

New Formations in the Wake of the Plantation: Law and Regionalism in the Caribbean Basin

Biography

Professor Kamari Maxine Clarke is a distinguished scholar with extensive expertise in sociolegal studies, international law, postcolonial justice, and decolonial methodologies. She has conducted fieldwork in the United States, West and East Africa, and the Caribbean, examining issues of legal pluralism, international law, colonial legacies, and community-based justice practices.

As a scholar, she has developed innovative, experiential learning programs that integrate academic seminars with field-based activities. For example, she led a course in The Hague (2018), directed a Summer School in Kigali, Rwanda (2022), developed a MemoLab in Toronto (2024), hosted a REP SummerLab in Cali, Colombia (2025) and is looking forward to. Her work bridges academic and community engagement, fostering collaborations with local scholars and legal practitioners, equipping students with critical tools to examine law, history, and power in the Caribbean context.

Course description

The relationship between violence, law, and power has long defined the distinctiveness of Caribbean life. Central to this history is the paradigm shift brought about by new constitutional arrangements for addressing violence and crime, alongside everyday demands for reparations and decolonial approaches to legal and social transformation. In the study of law, Caribbean legal systems and conceptions of justice are deeply rooted in British and French jurisprudence, legacies of colonial rule that continue to shape post-independence social life. The enduring imprint of plantation economies further structures legal discourse, influencing not only judicial outcomes but also the reproduction of socioeconomic inequalities. These conditions place limits on the development of a distinctly Caribbean jurisprudence that might otherwise reflect the region's lived realities and visions of justice.

This course examines the structural foundations of violence and the histories of colonial law that undergird Caribbean jurisprudence. It explores the erosion of parliamentary sovereignty and the emergence of new forms of public international and regional law. By situating Black Atlantic life within the context of the plantation—where violence was foundational and where its echoes resurface in contemporary discourses of “crime”—the course interrogates the dilemmas of this new phase of Caribbean existence. At the center of our inquiry is the question of political legitimacy: the recognition, as McIntosh notes, that Caribbean constitutions were “not really our own” (S. McIntosh, *Caribbean Constitutional Reform: Rethinking the West Indian Polity*, Kingston: Caribbean Law Publishing, 2002). This raises critical questions about how

plantation-era economic systems persist in shaping present-day social life. Rather than viewing the absence of an explicit form of Caribbean jurisprudence as a void, the course reimagines them as spaces for innovation and reclamation. It engages with the structural violence and colonial legacies that have long marginalized Black justice strategies, while also proposing new ways of recognizing, documenting, and theorizing the Caribbean epistemologies now emerging.

Course format

The course will combine interactive lectures, field visits to justice institutions and community-based spaces of innovation, and student-led discussions. Each session will include a brief lecture to introduce key concepts, followed by dialogue and analysis of case studies from the Caribbean. Students will engage directly with prescribed readings and are expected to actively contribute to discussions, workshops, and collaborative activities. Site visits and experiential learning components will enhance classroom learning by providing real-world contexts. The best outcomes will depend on students' consistent preparation and full participation throughout the course.

Course objectives

1. To analyze the historical and contemporary intersections of law, culture, and power in the Caribbean.
2. To evaluate colonial and postcolonial legal structures through decolonial theoretical frameworks.
3. To engage in experiential learning through site visits and field research in Antigua and St. Lucia.
4. To develop a critical understanding of justice-making practices and their sociolegal implications.
5. To apply interdisciplinary approaches to legal pluralism, cultural identity, and historical narratives in the Black Atlantic.
6. To collaborate on a digital archive or interactive project, synthesizing course content and field observations.

Course assessment

1. Response Papers (20%): Weekly reflections linking readings
2. Field Observation Report (30%): Analysis of a specific site or practice visited during the course.
3. Final Paper (40%): An analysis of the intertwined relationship of Law, Crime, Culture and Power in Caribbean worlds

4. Participation (10%): Active engagement in discussions and activities.

Course Schedule

Week 1: History and Politics of the Caribbean: Making of Zones of Extraction

Day 1: Monday, July 6 - Orientation & Course introduction

Syllabus overview

- Violence in the Making of Empire
- Antigua's role in the wider British Empire

Readings on Caribbean Historiography

Richard Sheridan, *Sugar and Slavery: An Economic History of the British West Indies* (for plantation context). Excerpts

Hilary Beckles, *Britain's Black Debt* (Ch. 1–2).

