup>138</sup> Robert J. Kraemer *et al.*, “Sociolinguistic Perceptions of African-American English,” *Negro Educational Review* 51(3/4) (2000): 139–148. See also, Sonjah Stanley Niaah, *DanceHall: From Slave Ship to Ghetto*, (Ottawa, Ontario: University of Ottawa Press, 2010); Carolyn Cooper, *Sound Clash: Jamaican Dancehall Culture at Large*, (New York: Palgrave Macmillan, 2004).

<sup>139</sup> Patricia Dashorst *et al.*, “Intergenerational Consequences of the Holocaust on Offspring Mental Health: A Systematic Review of Associated Factors and Mechanisms,” *European Journal of Psychotraumatology* 10(1) (August 2019); Frantz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1952); Joy DeGruy and Randall Robinson, *Post Traumatic Slave Syndrome : America’s Legacy of Enduring Injury and Healing*, (Portland, Oregon: Joy DeGruy Publications, 2017); Verene A. Shepherd, “Reparation, Psychological Rehabilitation & Pedagogical Strategies,” George Lamming Distinguished Lecture, Errol Barrow Centre for the Creative Imagination Cave Hill, Barbados, June 2014.

<sup>140</sup> Resmaa Menakem, *My Grandmother’s Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies*, (Las Vegas, Nevada: Central Recovery Press, 2017).

<sup>141</sup> Mimi Sheller, “The Case for Combining Slavery Reparations and Climate Reparations in the Caribbean,” Keynote delivered at the Rutgers/UWI Symposium on “Climate, History, & Responsibility: Climate Justice in the Caribbean,” Kingston, Jamaica, January 2020; John F. Richards, *The Unending Frontier: an Environmental History of the Early Modern World*, (Berkeley: University of California Press, 2003); Mimi Sheller, *Consuming the Caribbean: From Arawaks to Zombies*, (New York: Routledge, 2003).

very Region. They were forcefully transported to the Caribbean to labour and aid in the enrichment of European colonial powers.<sup>142</sup>

In addition to the high costs of climate change, Central and South American countries face high levels of sovereign debt from lenders in the Western financial institutions that contributed to the use of fossil fuels and growth of extractive mining industries.<sup>143</sup> While we do not quantify the costs of global warming and climate insecurity, we recognize that the role slavery played in worsening these crises for Caribbean and Central American countries. Overall, there is an inextricable link between the underdevelopment of the region, continuing post-colonial harm, and vulnerabilities to global financial instabilities.<sup>144</sup>

We recognize that the experience of racism is not homogenous for all those who inherit the inequity borne of the slave trade. Using an intersectional framework, we recognize the compounded privilege or disprivilege of our individual identities is a complex network. For example, the experience of Black women differs greatly from those of white women and Black men. Black women have historically faced reduced reproductive autonomy and increased sexual violence,<sup>145</sup> lower marriage and higher single motherhood rates,<sup>146</sup> and higher burdens of emotional labor—managing both others’ feelings and their own to avoid racial

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<sup>142</sup> Verene Shepherd, “Environmental Racism, the Climate Crisis and Reparatory Justice,” Panel on Environmental Justice, the Climate Crisis and People of African Descent 28th Session of the WGEPAD, March 26, 2021.

<sup>143</sup> Mimi Sheller, “The Case for Combining Slavery Reparations and Climate Reparations in the Caribbean,” Keynote delivered at the Rutgers/UWI Symposium on “Climate, History, & Responsibility: Climate Justice in the Caribbean,” Kingston, Jamaica, January 2020.

<sup>144</sup> Hilary Beckles, Verene Shepherd, and Ahmed Reid, “Introduction,” *Journal of Social and Economic Studies* 68(3&4) (2019): 1–10

<sup>145</sup> Khabele *et al.*, “A Perspective on James Marion Sims, MD, and Antiracist Racism in Obstetrics and Gynecology,” *Journal of Minimally Invasive Gynecology* 28(2) (February 2021); Paola Alonso, “Autonomy Revoked: The Forced Sterilization of Women of Color in 20th Century America,” *Ibid. A Student History Journal* (13) (Spring 2020); Lucille Mathurin Mair, *A Historical Study of Women in Jamaica, 1655–1844*. (Kingston: University of the West Indies Press, 2006).

<sup>146</sup> United States Bureau of Justice Statistics, “Lifetime Likelihood of Going to State or Federal Prison,” by Thomas P. Bonczar and Allen J. Beck, United States Department of Labor, March 1997; Chris M. Wilson and Andrew J. Oswald, “How Does Marriage Affect Physical and Psychological Health? A Survey of the Longitudinal Evidence,” Institute for the Study of Labor Working Paper No. 1619, May 2002; Richard V. Reeves and Christopher Pulliam, “Middle Class Marriage is Declining, and Likely Deepening Inequality,” The Brookings Institution, March 11, 2020, <https://www.brookings.edu/research/middle-class-marriage-is-declining-and-likely-deepening-inequality/>; Becky Ahlberg, “U.S. Single Parent Households,” State of California Commission on Peace Officer Standards and Training, [https://post.ca.gov/portals/0/post\\_docs/publications/Building%20a%20Career%20Pipeline%20Documents/safe\\_harbor.pdf](https://post.ca.gov/portals/0/post_docs/publications/Building%20a%20Career%20Pipeline%20Documents/safe_harbor.pdf).

stereotyping.<sup>147</sup> Black LGBTQ individuals face higher incidences of violence, poverty, policing, discrimination, and harassment than white or heterosexual counterparts.<sup>148</sup> In addition, across the Americas, colorism—discrimination against darker-skinned individuals—affects Black individuals’ employment rates, health outcomes, educational attainment, sense of self-worth and self-esteem, and experience of privilege.<sup>149</sup> We recognize the intersectional nature of privilege, though we are unable to quantify such intersections.

