THE TAUBIRA LAW

5. 500

Simon Férelloc

The Taubira Law, named after the deputy behind it, Christiane Taubira, is a French law that recognizes the trade of enslaved people as a crime against humanity. It is the first law in the world to do so, making it extremely symbolic. The categorization of slavery was an important issue in and around 1998, the year marking the one-hundred-and-fiftieth anniversary of the second and final abolition of slavery in the French colonies.

1998: a turning point

In order to prepare for the 1998 commemorations, Lionel Jospin's government established a commission, chaired by Guadeloupean novelist Daniel Maximin. For the very first time, this commission examined abolition from the perspective of mainland France but also from that of the enslaved populations and the various resistance methods developed in response. In parallel, several associations sprung up with the aim of offering alternative ways of thinking about France's past and its role in colonial slavery. The emphasis, therefore, was less a commemoration of the abolition implemented by mainland France in 1848 than a tribute to the populations from the African continent who had been enslaved, of whom many inhabitants of France's overseas territories are descendants. This movement was driven primarily by activists from the Caribbean diaspora in France who organized a silent march in Paris on 23 May 1998, adding weight to recent demands to recognize the slave trade and slavery as a crime against humanity. It also led to the creation of an association whose mission is to honour the memory of the victims of colonial slavery—the 23 May '98 March Committee (CM98).

A highly anticipated legal recognition

These demands were formulated into a bill, drafted by the deputy of Guyana Christiane Taubira. This bill sought to legally qualify slavery as a crime against humanity and was published in December of that year. The deputy went on to defend her position in a parliamentary speech given on 18 February 1999. In it, she evoked the need for such recognition for a "symbolic" reparation, which she claimed was "the most powerful of all". She also spoke of this law as an act of "political" and "moral" reparation, while ruling out the idea of a "revenge" or "revision" of history. The law was finally passed on 10 May 2001. It states that: "the transatlantic slave trade" and trade "in the Indian Ocean", as well as slavery "perpetrated from the 15th century onwards [...] against African, Amerindian, Madagascan, and Indian populations" constitute crimes against humanity. It also



generated a reassessment of the place of the Atlantic slave trade in school curricula and research programmes. Finally, it provided for the establishment of a national day of commemoration of the "slave trade, slavery, and its abolition", a date set at 10 May from 2006 onwards.

Unlike the first French so-called "memorial" law (the Gayssot Law of 13 July 1990), the legal scope of the Taubira Law is relatively limited. It drives a memorial framework but is not especially restrictive for the political authorities. Neither did it spark trials and convictions for historical negationism, as was the case with the Gayssot Law. However, the Taubira Law was criticized by a French slavery historian by the name of Olivier Grenouilleau, who claimed that by designating slavery as a "crime against humanity", it established an equivalence with the genocides of the 20th century, especially that committed against the Jewish people. This equivalence is rejected by the historian who considers that the historical processes at work in both instances are of a very different nature. Nevertheless, the law's symbolic significance is considered very strong by another historian Marcel Dorigny, precisely because of this categorization of slavery as a crime against humanity. The latter believes that this law puts slavery at the heart of public debate. For example, in January 2004, a Committee for the Memory and History of Slavery was created. In 2016, French President François Hollande announced its renewal as the Foundation for the Memory of Slavery, which was inaugurated in 2018. The presidency of this new foundation was entrusted to former Prime Minister and former Mayor of Nantes, Jean-Marc Ayrault. Finally, on 28 February 2017, a new "Overseas Real Equality" Act established a "national day in honour of the victims of colonial slavery". The date of this memorial day was set for 23 May as it legitimizes the memorial perspective defended by the French West Indian collective of 1998. Finally, the law also added to the memorial debate on an international scale, in particular in 2001 in Durban, during the forum organized on the fringes of the United Nations World Conference against Racism

Translated by Emma Lingwood



Co-funded by the European Union



About the author

Simon Férelloc is a doctoral research student in history at Nantes University. He is currently researching the consequences of French colonial policies and revolutionary movements on the French West Indies.

Further information

Christiane Taubira's parliamentary 1999 : Video link, speech of 18 February https://www.ina.fr/ina-eclaire-actu/video/vdo17091829/extrait-christiane-taubira-delannon-a-l-as semblee-nationale

Bibliography

Christiane Taubira, L'Esclavage raconté à ma fille, Paris, Points, 2016.

Myriam Cottias, « Les vingt ans de la loi Taubira. Expériences, politiques et citoyenneté : un bilan », in Cahiers d'histoire. Revue d'histoire critique, n°151, 2021. View online : http://journals.openedition.org/chrhc/17969.







