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Memory and the Ethics of Reparation

Janna Thompson, Center for Applied Philosophy and Public Ethics, Melbourne
University

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“The long, impenetrable shadow of slavery covers our national society still, leaving
one community with flawed gods and another with no gods at all.”

--Randall Robinson, *The Debt*¹

Robinson makes this remark in the context of a visit to the monuments of Washington D.C.
where the historical achievements of white Americans, some of them slave owners, are
celebrated, but the story of slavery and its legacy, of the generations of African Americans who
were uprooted, enslaved, who laboured, died, struggled against oppression, and in some cases
achieved great things, is not present. He thinks that this national amnesia, shared by blacks as
well as whites, is at the root of the disabilities that blacks continue to suffer in American society,
and he thinks that the debt America owes to blacks includes remembering and acknowledging
past injustices as well as programs to end black disadvantage. In this paper, I will provide a
defence of reparations for slavery and its legacy that stresses the importance of memory and
historical identity in a nation whose citizens are embedded in a history and have

intergenerational obligations. I will argue that such an account can overcome the difficulties which, according to many philosophers, make claims for reparations for historical injustices morally problematic.

I will first identify some of these difficulties and how defenders of reparations to African Americans attempt to meet them.

The Ethics of Reparation

When philosophers or legal theorists discuss reparation they generally have the following understanding of what it means. Reparation is owed by the perpetrators of injustice to their victims, and, ideally, it is supposed to return these victims to the situation they were in before the injustice occurred. Aristotle presents reparative justice as the restoration of a moral state of equality that was violated by the injustice.² The moral balance can only be restored by a judgment that takes from the perpetrators what they unjustly acquired and gives to the victims what they lost. In cases where restoration of lost possessions is impossible, then reparative justice demands that the perpetrators compensate their victims by an amount equal to the value of what was lost (and perhaps also compensate them for other harms resulting from the wrong). If someone has stolen my bicycle, says Boxill, then justice demands that I get it back, or, if this is impossible, that I be given something I can regard as an equivalent, and that I should receive in addition payment for inconveniences caused to me by the theft.³ Reparation, according to this understanding of what it is, works best in cases where victims have been deprived of possessions or of opportunities to acquire possessions.

The problems of claiming reparations for slavery are obvious. First of all, to enslave someone is an evil for which there is no reparation in the above sense – any more than there is

proper reparation for torture or murder. Forms of reparation for slavery that have been proposed reveal the gap between the nature of the injustice and any possibility of repair. Corlett, for example, suggests that reparations are owed for the labour power stolen from those who were enslaved; others have suggested that compensation should be based on what slaves could have earned if they had been free workers.⁴ But the evils of slavery go far beyond the stealing of labour power (which, according to Marx, is done by capitalists to every worker) or denial of wages. The point is not that it is inappropriate to offer monetary compensation for irremediable injustices, but that in these cases compensation is not reparation in the standard sense, but should be regarded as a symbolic gesture that shows the willingness of perpetrators to acknowledge an injustice and their desire to make recompense for it.⁵

The second problem is identifying the agent who can legitimately be made responsible for reparations in the case of a historical injustice like slavery. The slaveholders are dead, and so are all of the government officials, politicians and others who supported slavery or made it possible for it to exist. The most plausible candidates for responsibility are those intergenerational associations which in one way or another aided and abetted slavery: the American government, which for a long time tolerated slavery and passed and enforced laws that supported it, companies which profited from it, churches which condoned it. But there are obvious problems with assigning responsibility to collectives – especially a collective like a nation which has a largely non-voluntary membership. At one time, says Boxill, the US Government had a duty to pay reparation to slaves.