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<sup>147</sup> Edith Clarke, *My Mother Who Fathered Me: A Study of the Families in Three Selected Communities of Jamaica*, (Kingston, Jamaica: Press University of the West Indies, 1999); Merle Hodge, “The Shadow of the Whip: A Comment on Male-Female Relations in the Caribbean,” in *The Birth of Caribbean Civilisation: A Century of Ideas about Culture and Identity, Nation and Society*, ed. Nigel Bolland (Kingston, Jamaica: Ian Randle Press, 2004), 525-530; Joycelin Massiah, “Women as Heads of Households in the Caribbean: Family Structure and Feminine Status,” UNESCO, 1983.

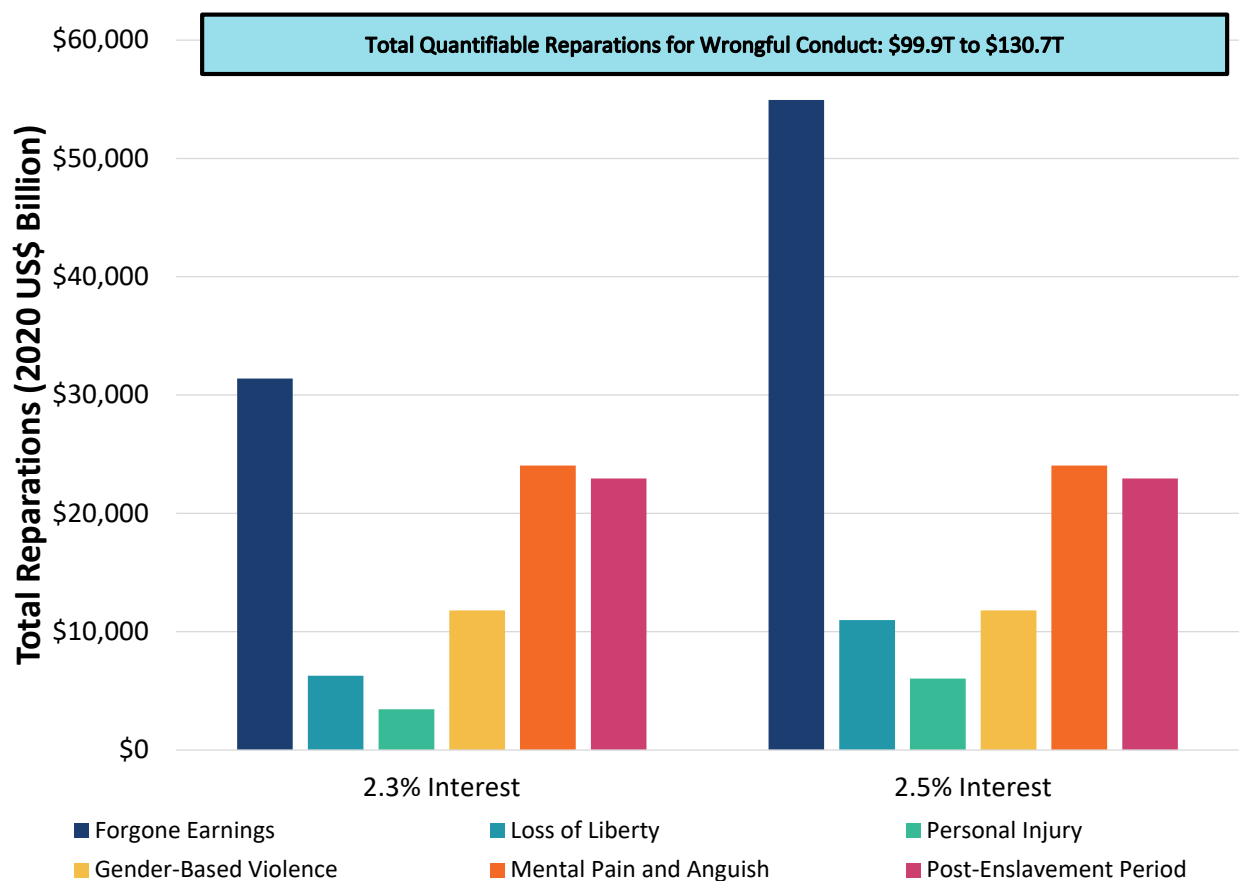
<sup>148</sup> Anastasia Moloney, “LGBT+ Murders at ‘Alarming’ Levels in Latin America – Study,” *Reuters*, August 8, 2019; “‘I Have to Leave to Be Me’: Discriminatory Laws against LGBT People in the Eastern Caribbean,” *Human Rights Watch*, March 21, 2018; Sean Arayasirikul *et al.*, “A Global Cautionary Tale: Discrimination and Violence against Trans Women Worsen Despite Investments in Public Resources and Improvements in Health Insurance Access and Utilization of Health Care,” *International Journal for Equity in Health* 21(32) (March 2022); “Fatal Violence Against the Transgender and Gender Non-Conforming Community in 2022,” *Human Rights Council*, 2022; Laura E. Kuper and Brett R. Coleman, “Coping With LGBT and Racial–Ethnic-Related Stressors: A Mixed-Methods Study of LGBT Youth of Color,” *Journal of Research on Adolescence* 24(4) (2013); Johanna L. Ramirez, Kirsten A. Gonzalez & M. Paz Galupo, “Invisible During My Own Crisis”: Responses of LGBT People of Color to the Orlando Shooting,” *Journal of Homosexuality* 65(5) (June 2017).

<sup>149</sup> Taylor W. Hargrove, “Light Privilege? Skin Tone Stratification in Health among African Americans,” *Sociology of Race and Ethnicity* 5(3) (September 2018); Kelly O. Cowart and Kevin D. Lehnert, “Empirical Evidence of the Effect of Colorism on Customer Evaluations,” *Psychology & Marketing* 35(5) (2018); Amelia R. Branigan *et al.*, “Complicating Colorism: Race, Skin Color, and the Likelihood of Arrest,” *Socius: Sociological Research for a Dynamic World* 3 (January 2017): 1-17.

