

Contribution to CCJ Debate

It is an interesting coincidence that the debate on the three Bills to establish the Caribbean Court of Justice (CCJ) as Jamaica's final appellate court and the debate on the Reparations motion are occurring contemporaneously, because both address the impact of slavery and colonialism on the societies of Jamaica and the wider Caribbean.

While the Reparations debate focuses on receiving economic compensation for the enslavement of the African people, the impact of these historical crimes go far beyond just economics.

Prof. Hilary Beckles speaks of "the stress profile and psychological trauma of slavery and apartheid" which has left our Caribbean societies psychologically broken. Symptoms of this brokenness are evident in a negative identity and a feeling of inferiority still carried by many. One current manifestation is the epidemic of skin bleaching which is self inflicted and probably does the victim more harm in the long term than a bout of Chik-V.

More insidious however, is the legacy of distrust and dependency. The seeds of this distrust and dependency were deliberately sown by the plantation owners to control the slaves. Marcus Garvey stated "We are going to emancipate ourselves from mental slavery because whilst others might free the body, none but ourselves can free the mind." So I support the calls for Reparatory Justice, but whilst this requires the cooperation of external governments, some elements of this Reparatory Justice we can give to ourselves in the meantime, through repatriating the symbols of our sovereignty.

Some will be uncomfortable with my exploration of the psychological effects of slavery on our decision-making today. However, I believe that knowledge of the past is a key to understanding the present, and therefore make no apology for drawing on the work of a celebrated historian of slavery – Kenneth Stampp – who identified Five Rules for Making a Slave in his book "The Peculiar Institution (1956): Slavery in the Ante-Bellum South". These rules were:

- 1) Maintain strict discipline
- 2) Instill a belief of personal inferiority
- 3) Develop a sense of the master's power (instill fear)
- 4) Accept the master's standard of good conduct
- 5) Develop a habit of perfect dependence

What is fascinating is that four of these five rules have to do with the psychological indoctrination of the slave rather than physical coercion. Therefore it is not surprising that this indoctrination is so persistent.

This legacy of psychological indoctrination, of "divide and rule", of "mental slavery", is still evident in our politics and governance. To illustrate this we don't have to move beyond the fact that only once in our 52 years of Independence has an entrenched section of our Constitution been changed. This is because changing an entrenched section requires the cooperation of the Opposition with the Government, and in only one case has an Opposition been able to resist the appeal of partisan political advantage and instead do what is manifestly in the interest of the nation. I am proud to say that this side, when we were in Opposition, created that exception and facilitated the adoption of a new Charter of Rights in our Constitution.

Two remaining symbols of our "sovereignty" illustrate how powerfully that psychological indoctrination of slavery (and colonialism) still affects us, namely:

- 1) The British Queen is our Head of State.
- 2) Her Majesty in Council (i.e. the Judicial Committee of the Privy Council) is our final court of appeal.

That we persist with these anachronisms confirms that we hold on to the belief of our own inferiority. In the case of our final court, we cling to the belief notwithstanding powerful evidence to the contrary such as: a) judges of the highest calibre are produced locally. This was recently demonstrated when one of our own - Justice Patrick Robinson - was elected to the International Court of Justice; b) the high quality of the CCJ judgments; and c) the independence of the CCJ.

The flip side to belief in our own inferiority is awe of the “master's power”. A recent argument against the objective of these Bills is that *retaining the Privy Council as our final court of appeal will be a good thing for investments*. This statement must be based on some obscure and baffling logic, since no evidence is presented to support such an assertion, or perhaps it is just based on awe of the master’s power - awe of Her Majesty in Council. The truth is that most major investment agreements include Arbitration Clauses, which provide for the final adjudication of disputes by privately appointed arbitrators, independently of any court system. So this is a non-issue.

In closing, let me state that these Bills are about much more than making technical adjustments to our Judicial System, though on this measure alone it would be justified. What we are attempting is to achieve another milestone in the continuing process of Emancipation: the more difficult component of breaking the shackles of mental slavery and healing the associated psychological trauma. Our people deserve to see us lead in this direction towards a national self-confidence and away from a belief in our own inferiority and a corresponding awe of our former master's power.

What a glorious day when we no longer perceive ourselves as field slave versus house slave, light skinned versus dark skinned, green versus orange, but instead are one united people confidently facing the future.

I fully support these Bills and call on all conscious Parliamentarians, all of us more concerned with the next generation rather than with the next election, to vote for the passage of these Bills.

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