	2 Section	and a
ľ. L	2 C	



Illustrations



Christiane Taubira © Assemblée nationale

Superstand and a second a
Article 5 Tarricel 454 de la bia du 29 milite 1831 sur la horne tes la norde 154 per la bia du 29 milite 1831 sur la horne tes la norde 154 per la bia du 29 milite 1831 sur la horne tes la du 2011 sur la dua 2011 tes la du 2011 sur la dua 2011 tes la dua 201
N Fartick 64: da la bié da 29 miliet 1883 sur la bienes fets les moist- : parts estatuts, de a, sont est les moist- : parts estatuts, de a, sont est les moist- : parts estatuts, de a, sont est les moist- : parts estatuts, de a, sont garden est les sont : parts in la presise, la sont est parts est la sea est parts est la sea est parts est la sea est parts est la sea est parts est la sea est parts est
In process, queris les mois - quir ses statuts, des -, aou tre les mois - ablander la méniour des exclutes et a présente loi sera orécule: comme loi de l'Etat. tait à Paris, le 21 mai 2001. Par le Poistan de la Rapalique: Promor minitare. Lossen, Joarne In ganhe des acourse, minitare de la junice, Mavarane Lanassenou minitare de l'Indérieur, Darmiter des efficient étangenes. Humer, Vanasme La minitare de l'Aducation nationale, Instru des efficient étangenes. Humer, Vanasme La minitare de a culture efficient face acourse, l'antimiter des la culture efficiente faces efficient étangenes. Humer, Vanasme La miniter de la culture efficiente Taxas.
a présente loi sera océcutée comme loi de l'Eitat. ità à Paris, le 21 noi 2001. Descutes Custosa Penner minitare. Losses, Josses Mavazas Lanasoccus minitare de l'Indriver, Dosti. Van.Lor. La minitare de l'Adroction nationale. Josses. Josses minitare des Chabrieres. Humar Vasama La minitare de la culture de la culture des cultures de la cultures Taxo. Cartames Taxo.
Par le Posidon de la Ripariaje. Promier ministre. Los quarde des sceutes, ministre de la jostice, Marvause Lansancento Marvause Lansancento Marvause Lansancento Marvause Lansancento Marvause Lansancento Marvause Lansancento La ministre des l'adhecation mationale, Los ministre des l'adhecation Housers Vensouse La ministre des adhecations La ministre des la cultures de la la communication, Cartineuro Taxon
Par le Poolsen du la Rapatique Promier ministre La sout dos services ministre de la justice, Marcusa Estavanceuts ministre de l'Intérieur, Davit: Valacaut Le ministre de l'Aduction nationale. Jaces Lava ministre des défaires derangères. Houses Vacante Le ministre de la celurer, Cartineure Taca
Primier ministre. Lossen, Jossin La gande des acouse, ministre de la justice, Morrusse Lanonento Morrus de l'adrication nationale. Loss Losse ministre des effaitres deragotes. Humer Vasame La ministre des achares de la communication, Cartineurs Taxo.
La gonde des scoutes, nativitée de la justée, Marstrass, Labansenu Marstrass, Labansenu Le ministre de l'adhecation nationale, Jack LAN Ministre des éfaires étrengères, Humer, Vatante, La ministre de la celuner, Cartineurs Taco, Cartineurs Taco,
DANEL VAILLANT Le ministre de l'éducation nationale. JACK LANG ministre des affaires étrangères, HUMENET VEIDENNE La ministre de la culture et de la communication, CATHERDE TASCA
Le ministre de l'éducation nationale, DECR, LANG MINISTE des affaires étrangères, HUMERT VEDRING La ministre de la culture et de la communication, CATHERME TASCA
JACK LANG ministre des affaires étrangères, HUMBER VEDRINE La ministre de la culture et de la communication, CATHERINE TASCA
Le ministre de la recherche.
Le multitre de la recherche, 5er-Gérard Schwartzenberg
La ministre délégué chargé des difuires enropérmes, Parans Moscovici Claustras Paux.) <i>Travaux pédépandetes</i> : Join or 2001-434. milée nationale:
ropositions de loi nº 792, 1050, 1297 et 1302 ; apport de Mme Christiane Taubira-Delannon, au nom de la
apport de verne constante l'adora-benaniste, au sons de la nission des lois, er 1378 ; iscussion et adoption le 18 février 1999, er :
oposition de loi, adoptée par l'Assemblée nationale, nº 234 8-1999);
apport de M. Jean-Pierre Schosteck, au nota de la commission lois, nº 262 (1999-2000); iscussion et adoption le 23 mars 2000. mblée nationale;
oposition de loi, modifiée par le Sénat, nr 2277 ; apport de Mene Christiane Taubira-Delaanon, au nom de la mission des lois, nr 2320 ; iseassion et adoption le 6 avril 2000,
u: oposition de loi, adoptée avec modifications par l'Assemblée nale en deuxième lecture ; apport de M. Jean-Pierre Schosteck, au nom de la commission lois, nr 165 (2000-2001);
A 2 10 11 19 10 10 10 10 10 10 10 10 10 10 10 10 10

Text of the Taubira Law, excerpt from the Journal officiel de la République française, May 23rd 2001