# IV. Context and Conclusions

As summarized in Figure 11 and Table 34, our analyses quantified reparations compensation of US\$100 trillion to US\$131 trillion. While these are almost unimaginably large amounts of money, in the preceding sections we have shown that the magnitudes are reasonable given the depth (the harm per person), breadth (the number of people harmed) and duration of the harm, as well as the delay in making reparations. In this section, we show what these reparations would represent to the enslaving countries, especially in the context of their economic performance from the time when they sponsored slavery to the present.

FIGURE 11: SUMMARY OF QUANTIFIED REPARATIONS (2020 US\$ BILLIONS)



Note: Estimations labeled “2.3% interest” are calculated using an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present). Repayment of the amounts estimated under Payments to Enslavers may not technically be reparations, but are included here for convenience.

**TABLE 34: REPARATIONS FROM ENSLAVEMENT AND POST-ENSLAVEMENT PERIOD  
(2020 US\$ BILLIONS)**

| Reparations Category                          | Total Reparations (2020 US\$ Billion) |                  |
|-----------------------------------------------|---------------------------------------|------------------|
|                                               | 2.3% Interest                         | 2.5% Interest    |
| <i>Period of Enslavement</i>                  |                                       |                  |
| Forgone Earnings                              | \$31,386                              | \$54,930         |
| Loss of Liberty                               | \$6,277                               | \$10,986         |
| Personal Injury                               | \$3,452                               | \$6,042          |
| Gender-Based Violence                         | \$11,793                              | \$11,793         |
| Mental Pain and Anguish                       | \$24,047                              | \$24,047         |
| <i>Period of Post-Enslavement</i>             |                                       |                  |
| Colonial Share of Wealth Disparity            | \$22,931                              | \$22,931         |
| Payment to Enslavers                          | \$12                                  | \$12             |
| <b>Total Reparations for Wrongful Conduct</b> | <b>\$99,900</b>                       | <b>\$130,743</b> |

Note: For all countries except the United Kingdom and United States, 'Cumulative GDP' refers to the sum of real GDPs (in 2020 US\$) since 1960. For the United Kingdom, 'Cumulative GDP' refers to the sum of real GDPs (in 2020 US\$) since 1800. For the United States, 'Cumulative GDP' refers to the sum of real GDPs (in 2020 US\$) since 1790. Repayment of the amounts estimated under Payments to Enslavers may not technically be reparations, but are included in this table for convenience.

The reparations calculated based on the value of labor when stolen are US\$131 trillion and \$100 trillion when calculated based on the current value of stolen labor. These reparations are not all owed by a single country. In Table 35 and Table 36, we report an accounting of reparations by destination and enslaving country.

**TABLE 35: TOTAL ESTIMATED REPARATIONS BY ENSLAVING AND DESTINATION COUNTRIES,  
BASED ON 2.5% INTEREST (2020 US\$ BILLIONS)**

| Enslaving Country            |                 |           |         |          |         |          |             |          |          |        |               |           |
|------------------------------|-----------------|-----------|---------|----------|---------|----------|-------------|----------|----------|--------|---------------|-----------|
| Country                      | Region          | Argentina | Brazil  | Britain  | Denmark | France   | Netherlands | Portugal | Spain    | Sweden | United States | Total     |
| Destination Country          |                 |           |         |          |         |          |             |          |          |        |               |           |
| Caribbean                    |                 |           |         |          |         |          |             |          |          |        |               |           |
| Antigua and Barbuda          | Caribbean       |           |         | \$1,301  |         |          |             |          |          |        |               | \$1,301   |
| Bahamas                      | Caribbean       |           |         | \$127    |         |          |             |          |          |        |               | \$127     |
| Barbados                     | Caribbean       |           |         | \$4,961  |         |          |             |          |          |        |               | \$4,961   |
| British Virgin Islands       | Caribbean       |           |         | \$136    |         |          |             |          |          |        |               | \$136     |
| Cuba                         | Caribbean       |           |         |          |         |          |             |          | \$6,740  |        |               | \$6,740   |
| Dominica                     | Caribbean       |           |         | \$877    |         |          |             |          |          |        |               | \$877     |
| Dominican Republic           | Caribbean       |           |         |          |         |          |             |          | \$3,145  |        |               | \$3,145   |
| Grenada                      | Caribbean       |           |         | \$1,018  |         | \$26     |             |          |          |        |               | \$1,044   |
| Haiti                        | Caribbean       |           |         |          |         | \$8,636  |             |          |          |        |               | \$8,636   |
| Jamaica                      | Caribbean       |           |         | \$10,124 |         |          |             |          | \$108    |        |               | \$10,232  |
| Puerto Rico (U.S.)           | Caribbean       |           |         |          |         |          |             |          | \$551    |        |               | \$551     |
| Saint Kitts and Nevis        | Caribbean       |           |         | \$1,624  |         |          |             |          |          |        |               | \$1,624   |
| Saint Lucia                  | Caribbean       |           |         | \$106    |         |          |             |          |          |        |               | \$106     |
| Trinidad and Tobago          | Caribbean       |           |         | \$253    |         |          |             |          | \$504    |        |               | \$757     |
| Virgin Islands (U.S.)        | Caribbean       |           |         |          | \$688   |          |             |          |          |        |               | \$688     |
| Central America and Mexico   |                 |           |         |          |         |          |             |          |          |        |               |           |
| Belize                       | Central America |           |         | \$20     |         |          |             |          |          |        |               | \$20      |
| Honduras                     | Central America |           |         |          |         |          |             |          | \$54     |        |               | \$54      |
| Mexico                       | Central America |           |         |          |         |          |             |          | \$2,725  |        |               | \$2,725   |
| Panama                       | Central America |           |         |          |         |          |             |          | \$220    |        |               | \$220     |
| South America                |                 |           |         |          |         |          |             |          |          |        |               |           |
| Argentina                    | South America   | \$8       |         |          |         |          |             |          | \$1,302  |        |               | \$1,310   |
| Brazil                       | South America   |           | \$4,827 |          |         |          |             | \$22,408 |          |        |               | \$27,235  |
| Colombia                     | South America   |           |         |          |         |          |             |          | \$6,558  |        |               | \$6,558   |
| Guyana                       | South America   |           |         | \$572    |         |          | \$56        |          |          |        |               | \$628     |
| Peru                         | South America   |           |         |          |         |          |             |          | \$240    |        |               | \$240     |
| Suriname                     | South America   |           |         |          |         |          | \$2,780     |          |          |        |               | \$2,780   |
| Venezuela                    | South America   |           |         |          |         |          |             |          | \$463    |        |               | \$463     |
| North America                |                 |           |         |          |         |          |             |          |          |        |               |           |
| US                           | US              |           |         | \$4,619  |         |          |             |          |          |        | \$37,005      | \$41,623  |
| Miscellaneous                |                 |           |         |          |         |          |             |          |          |        |               |           |
| British Overseas Territories | Other           |           |         | \$476    |         |          |             |          |          |        |               | \$476     |
| Dutch Overseas Territories   | Other           |           |         |          |         |          | \$2,133     |          |          |        |               | \$2,133   |
| French Overseas Territories  | Other           |           |         |          |         | \$2,887  |             |          |          | \$12   |               | \$2,898   |
| Other                        | Other           |           |         |          |         |          |             |          | \$453    |        |               | \$453     |
| TOTAL                        |                 | \$8       | \$4,827 | \$26,213 | \$688   | \$11,548 | \$4,969     | \$22,408 | \$23,064 | \$12   | \$37,005      | \$130,743 |