None of this supports the claim that the present US Government owes present day African Americans the reparation an earlier US Government owed their ancestors but never paid. Since present day US citizens were not complicit in the crime of slavery that claim can only be based

on the morally repugnant idea that individuals can be burdened with the duties that other people incurred.⁶

Some supporters of black reparations insist that the US Government ought to be regarded as a person in its own right: an agent that persists through time and the generations, incurring debts and responsibilities which, as a moral person, it is bound to discharge. Nations are expected to keep the treaties that they have made, even when this requires sacrifices from people who were not alive or were children when the treaty was approved and signed. Nations are expected to pay reparations even though some of the sacrifice will be borne by taxpayers who had nothing to do with the wrong. Corlett thinks that so long as citizens support the political institutions that they have inherited from the past they are liable for their government's past debts.⁷ But a political practice of requiring present citizens to honour past agreements or past debts needs a moral justification. The government is supposed to represent the people, and the problem remains of justifying the imposition of moral debts on citizens who were unborn when the wrongs occurred. There is in fact a robust tradition in American thought, and indeed in liberal thought in general, that holds that a democratic nation of free individuals ought not to tolerate such impositions. According to Thomas Jefferson, 'one generation is to another as one independent nation to another'.⁸

Can reparation be demanded from white Americans because they have been unjustly enriched by the legacy of slavery: because they now have benefits that they wouldn't enjoy if this legacy had not existed? This idea raises questions about how the existence and extent of 'unjust enrichment' is to be determined.⁹ But more serious is the problem of making sense of unjust enrichment in cases of historical injustice. Reparations, according to the standard account, are not owed because of enrichment but because an injustice has been done, and they are owed

by the perpetrator and not by people who have unintentionally benefited by the effects, sometimes remote, of the injustice. It is true that many people hold an idea of *distributive* justice that requires that unfairly disadvantaged citizens be compensated by those who have been unfairly advantaged. This idea of justice would undoubtedly support a re-distribution of resources from wealthier whites to poorer blacks. But this is a different issue.

The third problem faced by those who defend reparations for slavery is explaining why presently existing African Americans are owed reparation for this historical injustice. Since they are not the ones against whom this injustice was committed, then, according to the standard account, it is difficult to understand how they could be candidates for reparation. If injustices have been committed against them during their lifetime, then they are entitled to reparation for these wrongs – but not for slavery, not for the system of oppression that was put in place in the South after the Civil War, and not for other historical injustices to African Americans.

Historical injustices cast a long shadow. That the legacy of slavery still adversely affects black people today is one of the points that Robinson makes. But there is a well known difficulty in making these bad effects into grounds for reparations for slavery. For it seems that existing African Americans, in order to claim reparations for slavery, have to show that they are worse off than they would have been if slavery had not existed. But if their ancestors had not been enslaved, removed from their country, shipped to America, these descendants would not have existed at all, and can therefore not claim to be worse off.¹⁰ So it seems that reparations for the legacy of slavery can only be owed to black Americans for the unjust deprivations that they have suffered during their lifetimes.

The above idea about when reparations are owed depends on people being able to demonstrate that they have been harmed by an injustice. A different account of why we ought to

make reparation to existing people for an injustice to their forebears relies instead on rights of inheritance. If a possession is stolen from someone and reparation is not made during his lifetime, then it is reasonable to insist that what is owed ought to be paid to his heirs. Boxill uses Locke's account of what is due to heirs in order to defend the idea that reparation in the form of money and property ought to be given to the descendants of slaves. By right, slaves had title to a part of the estates of heirs of slaveholders and of those who assisted, concurred or consented to their transgressions. Since this reparation was not paid, the heirs of slaves have in each generation inherited the entitlement and the heirs of transgressors and their supporters the reparative debt. These heirs, Boxill thinks, include virtually the whole white population of the US. All white Americans have inherited the debt because 'The whole of each generation of whites specified that only the whites of the succeeding generations were permitted to own or compete for the assets it was leaving behind.'¹¹

One of the problems with Boxill's defence of reparations is the equivocal use of the word 'heir'. Heirs, according to Locke, are those who receive property by right of bequest or the laws of inheritance. In order to encompass whole generations, Boxill has to count as heirs those who have benefited in some way from persisting discrimination against blacks. In doing so, he conflates an appeal to 'unjust enrichment' with an appeal to inheritance.