Optional Evening Film

Sugar Cane Alley (1983).

Day 2: Tuesday, July 7 - Violence, Law and Power in the Caribbean: The Roots of Plantation Economies

- Violence, Colonization and the Rise of Sugar Plantations
- The plantation complex as a legal, social and economic system
- consider historical inheritances of “crime” talk

Site Visit

Museum of Antigua and Barbuda - exhibits on the geography, geology and past and present material culture.

Betty's Hope Plantation - a former sugar plantation in Antigua, dating back to the mid-1600s. It was one of the island's first large-scale sugar estates and became a symbol of Antigua's brutal plantation economy under British colonial rule.

Dow's Hill Interpretation Centre - a museum that was part of the estate of Archibald Dow - A 20 minute multimedia show that tells the history of Antigua from native inhabitants, colonization, slavery, to British colonization today.

Readings

Brian Dyde, *A History of Antigua: The Unsuspected Isle* (Macmillan Caribbean, 2000).
Exerpts
Anthony Bogues, *Empire of Liberty: Power, Desire, and Freedom* (Introduction).

Optional

Hilary Beckles, *A History of Barbados: From Amerindian Settlement to Nation-State* (for comparative context).

Natasha Lightfoot, *Troubling Freedom: Antigua and the Aftermath of British Emancipation* (Duke University Press, 2015).

Sylvia Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom" (*CR: New Centennial Review*, 2003).

Day 3: Wednesday, July 8 - Legal Frameworks: Common Law and Colonial Governance.

Readings

- Rose-Ma Antoine. Read Chapter 1, 'Introduction to Law and Legal Systems.'
- Tracy Robinson, Arif Bulkan and Adrian Saunders, *Fundamentals of Caribbean Constitution Law*, Sweet & Maxwell (2015) at 1– 63
- R.M.B Antonie, 'Constructing a Legal Framework for Security Economic, Social and Culture Rights for Women Workers, with particular reference to structural adjustment and The Caribbean' in *The Caribbean Law Review* No. 7-2, (December 1997) at 534-587
- Rose-Ma Antoine. Read Chapter 2: The Historical Function of Law in the West Indies-Creating a Future from a Troubled Past.
- Funck, D.A. Seven Major Functions of Law (1972) 23:2 Case Western Reserve Law Review 257
- Hall, Douglas. 'The Colonial Legacy in Caribbean Legal Systems.' In *Law and Society in the Caribbean*, ed. Esmein A. Davis (Caribbean Law Publishing, 1996)

Day 4: Thursday, July 9 - Histories of Caribbean Governance in Practice

Site Visits

His Majesty's Prison, Saint John's, Antigua
Bordelais Correctional Facility

Guest Lecture & Discussion.

Readings

- Vaughan Carter and Derek O'Brien, Education and the Three R's: Rastafarianism, Religion and Review' in *The Caribbean Law Review*, Vol 9 No 2, (December 1999), at 184 – 204

- Francis Alexis, *Changing Caribbean Constitutions*, Carib Research and Publications Inc. (2015) at 165 – 175
- Benton, Lauren. 'Legal Spaces of Empire: Piracy and the Origins of Ocean Governance.' *Comparative Studies in Society and History*, Vol. 47, No. 4 (2005): 700–724.

Day 5: Friday, July 10 - Legal Inheritances and the Making of Caribbean Constitutionalism: Reflection on Post-Colonial Transformations

Readings

British and French jurisprudence, colonial rule, independence constitutions.

Readings:

Simeon McIntosh, *Caribbean Constitutional Reform* (Ch. 1–3).

Derek O'Brien, *Constitutional Law Systems of the Commonwealth Caribbean* (selected chapters).