Note: Includes quantification of harm during the period of slavery and for the period after formal abolition of slavery. For the period of slavery, quantification is based on the number of enslaved people who embarked to each destination country or were born into slavery. It encompasses (i) loss of life and uncompensated labor (jointly, foregone earnings), discussed in section II.A.1, (ii) loss of liberty, discussed in section II.A.2, (iii) personal injury, discussed in section II.A.3, (iv) mental pain and anguish, discussed in section II.A.4, (v) and gender based violence, discussed in section II.A.5. For the period after formal abolition of slavery, quantification is based on (i) the average differential between the wealth of descendants of the enslaved in the destination countries and the average wealth in the enslaving countries (or of white population for the case of the United States) multiplied by the number of descendants of the enslaved in each destination country; and (ii) reparations paid to former slavers (this reflects, for example, the equivalent of the 90 million francs extracted by France from Haiti. France is required to return this sum to Haiti because it was acquired unjustly through a transfer that was quintessentially non-consensual). Repayment of the amounts estimated under Payments to Enslavers may not technically be reparations, but are included in this table for convenience. Where no figure is shown, this does not warrant that no liability has been found but that no data is currently available.

**TABLE 36: TOTAL ESTIMATED REPARATIONS BY ENSLAVING AND DESTINATION COUNTRIES, BASED ON 2.3% INTEREST (2020 US\$ BILLIONS)**

|                              |                 | Enslaving Country |         |          |         |         |             |          |          |        |               |          |
|------------------------------|-----------------|-------------------|---------|----------|---------|---------|-------------|----------|----------|--------|---------------|----------|
| Country                      | Region          | Argentina         | Brazil  | Britain  | Denmark | France  | Netherlands | Portugal | Spain    | Sweden | United States | Total    |
| Destination Country          |                 |                   |         |          |         |         |             |          |          |        |               |          |
| Caribbean                    |                 |                   |         |          |         |         |             |          |          |        |               |          |
| Antigua and Barbuda          | Caribbean       |                   |         | \$934    |         |         |             |          |          |        |               | \$934    |
| Bahamas                      | Caribbean       |                   |         | \$110    |         |         |             |          |          |        |               | \$110    |
| Barbados                     | Caribbean       |                   | \$3,557 |          |         |         |             |          |          |        |               | \$3,557  |
| British Virgin Islands       | Caribbean       |                   |         | \$99     |         |         |             |          |          |        |               | \$99     |
| Cuba                         | Caribbean       |                   |         |          |         |         |             |          | \$5,455  |        |               | \$5,455  |
| Dominica                     | Caribbean       |                   |         | \$631    |         |         |             |          |          |        |               | \$631    |
| Dominican Republic           | Caribbean       |                   |         |          |         |         |             |          | \$2,871  |        |               | \$2,871  |
| Grenada                      | Caribbean       |                   |         | \$732    |         | \$19    |             |          |          |        |               | \$751    |
| Haiti                        | Caribbean       |                   |         |          |         | \$6,781 |             |          |          |        |               | \$6,781  |
| Jamaica                      | Caribbean       |                   |         | \$7,389  |         |         |             |          | \$79     |        |               | \$7,468  |
| Puerto Rico (U.S.)           | Caribbean       |                   |         |          |         |         |             |          | \$426    |        |               | \$426    |
| Saint Kitts and Nevis        | Caribbean       |                   |         | \$1,161  |         |         |             |          |          |        |               | \$1,161  |
| Saint Lucia                  | Caribbean       |                   |         | \$87     |         |         |             |          |          |        |               | \$87     |
| Trinidad and Tobago          | Caribbean       |                   | \$205   |          |         |         |             |          | \$410    |        |               | \$615    |
| Virgin Islands (U.S.)        | Caribbean       |                   |         |          | \$493   |         |             |          |          |        |               | \$493    |
| Central America and Mexico   |                 |                   |         |          |         |         |             |          |          |        |               |          |
| Belize                       | Central America |                   |         | \$20     |         |         |             |          |          |        |               | \$20     |
| Honduras                     | Central America |                   |         |          |         |         |             |          | \$50     |        |               | \$50     |
| Mexico                       | Central America |                   |         |          |         |         |             |          | \$2,033  |        |               | \$2,033  |
| Panama                       | Central America |                   |         |          |         |         |             |          | \$171    |        |               | \$171    |
| South America                |                 |                   |         |          |         |         |             |          |          |        |               |          |
| Argentina                    | South America   | \$6               |         |          |         |         |             |          | \$937    |        |               | \$943    |
| Brazil                       | South America   |                   | \$3,558 |          |         |         |             | \$16,518 |          |        |               | \$20,076 |
| Colombia                     | South America   |                   |         |          |         |         |             |          | \$4,826  |        |               | \$4,826  |
| Guyana                       | South America   |                   |         | \$420    |         |         | \$41        |          |          |        |               | \$461    |
| Peru                         | South America   |                   |         |          |         |         |             |          | \$219    |        |               | \$219    |
| Suriname                     | South America   |                   |         |          |         |         | \$2,001     |          |          |        |               | \$2,001  |
| Venezuela                    | South America   |                   |         |          |         |         |             |          | \$369    |        |               | \$369    |
| North America                |                 |                   |         |          |         |         |             |          |          |        |               |          |
| US                           | US              |                   |         | \$3,662  |         |         |             |          |          |        | \$29,338      | \$33,000 |
| Miscellaneous                |                 |                   |         |          |         |         |             |          |          |        |               |          |
| British Overseas Territories | Other           |                   |         | \$340    |         |         |             |          |          |        |               | \$340    |
| Dutch Overseas Territories   | Other           |                   |         |          |         |         | \$1,529     |          |          |        |               | \$1,529  |
| French Overseas Territories  | Other           |                   |         |          |         | \$2,091 |             |          |          | \$8    |               | \$2,100  |
| Other                        | Other           |                   |         |          |         |         |             |          | \$325    |        |               | \$325    |
| TOTAL                        |                 | \$6               | \$3,558 | \$19,347 | \$493   | \$8,891 | \$3,571     | \$16,518 | \$17,744 | \$8    | \$29,764      | \$99,900 |