The more serious problem is his reliance on a view about property and inheritance according to which, having an original claim to a possession or receiving it by gift, sale or bequest are the only ways that a person can obtain a legitimate title. More plausible accounts of right to property do not have this implication. Rights of property, according to many philosophers, should enable people to have reliable access to resources, to make plans for their lives based on possession of these resources.¹² If property is unjustly taken from its possessor,

then its owner or his/her heirs are owed reparation, says Waldron. But if reparation does not occur, time passes, and the possession eventually comes into the hands of those who are innocent of the injustice, then reparation is no longer possible or desirable.¹³ To insist on it would undermine the ability of innocent others to make and carry out plans for their lives.

This brief survey does not show that all attempts to justify black reparation have failed or that there is no plausible response to the problems that I have discussed. However, the difficulties indicate the desirability of a different approach. The one that I favour has three facets. First of all, it questions the usefulness of the standard, 'legalistic,' approach to reparation. Second, it moves away from the individualistic focus of this approach and looks instead at what families have suffered and what members of them can now claim. Third, it emphasises the importance of historical memory and moral relationships between generations in a political society.

Reparation and Reconciliation

There are two ways in which the standard account of reparation fails in cases of historical injustice (and, in fact, in many other cases). The first is that it is often not possible, for both pragmatic and moral reasons, to return victims and their heirs to the situation that existed before the injustice took place, or even to compensate them by giving them something equal in value to what was taken from them by the injustice. Apart from the difficulty of determining a just compensation after time has passed and social conditions have changed, there is the problem, discussed above, of dealing with wrongs that can't be undone and are beyond compensation. Gaus goes so far as to argue that there is no adequate material compensation for any injustice.¹⁴ All injustice, he thinks, involves a lack of respect of perpetrators for their victims, and an act of

disrespect can no more be undone or compensated for than can murder. Reparation merely provides the victim with possessions, money, or new opportunities. It doesn't restore the *moral* balance.

Disrespect and other uncompensatable wrongs can, however, be apologised for. Perpetrators can make recompense by acknowledging to the victims that they did wrong, showing in an appropriate way that they are sorry and intend to avoid doing wrong in the future. These acts are outside the scope of a legalistic conception of reparation, but nevertheless they seem particularly appropriate in many cases of injustice. Robinson, for example, stresses the disabling effect of the psychological and spiritual legacy of slavery that presently existing African Americans have inherited, and thinks that paying the debt requires measures to overcome this legacy. These would require that white Americans face up to the injustices in their history and demonstrate in appropriate ways that they have done so.

Admission of wrongdoing and symbolic acts of reconciliation do not preclude being required to provide material compensation and most advocates of Black reparations have demanded it. However, the standard account of what is required in reparation does not answer well to cases where states of affairs for both successors of victims and perpetrators are substantially different from conditions that existed when the injustice was done. What successors of victims want and need is relief from the disadvantages that now inflict them and assurance that they and their children will be respected and have an equal place in their society. The most appropriate form of compensation, it seems, should be oriented to needs and relationships in the present and the future. It should be forward rather than backward looking.

In another place, I have advocated an account of reparation for historical injustices which is reconciliatory rather than rectificatory; forward-looking in its aims, rather than backward-

looking.¹⁵ According to this idea, reparation is achieved when the harm done by injustice to relations of respect, trust and equality that ought to exist between individuals or communities has been repaired or compensated for by the perpetrators in such a way that the victims should no longer regard this harm as standing in the way of establishing or re-establishing these relations. Achieving this end would require symbolic acts as well as, in most cases, economic compensation. It would require a widespread willingness of individuals and representatives of groups to interact with each other, to understand each other's point of view, and to come to a common understanding of the wrongs done. This ideal may never be fully achieved, but governments and other organisations can promote it and work toward its achievement.

The conception of reparation that I advocate seems especially appropriate for dealing with a legacy of injustice that continues to have debilitating effects on people of the present. However, the problem remains of explaining why descendants of victims of injustice are owed reparation and why descendants or successors of perpetrators are responsible for providing it. This problem is increased, rather than diminished, by an account of reparation that requires perpetrators to make recompense to their victims. Why should guiltless people apologise and why are people who are not the victims owed an apology?