- Rose-Ma Antoine. Read Chapter 6 Introduction to Sources of Law
- Rose-Ma Antoine. Read Chapter 3: Legal Traditions-Types of Legal Systems in The Commonwealth Caribbean
- Pollard, Duke. *The Caribbean Court of Justice* (The Caribbean Law Publishing Company, Kingston, 2004)
- Diana, Paton. 'Punishment, Crime, and the Bodies of Slaves in Eighteenth-Century Jamaica.' *Journal of Social History*, Vol. 34, No. 4 (2001): 923–954

Podcast:

Talking Law: Caribbean Conversations on Justice and Power (*UWI Radio or independent platforms*)

Week 2: Development of Political and Legal Institutions

Day 1: Monday, July 13 - Law and Lawmaking. Lecture & Discussion.

Lecture & Discussion

- Francis Alexis, *Changing Caribbean Constitutions*. Carib Research and Publications Inc. (2015), at 138 – 143
- Eudine Barriteau, *The Political Economy of Gender in the Twentieth-Century Caribbean* (selected chapters).

Day 2: Tuesday, July 14 - Law and Lawmaking. Lecture & Discussion.

Site Visit

The Antigua and Barbuda Parliament Building, Saint John's, Antigua
The High Court of Justice in Antigua and Barbuda.

Lecture & Discussion

Readings

- Rose-Ma Antoine Chapter 15 The Court System of the Commonwealth Caribbean
- David Simmons, 'Judicial Legislation for the Commonwealth Caribbean: The death penalty, delay and the Judicial Committee of the Privy Council' in *The Caribbean Law Bulletin* (1998) 3 (1/2), at 1 -10.
- Douglas Mendes, 'Comment on the Rt Hon Mr. David Simmons' Death Penalty' in *The Caribbean Law Bulletin* (1998) 3 (1/2), at 11 -28.
- Mutsaers, Paul. "Decolonising youth justice, rethinking childhood: Caribbean counterstories in detention." *Youth Justice* 24.1 (2024): 13-30.

Day 3: Wednesday, July 15 - From colonial order to “crime crisis:” Crime, Policing, Security Discourses and Judicial Reforms in the Caribbean

Panel Discussion with Legal Experts

Readings

- Mark Golding, 'New Ganja Laws: Institutionalizing Unethical Behaviour or Promoting the National Growth Agenda?' in *Jamaica Journal* Vol 36, No, 1 (December 2015), at 70 -94
- Rose-Ma Antoine Chapter 21 Alternative Dispute Mechanisms-Arbitration, Negotiation and Commissions of Inquiry.
- Ramesh Deosaran, *Criminology and Criminal Justice in the Caribbean* (selected chapters).
- Amanda Sives, *Elections, Violence and the Democratic Process in Jamaica* (Ch. 1-2).
- Mutsaers, Paul. "Decolonising youth justice, rethinking childhood: Caribbean counterstories in detention." *Youth Justice* 24.1 (2024): 13-30.

Day 4 – Thursday, July 16 - The Crisis of Sovereignty and Political Legitimacy: Laws, Courts and the Making of Caribbean Life

Constitutions “not our own,” erosion of parliamentary sovereignty, questions of legitimacy.

Readings

McIntosh, *Caribbean Constitutional Reform* (Ch. 5).

Richard Albert, Derek O’Brien & Se-shauna Wheatle (eds.), *Constitutional Reform in the English-Speaking Caribbean* (selected chapters).

Day 5: Friday, July 17 - Law, Religion and the Making of Social Life: European Inheritances and Decolonial Justice Epistemologies.

Site Visit

St. John’s Cathedral

St. Barnabas Anglican Church, Liberta

Ras Freeman

Pan Yard

Readings

- Wheatle, S. shauna, & Campbell, Y. (2020). Constitutional faith and identity in the Caribbean: tradition, politics and the creolisation of Caribbean constitutional law. *Commonwealth & Comparative Politics*, 58(3), 344–365. <https://doi.org/10.1080/14662043.2020.1773637>
- Murrell, Nathaniel Samuel. *Afro-Caribbean religions: An introduction to their historical, cultural, and sacred traditions*. Temple University Press, 2010. *Read introduction only*
- Clinton Hutton, ‘Revivalism and Rastafari: How the Two Forms of African Cultural Expression Influence Each Other’ in *Jamaica Journal* Vol 36, No, 1-2 (December 2015), at 56 - 68.
- Barry Chevannes, *Rastafari, Roots and Ideology*, Syracuse University Press (1995) at 1-44

Optional Film

Bad Friday: Rastafari After Coral Gardens (2011)

Week 3: Regionalism and New Justice Formations

Day 1: Monday, July 20 - Morning Flight to Port of Spain – Arrival and Orientation.