Note: Estimations labeled “2.3% interest” are calculated using an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present).

Includes quantification of harm during the period of slavery and for the period after formal abolition of slavery. For the period of slavery, quantification is based on the number of enslaved people who embarked to each destination country or were born into slavery. It encompasses (i) loss of life and uncompensated labor (jointly, foregone earnings), discussed in section II.A.1, (ii) loss of liberty, discussed in section II.A.2, (iii) personal injury, discussed in section II.A.3, (iv) mental pain and anguish, discussed in section II.A.4, (v) and gender based violence, discussed in section II.A.5. For the period after formal abolition of slavery, quantification is based on (i) the average differential between the wealth of descendants of the enslaved in the destination countries and the average wealth in the enslaving countries (or of white population for the case of the United States) multiplied by the number of descendants of the enslaved in each destination country; and (ii) reparations paid to former slavers (this reflects, for example, the equivalent of the 90 million francs extracted by France from Haiti. France is required to return this sum to Haiti because it was acquired unjustly through a transfer that was quintessentially non-consensual). Repayment of the amounts estimated under Payments to Enslavers may not technically be reparations, but are included in this table for convenience. Where no figure is shown, this does not warrant that no liability has been found but that no data is currently available.

Such amounts are difficult to understand in isolation. To begin to put the results in context, the GDP of the United States was approximately US\$25 trillion in 2022, and those of the UK and France were approximately US\$3 trillion, each. Having a reparations number that is several multiples of a country’s GDP is not surprising. Recall that GDP is a measure of the **annual** output of a country, while the damages we—and the authors on whose work we build on—have

calculated here occurred over **centuries**. It makes sense that one year of output of a country's economy is insufficient to repair the damages inflicted on millions of people over 200, 300 or more years.

Moreover, the delay in the payment of these reparations also plays an important role. Given that centuries have passed from the harm to the present, the calculated reparations are very sensitive to the choice of interest rate. As shown in Table 37 reducing the interest rate from our baseline 2.5% to 2.3% reduces the reparation to US\$100 trillion, and reducing the rate further, to 2.1% reduces the reparation estimate to US\$85 trillion.