Injustices to Family Lines

How can individuals who were not themselves enslaved be owed reparation for slavery, especially since they would not have existed at all if their ancestors had not been enslaved? Part of the answer to this question is to stress that slavery, as it was practiced in the US, was not merely a wrong against individuals but an injustice to family lines. Slavery as a system perpetuated itself (in part) by the enslavement of families. The children of slaves were also

slaves. Once enslaved, a family was meant to remain in subjugation down through the generations, and the Jim Crow system, established in the South after the Civil War, was meant to perpetuate the subordination of black families by other means. Another part of the answer would be provided by a demonstration that slavery, the Jim Crow system, and other forms of discrimination against blacks in both the South and the North were intrinsically related: that they were (and to some extent are still) components of a system of oppression for subjugating or keeping in subordination black families. If this plausible view is correct, then it seems that African Americans, as existing members of family lines, can claim reparation on behalf of themselves and their descendants for a history of injustices that includes slavery.

This conclusion is likely to be resisted in two main ways. In a society that emphasises the entitlements and obligations of people as individuals it is likely to seem odd and unacceptable that anyone should have entitlements as the member of a family line. Why should we suppose that a person's identity as a member of a family is such as to give him or her a claim to reparation? In any case, it might be thought that all that families or members of families can claim is a remedy for the injustices that they suffer: that history is irrelevant except to explain why these injustices exist.

A good reason for insisting that being the member of a persecuted family is of moral significance is that histories of their families and of their people are important to individuals. Many theorists have pointed out the role of historical memory in the formation of an individual's identity. Remembrance, says Waldron, is crucial to the identity of individuals and communities.

To neglect the historical record is to do violence to this identity and thus to the community that it sustains. And since communities help generate a deeper sense of identity for the

individuals they comprise, neglecting or expunging the historical record is a way of undermining and insulting individuals as well.¹⁶

Moreover an injury to identity can cause or compound other harms. Members of nations or groups whose ancestors were the victims of historical wrongs often suffer from despair, depression, loss of confidence and hope for the future.

Remembrance is important, Annette Baier claims, because individuals are essentially 'second persons':

Persons are essentially successors, heirs to other persons who formed and cared for them, and their personality is revealed both in their relations to others and in their response to their own recognized genesis.¹⁷

She means not merely that we depend physically and psychologically on our parents and others who raise us, but that our conception of self is bound up with the heritage we receive from our cultural and familial predecessors. 'We acquire a sense of ourselves as occupying a place in a historical and social order of persons, each of whom has a personal history interwoven with the history of a community'.¹⁸ Acquiring such a sense of self plays a role in the self development of individuals: in forming their values and aspirations and enabling them to regard themselves as respected participants in a society that spans the generations. If their identities as second persons are blighted by a history in which their family members and other people of their group were oppressed or treated with disrespect in a nation that has refused to acknowledge their suffering or their contributions, then, in one way or another, their development as selves will be set back. Memories of a history of oppression are likely to afflict those who inherit them with feelings of depression, lack of self-esteem and despair about the future of themselves and their children – especially if the disadvantages that result from this history are still present. But if self development of individuals and ability to participate with confidence in building a future for

themselves and their children depends on having a secure place in a historical community, then forgetting a history of oppression and disrespect is no solution.

These views about the role of memory in self formation and development indicate that coming to terms with the injustices of the past is important to descendants of victims, and probably also descendants and successors of perpetrators. But the question remains whether it is necessary or even appropriate to think of this coming to terms as reparation. If people are now suffering psychologically and spiritually from a history of oppression, then this calls for a remedy. We should find some way of healing them, of boosting their self-esteem and confidence as well as alleviating their poverty. An apology and other symbolic gestures might help, but why should this be regarded as reparation and not simply a mental health strategy?

A symbolic gesture like an apology cannot be taken seriously (and have its desired affects) unless it is intended as an act of reparation. If people think that it was made merely to make them feel better about themselves and their future, they will regard it, rightly, as insincere. Historical memory is not merely a psychological phenomenon. It is the source of obligations and entitlements, and to be proper and appropriate, an act of reparation has to discharge the obligations created by a historical injustice. Taking these obligations seriously, it seems to me, requires that we accept the idea that obligations exist in respect to the past or to people of the past, and that what concerns present people, what makes historical memories of moral importance to them, is their belief that these obligations ought to be discharged.