Afternoon:

Site Visit

People's Parliament in Port of Spain, Trinidad

Day 2: Tuesday, July 21 - Regionalism in the Caribbean Region: Justice and Legal Institutions

Site Visit

Caribbean Court of Justice

Morning: Class at the CCJ

Afternoon Rest & Independent Study.

Day 3: Wednesday, July 22 - New Justice Dilemmas: The Role of Regional and International Courts in the Caribbean.

Readings

- Rose-Ma Antoine Chapter 18 Specialized Courts, Tribunals and Functions
- Timothy Affonso. Regional Integration through International Law: The Original Jurisdiction of the Caribbean Court of Justice". (2024)
- Michelle Scobie. "The Caribbean Court of Justice and Regionalism in the Commonwealth Caribbean.' (2016)
- Ezekiel Rediker & Michigan J. "Courts of Appeal and Colonialism in the British Caribbean: A Case for the Caribbean Court of Justice.' International Law Journal. (2013)
- Clarke, Kamari Maxine. "Assemblages of Experts: The Caribbean Court of Justice and the Modernity of Caribbean Postcoloniality." *Small Axe: A Caribbean Journal of Criticism* 17.2 (2013): 88-107.
- Derek O'Brien & Sonia Morano-Foadi. 'The Caribbean Court of Justice and Legal Integration within CARICOM: Some Lessons from the European Community. (2009)

Evening Flight back to Antigua

Day 4: Thursday, July 23 - Debrief and Reflections on Caribbean Regionalism and the Politics of Managing Crime and Justice in the Shadow of the Colonial Past

Readings

- The Colour of Jus Cogens (with Frédéric Mégret) in Mohsen al Attar, Ata Hindi and Claire Smith, eds, *Emancipating International Law: Confronting the Violence of Racialized Boundaries* (OUP, forthcoming.2025)

Day 5: Friday July 24 - Justice, Erasure and Reclamation: Community-Based Justice Strategies

Site Visit

Local Justice Initiatives - Caribbean Reparations Movement - Ambassador Dorbrene O'Marde, Chairperson of the Antigua and Barbuda Reparations Commission & Lenworth Johnson, Legal Foundation for Claims

Readings

- Caricom Reparatory Justice

https://estatements.unmeetings.org/estatements/30.0436/20250414100000000/JsgSgszQxDWV/GxBLRPrkJ_nyc_en.pdf

- Chenelle Taylor, Preeti Chauhan & Mark Fondacaro. 'Restorative Justice in Jamaica: Current Attitudes and the Way Forward.' Applied Psychology in Criminal Justice. 2012
- Catherine Ali. 'The Bail Boys Court: Conflict Transformation and Restorative Justice in Trinidad.' Caribbean Journal of International Relations & Diplomacy Vol. 1, No. 4, December 2013: pp.3-22

Week 4: Justice Formations and the Future of Law

Day 1: Monday, July 27 - Reparations debates and the CARICOM initiative

A Dialogue with Sarah Riley Case

Readings

- Verene Shepherd, *Reparations: Justice for All* (selected chapters)
- Race, Ecology, Nature and International Law: A Dialogue with Sarah Riley Case (with Usha Natarajan) (forthcoming, 2025) TWAILR: Dialogues
- Beyond Settler Carcerality: Abolition and Reparatory Justice (forthcoming, 2025) commissioned paper for the Canadian Network for Equity and Racial Justice (CNERJ)
- Looking to the Horizon: The Meanings of Reparations for Unbearable Crises (2023) 117 AJIL Unbound 49

Day 2: Tuesday July 28 - Final Group Presentations

Day 3: Wednesday, July 29 - Final Group Presentations

Day 4: Thursday, July 30 - Course Wrap-up

Closing Lunch, Reflections and Group Discussions about Legal Inheritances, Innovations and the Contemporary Problems

Day 5: Friday, July 31 - Check out of the Hotel and Departure