**TABLE 37: IMPACT OF INTEREST RATES ON TOTAL REPARATIONS (2020 US\$ BILLIONS)**

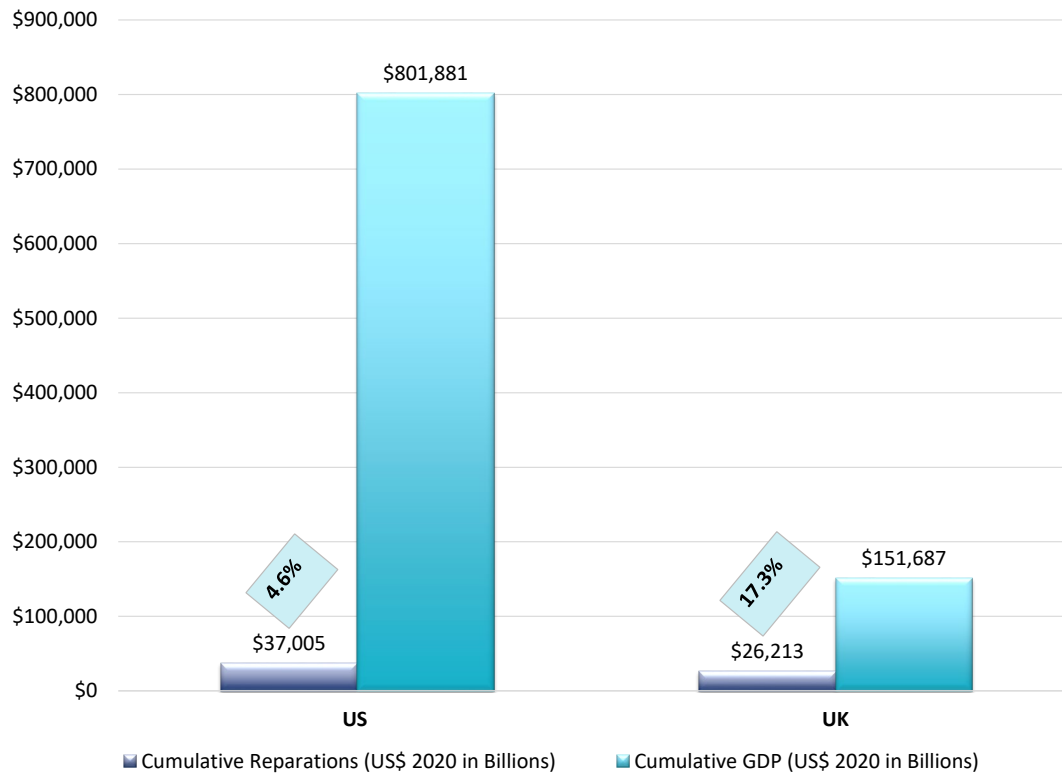
| Head of Reparations                    | Interest Rate (%) |                 |                 |                 |                 |                  |                  |                      |
|----------------------------------------|-------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|----------------------|
|                                        | 0.0%              | 1.0%            | 1.7%            | 2.1%            | 2.3%            | 2.5%             | 3.0%             | 5.0%                 |
| Forgone Earnings                       | \$191             | \$1,590         | \$7,004         | \$19,963        | \$31,386        | \$54,930         | \$217,164        | \$229,314,206        |
| Loss of Liberty                        | \$38              | \$318           | \$1,401         | \$3,993         | \$6,277         | \$10,986         | \$43,433         | \$45,862,841         |
| Personal Injury                        | \$21              | \$175           | \$770           | \$2,196         | \$3,452         | \$6,042          | \$23,888         | \$25,224,563         |
| Gender-Based Violence                  | \$11,793          | \$11,793        | \$11,793        | \$11,793        | \$11,793        | \$11,793         | \$11,793         | \$11,793             |
| Mental Pain and Anguish                | \$24,047          | \$24,047        | \$24,047        | \$24,047        | \$24,047        | \$24,047         | \$24,047         | \$24,047             |
| Wealth Disparity                       | \$22,931          | \$22,931        | \$22,931        | \$22,931        | \$22,931        | \$22,931         | \$22,931         | \$22,931             |
| Payment to Enslavers                   | \$12              | \$12            | \$12            | \$12            | \$12            | \$12             | \$12             | \$12                 |
| Total Reparations for Wrongful Conduct | <b>\$59,034</b>   | <b>\$60,867</b> | <b>\$67,959</b> | <b>\$84,936</b> | <b>\$99,900</b> | <b>\$130,743</b> | <b>\$343,269</b> | <b>\$300,460,394</b> |

Note: The column labeled 2.3% shows the values for an interest rate of 2.282% (our estimate for the average growth rate in wages from the enslavement period to present). Repayment of the amounts estimated under Payments to Enslavers may not technically be reparations, but are included in this table for convenience.

A point raised by the sensitivity of the calculation to interest rates is the margin of error of our estimates. We do not have clear statistical estimates of the margins of errors of our estimates. As noted throughout, when faced with a range of possible assumptions to make, we believe we made conservative assumptions. Consequently, we believe that the true value of the harms we estimated is more likely to be greater than our estimates than to be less than our estimates.

A more natural comparison then is to look at the reparations compared to cumulative GDP since the period of enslavement. Although data going back centuries are limited for many countries, we can get a sense of the magnitudes from data for the US and the UK. As shown in Figure 12, the estimated reparations represent only a fraction of the cumulative GDP over the period when they arose and remained unpaid: about 4% for the US (based on GDP since 1750) and 13% for the UK (based on data since 1800). In both cases, the true percentages are lower, since the reparations arose in even earlier periods for which we lack GDP data.

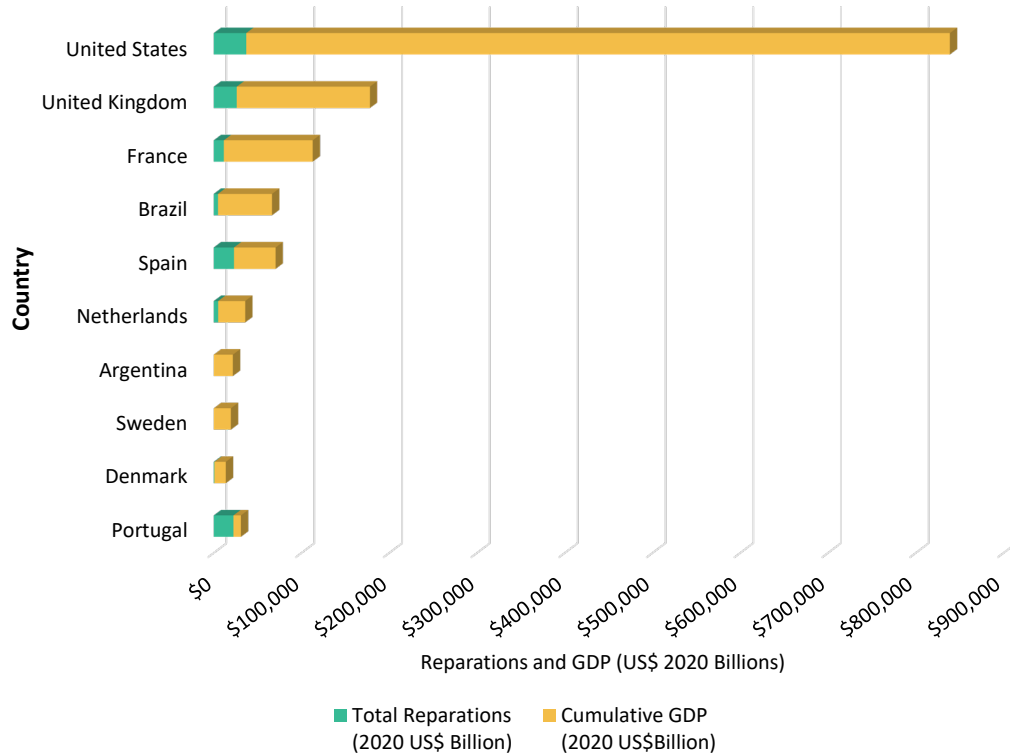
**FIGURE 12: ESTIMATE OF REPARATIONS BASED ON 2.5% INTEREST  
AS A % OF CUMULATIVE GDP (US & UK) (2020 US\$ BILLIONS)**