One idea about the source of these obligations is presented by Ridge.¹⁹ Let us assume that we have duties to the dead – an assumption that some philosophers have defended and many people accept.²⁰ It seems plausible that among these duties is the obligation to acknowledge, and to make reparation for, the injustices that were done to them. The generations of African

Americans who were the victims of slavery and other acts of repression are owed reparation, according to Ridge, and doing justice to the dead requires that it be paid. Though nothing can be done for them, it is reasonable to assume that the duty can be discharged by benefiting their descendants.

For one of the ways we can benefit the dead, if we can benefit them at all, is by promoting certain of their deeply held concerns. Most slaves probably cared very much about the welfare of their descendants, so the United States could provide reparations to the slaves by promoting the welfare of their descendants. Insofar as policies like affirmative action, direct financial assistance to poverty-stricken descendants of slaves, and other such programs promote the welfare of their intended beneficiaries, such policies provide plausible ways of discharging such duties.²¹

The problem with this view is obvious. The dead do not have interests (or the interests that they have are not of this world). Since nothing we can do now will hurt or benefit them, it is difficult to understand how we can owe anything to *them*. Nevertheless, the idea that we have duties *in respect to* past people which ought to be discharged by an appropriate acknowledgment of wrongs done and reparations to their descendants seems to be the right way of understanding the obligations generated by historical memory. In the following I will provide a brief sketch of how I think that this idea can be defended.

Individuals not only often have a concern about events that happened before their lifetime. They also commonly have an interest in events or states of affairs that will, or could, happen in the future beyond their lifetimes. Individuals care about the fate of their children, their posthumous reputation, or the future of their projects or ideals. These concerns can be described as 'lifetime transcending interests'. Such interests can be of extreme importance. The future well being of their children, the way that their survivors will regard their lives and their work, the

survival of their projects and ideals are concerns that are central to the lives of many people: to their ability to regard their activities as significant and their aspirations as meaningful. We not only have a sense of ourselves as occupying a place in a history, as Baier says. We are also oriented to a future that will continue beyond our lifetimes. We cannot reasonably demand that our successors or descendants continue our projects or subscribe to our ideals. They are entitled to make decisions for themselves about how to live their lives. But this right does not mean that they have no obligations in respect to our interests. Most people think that we can reasonably demand of our survivors that they protect our posthumous reputations from slander, that they keep promises that they made to us about such things as the disposal of our possessions, that they remember and honour us for our contributions to our family, community or nation, and perhaps, that they make an effort to appreciate the heritage and inheritance that we have laboured to provide for them. But if we think that we are morally entitled to make such demands of our successors, then this commits us to endorsing and supporting an intergenerational moral practice which requires that we fulfil relevantly similar demands that our predecessors made, or would have been morally entitled to make. When we are dead we will no longer care whether our successors protect our reputation or keep their promises to us or honour our sacrifices and labours, but these successors, who are entitled to make similar claims on their successors, will have a moral, as well as practical, reason to maintain a practice of fulfilling justified demands of predecessors.

If I am treated unjustly during my lifetime and there is no prospect of a remedy, then I will regard myself as justified in demanding that my survivors remember that this injustice occurred. I will perhaps also be justified in demanding that the perpetrators be punished or at least that they should acknowledge the wrong they did to me. Injustices, we think, ought to be appropriately

remembered and responded to even after the deaths of those who suffered them. To affirm this is to advocate or support an intergenerational practice of doing so, a practice that allows us to make demands of successors and requires us to fulfil demands of predecessors. Slavery, and the forms of oppression that succeeded it, were injustices to family lines and not merely to individuals. Those who suffered these injustices would have been justified in demanding that the injustices be remembered, that the perpetrators make recompense for the wrong, and that future members of their families be freed from the oppression and relieved of the burdens caused by injustice. Whether slaves or African American victims of other forms of oppression ever did make these demands is not important. The relevant matter is that we think that they would have been morally justified in making them.