To provide context for other countries, we use the much more limited GDP data since 1950, as presented in Figure 13.<sup>150</sup>

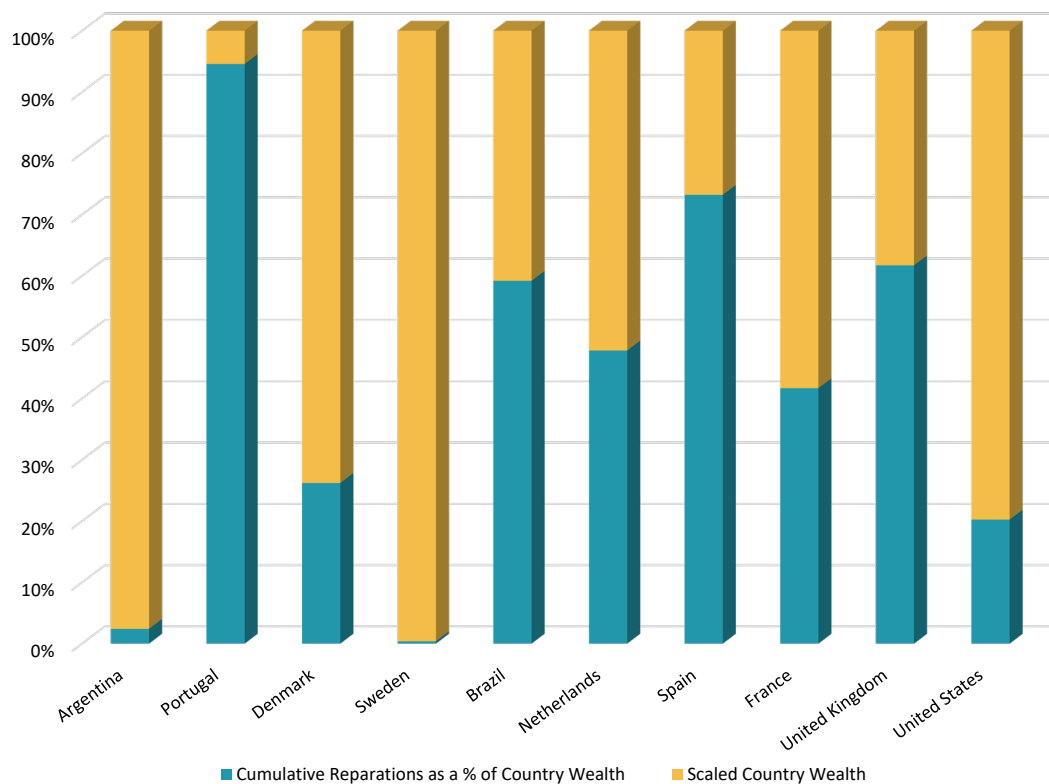
<sup>150</sup> We note that for the US and the UK, GDP since 1950 represented 91 and 81% of the cumulative GDP since 1790 (US) and 1800 (UK).

**FIGURE 13: ESTIMATE OF REPARATIONS BASED ON 2.5% INTEREST  
AS A % OF CUMULATIVE GDP (2020 US\$ BILLIONS)**



We can also express these amounts in the context of the present-day wealth of the enslavers. Figure 14, presents this context. The results are striking, but it must be kept in mind that wealth represents only what remains from fruits of economic activity over centuries, not what was consumed along the way. The reparations, in contrast, represent the value of forgone wealth and consumption.

**FIGURE 14: ESTIMATE OF REPARATIONS BASED ON 2.5% INTEREST AS A % OF COUNTRY WEALTH**



Sources and Notes: "Global Wealth Databook 2022," Credit Suisse, 2022.

# Annex I. Payment Options Prepared by Mr. David Marston based on the Brattle Report-Enslavement Period-2.5% Interest

Payment Options by Enslaving Country based on 2.5 %

| Enslaving Country                          | Total               | 10 years<br>Per Annum/with<br>interest <sup>1</sup> | 15 years<br>Per annum/with<br>interest | 20 years<br>Per Annum/with<br>interest | 25 years<br>Per Annum/with<br>interest |
|--------------------------------------------|---------------------|-----------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| Argentina                                  | 8 billion           | 800m/<br>1.02b                                      | 533m/<br>1.16b                         | 400m/<br>1.31b                         | 320m/<br>1.48b                         |
| Brazil                                     | 4,434<br>trillion   | 443b/<br>567b                                       | 295b/<br>642b                          | 222b/<br>726b                          | 177b/<br>822b                          |
| England/Great<br>Britain/United<br>Kingdom | 24,011<br>trillion  | 2.401tr/<br>3,073tr                                 | 1.601tr/<br>3,477tr                    | 1.200tr/<br>3,934tr                    | 960b/<br>4,451tr                       |
| Denmark                                    | 681 billion         | 68.1b/<br>87.1b                                     | 45.4b/<br>98.6b                        | 34b/<br>111b                           | 27.2b/<br>126b                         |
| France                                     | 9,288<br>trillion   | 929b/<br>1,189tr                                    | 619b/<br>1,345tr                       | 464b/<br>1,522tr                       | 371b/<br>1,722tr                       |
| Netherlands                                | 4,886<br>trillion   | 488b/<br>625b                                       | 326b/<br>707b                          | 244b/<br>800b                          | 195b/<br>906b                          |
| Portugal                                   | 20,582<br>trillion  | 2.058tr/<br>2,634tr                                 | 1.372tr/<br>2,981tr                    | 1.029tr/<br>3,372tr                    | 823b/<br>3,816tr                       |
| Spain                                      | 7,107<br>trillion   | 711b                                                | 474b                                   | 355b                                   | 284.3                                  |
| Sweden                                     | 12<br>billion       | 1.2 b/<br>1.5b                                      | 800m/<br>1.7b                          | 600m/<br>1.9b                          | 480m/<br>2.2b                          |
| USA                                        | 26,790<br>trillion  | 2.679tr/<br>3,429tr                                 | 1,786tr/<br>3,800tr                    | 1.340tr/<br>4,389tr                    | 1.070tr/<br>4,967tr                    |
| Total                                      | 107,799<br>trillion | 10,780tr/<br>13,799tr                               | 7,186tr/<br>15,612tr                   | 5,390tr/<br>17,664tr                   | 4,312tr/<br>19,985tr                   |

<sup>1</sup> For consistency Interest calculations are aligned with 2.5 percent used in the Brattle Group report

## Annex II. Payment Options Prepared by Mr. David Marston based on the Brattle Report-Enslavement Period-2.3% Interest

Payment Options by Enslaving Country based on 2.3 %

| Enslaving Country                          | Total              | 10 years<br>Per Annum/with<br>interest <sup>2</sup> | 15 years<br>Per annum/with<br>interest | 20 years<br>Per Annum/with<br>interest | 25 years<br>Per Annum/with<br>interest |
|--------------------------------------------|--------------------|-----------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| Argentina                                  | 6 billion          | 600m/753                                            | 400m/844                               | 300m/945                               | 240m/<br>1,059b                        |
| Brazil                                     | 3,165<br>trillion  | 316.5b/397                                          | 211b/445                               | 158b/499                               | 127b/559                               |
| England/Great<br>Britain/United<br>Kingdom | 17,141<br>trillion | 1,714tr/<br>2,152                                   | 1,143tr/<br>2,411                      | 857b/<br>2,701tr                       | 686b/<br>3,026 tr                      |
| Denmark                                    | 486 billion        | 48.6b/<br>61.0                                      | 32.4b/<br>68.3                         | 24.3b/<br>76.6                         | 19.4b/<br>85.8                         |
| France                                     | 6,630<br>trillion  | 663b/<br>832.2                                      | 442b/<br>932.5                         | 331b/<br>1,045tr                       | 265b/<br>1,170tr                       |
| Netherlands                                | 3,488<br>trillion  | 349b/438                                            | 232b/490                               | 174b/550b                              | 139b/616                               |
| Portugal                                   | 14,693<br>trillion | 1,469tr/<br>1,844                                   | 979b/<br>2,066tr                       | 735b/<br>2,315tr                       | 588b/<br>2,594 tr                      |
| Spain                                      | 12,213<br>trillion | 1,221tr/<br>1,533                                   | 814b/<br>1718tr                        | 611b/<br>1,924tr                       | 488b/<br>2,156tr                       |
| Sweden                                     | 8 billion          | 800m/<br>1,004b                                     | 533m/<br>1,125b                        | 400m/<br>1,261b                        | 320m/<br>1412b                         |
| USA                                        | 19,125<br>trillion | 1,912tr/<br>2,400                                   | 1,275tr/2,690                          | 956b/3,014tr                           | 765b/3,377tr                           |
| Total                                      | 76,958<br>trillion | 7,695tr/9,601                                       | 5,130tr/10,824                         | 3,848tr/12,127                         | 3,078tr/13,587                         |

<sup>2</sup> For consistency Interest calculations are aligned with 2.3 percent used in the Brattle Group report

# Annex III. Payment Options Prepared by Mr. David Marston based on the Brattle Report- Post-Enslavement Period

## Post Enslavement Reparation Payment Options

| Enslaving Country                    | Total           | 10 year per annum/with interest | 15 year per annum/with interest | 20 year per annum/with interest | 25 year per annum/with interest |
|--------------------------------------|-----------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Brazil                               | 393 billion     | 39.3b/50.3b                     | 26.2b/56.9b                     | 19.6b/64.3b                     | 15.7b/72.8b                     |
| England/Great Britain/United Kingdom | 2.193 trillion  | 219b/280b                       | 146b/318b                       | 109.6b/359b                     | 87.7b/406b                      |
| Denmark                              | 6 billion       | 600m/768m                       | 400m/869                        | 300m/983                        | 240m/1,112b                     |
| France                               | 2.258 trillion  | 225.8b/289b                     | 150.5b/327b                     | 113b/370b                       | 90.3b/418b                      |
| Netherlands                          | 83 billion      | 830m/1,062b                     | 553m/1,202b                     | 415m/1,360b                     | 332m/1,538b                     |
| Portugal                             | 1.826 trillion  | 182.6b/234b                     | 121.7b/264/b                    | 91.3b/299b                      | 73.0b/338b                      |
| Spain                                | 5.843 trillion  | 584.3b/748b                     | 389.5b/846b                     | 292b/957b                       | 233.7b/1.083tr                  |
| United States                        | 10.329 trillion | 1.033tr/1.322tr                 | 688.6b/1.496tr                  | 516.4b/1.692tr                  | 413.2b/1.915tr                  |
| Total                                | 22.931 trillion | 2.293tr/2.935                   | 1.529tr/3.321                   | 1.146tr/3.757                   | 895.6b/4.251                    |

Note. For consistency, interest calculations are calculated at 2.5 percent