However, the existence of an intergenerational practice of fulfilling the morally justified demands of people now dead requires that there be individuals or institutions to whom the obligations can legitimately be assigned. As we have seen, many critics of black reparation, and even some supporters, deny that present people should be expected to fulfil such obligations.

Responsibility for Reparation

Who, if anyone, is responsible for black reparation: the descendants of slaveholders, the American government, white Americans, white Americans who have benefited from slavery? If this question cannot be answered, then no one has the responsibility.

Since the injustice of slavery was above all an injustice to family lines and since it was committed by families of slaveholders, it might seem appropriate to require that descendants of these slaveholders make reparation. Indeed, it does seem appropriate for these descendants to acknowledge the wrongs committed by their ancestors, as some have done. However, there are

weighty reasons for denying that the responsibility for reparation should fall on the descendants of slaveholders or the descendants of others implicated in the wrongs. One is that in contemporary America (or in other liberal societies) it does not seem acceptable to make descendants pay for the moral faults of their ancestors. Moreover, what requires reparation is not merely slavery but a history of closely related wrongs: wrongs that were not merely a matter of some families oppressing others, but involved the operation of legal, social and political institutions that over many generations supported slavery or abetted or ignored oppression of African Americans.

There is good reason, then, to think that those who are responsible for reparation are the intergenerational organisations which supported slavery, initiated and carried out policies of oppression or failed to protect black people from injustice. They would include some churches and corporations, but above all, American state and federal governments. But this answer also seems problematic. Governments act in the name of their citizens, and these citizens include African Americans, who would be given the responsibility for making reparation to themselves, and as taxpayers would be helping to pay for it as well. More serious is the issue concerning responsibility of individuals for past actions of their collectivities. If it is inappropriate to hold descendants accountable for the sins of their ancestors, then how can it be appropriate to make present citizens pay for the injustices of their predecessors?

The first difficulty is merely a semantic problem. The American polity as a collectivity for which its government speaks has to be distinguished from Americans as individuals. The collectivity can make decisions and pursue policies. It can, for example, decide to make reparation for the harms that it as a collectivity has done to some of its members. The fact that this is financed by tax payers who may include those to whom reparation is made is no argument

against it (any more than the fact that victims of crime are generally tax payers is a reason for rejecting a policy of compensating crime victims). The second difficulty can be overcome by a reflection on the moral reasons for doing one's share to support a polity that is capable of taking responsibility for its past.

If a government is to act as an intergenerational agent: if it is to be able to make promises that future people will be required to keep, if it is to take responsibility for failing to keep promises, including promises made by past generations, if it is to pursue long term policies and make reparation for unjust policies of the past, then its citizens must be prepared to take responsibility for deeds that were done by their predecessors. Nevertheless, we have seen that many people, including some defenders of black reparations, insist that it is morally obnoxious to make people assume such responsibilities. One of the reasons for this opposition has already been defeated. It is sometimes morally legitimate for people to make moral demands of their successors: the freedom of individuals of each generation to make their own decisions and live life according to their ideals does not free them from having obligations in respect to the past and people of the past. So an objection to reparation which assumes that it is unacceptable to make present people take any responsibility for the past is unsound.

Moreover, there are reasons why citizens should want their government to act as a morally responsible intergenerational agent: to keep its agreements, to maintain valued institutions and practices, to pursue policies for the good of themselves and their successors, and to acknowledge and make up for past wrongs. Citizens have lifetime transcending interests; they believe in some cases that they can make legitimate demands of their successors. They need and are entitled to demand that their government maintain the institutions and pursue policies that support morally important intergenerational practices and make it likely that their important lifetime transcending

interests will be satisfied. These requirements mean that a government has to act as a responsible intergenerational agent, maintaining the security of the polity in a world of polities, initiating and carrying out long term environmental and social policies, maintaining through the generations the institutions that underwrite intergenerational practices and ensuring that important lifetime transcending interests of citizens will be respected. But this presupposes that citizens regard themselves as having a duty to support and maintain the practices that enable their government to be a responsible intergenerational agent.

The belief that a government is, or should be, a responsible agent underwrites the legitimacy of the demands for justice made by individuals who are oppressed or disadvantaged by its policies. They have a claim against their government: against the polity in whose name it acts. Its responsibility as an agent does not end with disappearance of the generations who carried out these policies. It has an obligation to acknowledge the historical injustices it has done, and when, as in the case of injustices to African Americans, these injustices have been persistent and directed against family lines, its duties of reparation will be far more extensive.

¹ Randall Robinson, *The Debt: What America Owes to Blacks* (New York, Plume: 2000), 54.

² Aristotle, *The Ethics*, translated by J.K. Thomson (Harmondsworth: Penguin, 1955), 148.

³ Bernard Boxill, 'Morality of Reparation', *Social Theory and Practice* 2 (1972), 119-20.

⁴ Angelo Corlett, *Race, Racism, and Reparations* (Ithaca and London: Cornell University Press, 2003), 201-202; R.S. Browne, 'The Economic Basis for Reparations to Black Americans', *Review of Black Political Economy* 21 (1993), 99-110.

⁵ This is how the money paid by Germany to Holocaust victims was understood. Nevertheless, many Jews regarded monetary payments for such an evil as unacceptable. For an account see, E. Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York, London: W.W.Norton, 2000), Chapter 1.

⁶ Bernard R. Boxill, 'A Lockean Argument for Black Reparations', *The Journal of Ethics* 7 (2003), 71.

⁷ Corlett, op. cit., 203-204.

⁸ Quoted in Stephen Holmes, 'Precommitment and the Paradox of Democracy', J. Elster and R. Slagstad, eds., *Constitutionalism and Democracy* (Cambridge, New York: Cambridge University Press, 1988), 203-4.

⁹ This idea has been advanced by many supporters of black reparations, for example Bernard Boxill, 'Morality of Reparation', *Social Theory and Practice* 2 (1972), 113-123; J.R. Feagin and E. O'Brien, 'The Long Overdue Reparations for African Americans' in R.L. Brooks, ed., *When Sorry Isn't Enough: The Controversy Over Apology and Reparation for Human Injustice* (New York: New York University Press, 1999), 419-20.

¹⁰ This problem has been discussed by many philosophers, most notably in Thomas Schwartz, 'Obligations to Posterity' in R.K. Sikora and Brian Barry, eds., *Obligations to Future Generations* (Philadelphia: Temple University Press, 1978); Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984). See also Boxill, op. cit., 89.

¹¹ Boxill 2003, op. cit., 76.

¹² See J. W. Harris, *Property and Justice* (Oxford: Clarendon Press 1996); Stephen R. Munzer, *A Theory of Property* (Cambridge, New York: Cambridge University Press, 1990); Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon, 1988), Chapter 8.

¹³ Jeremy Waldron, 'Superseding Historical Injustice', *Ethics* 103 (1992), 18-19.

¹⁴ Gerald Gaus, 'Does Compensation Restore Equality?' in J.W. Chapman, ed., *Nomos, 33: Compensatory Justice* (New York: New York University Press, 1991), 60ff.

¹⁵ Janna Thompson, *Taking Responsibility for the Past* (Cambridge: Polity, 2002), Chapter 3.

¹⁶ Waldron (1992), p. 6.

¹⁷ Annette Baier, 'Cartesian Persons', in Baier, *Postures of the Mind* (Minneapolis: University of Minnesota Press, 1985), 85.

¹⁸ Baier, *Ibid.*, 90.

¹⁹ Michael Ridge, 'Giving the Dead Their Due', *Ethics* 114 (2003), 38-60.

²⁰ See for example, Joel Feinberg, *Harm to Others*, Volume 1 of *The Moral Limits of the Law* (Oxford, New York: Oxford University Press, 1984), Chapter 2. For a criticism of Feinberg's position see, Joan Callahan, 'On Harming the Dead', *Ethics* 97 (1986), 341-352.

²¹ Ridge, op. cit., 42.