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### *Comments on the Panel “Slavery, Exploitation, and the Philosophy of Reparations”*

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Available online at [www.yale.edu/glc/justice/goodingwilliams.pdf](http://www.yale.edu/glc/justice/goodingwilliams.pdf)

To begin, I should like to thank Yale’s Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition, and Brown University’s Steering Committee on Slavery and Justice, for the opportunity to participate in the politically timely and intellectually engaging conversations that I expect we will be having here during the next couple of days. And I should like especially to thank my friend, co-editor and former Amherst College colleague, David Blight, for his invitation to comment on the papers we have just heard, each of which helps to illuminate the manifold and difficult philosophical problems posed by demands for reparations. It is obvious, I suppose, that I cannot do justice to all the issues these papers address, and so I shall be limiting myself this morning to analyzing the normative considerations and lines of argument they adduce to justify reparations. I first attend to Tom McCarthy’s paper, and then proceed to discuss Janna Thompson’s and Pablo de Grieff’s essays. Like McCarthy and

Thompson, I concentrate on moral arguments that have been adduced to defend reparations for African American slavery and its legacies.

### McCarthy

McCarthy begins by explaining the moral intuition behind the idea of reparation, which is that “If one agent has wrongfully harmed another, then the perpetrator has a prima facie moral obligation to repair, so far as possible, the damage to the victim.” (p.3) And he goes on to suggest that correcting the legacy of past injustice to African Americans, so far as practically possible and morally permissible, is “a moral-political requirement of justice as fairness.” Still, says McCarthy, “this seemingly straightforward line of argument encounters formidable obstacles in a liberal-individualistic framework,” of which he identifies three: how to conceptualize and justify *collective* compensation; how to conceptualize and justify *collective* responsibility; and how to understand and establish the relation of *past* injustice to *present* harm.(p.4) In the comments that follow, I concentrate on the first two of these “obstacles:” the issues of collective compensation and collective responsibility.

McCarthy’s presents two arguments relating to collective compensation, the first of which is meant to support the conclusion that blacks deserve compensation as a group, and the second of which is intended to show that compensating blacks for centuries of oppression and discrimination requires making them, as a group, more nearly equal to other groups, a requirement that McCarthy believes can be filled out through the application of distributive justice considerations. The first argument I shall call the *group compensation* argument, the second, the *group equality* argument. As McCarthy acknowledges, both arguments derive in substance from Bernard Boxill’s ground breaking book, Blacks and Social Justice.

The first premise of the group compensation argument is that blacks have been oppressed and discriminated against under a description of them as members of a racial group, or, put otherwise, that they have been oppressed and discriminated against because they are black. The second premise is that when one black is harmed because she is black, then all blacks are harmed, even if only, McCarthy writes, “in the form of the less than equal security, opportunity, and respect that attaches to membership in that group, as well as the profound stigmatization that comes with it.” (p.5) That the harming of one black entails the harming of all blacks, Boxill suggests, is neither a conceptual claim nor an empirically falsifiable hypothesis, but best understood as asserting that something like the illocutionary effects attaching to certain speech acts attach to acts of harming someone because he is black. Or, in other words, as asserting that, e.g., Roy, in harming a person because she is black, warns each and every other black that she may receive the same treatment, threatens each and every other black with that treatment (thereby violating her right to equal security), and insults each and every other black with the implicit, unjust judgment that, because she is black, she deserves less consideration than nonblacks. (Boxill, BSJ, 152)

Now while the second premise of the group compensation argument deserves a more extended defense than either Boxill or McCarthy gives it—perhaps along the lines of establishing that where antiblack racism is a dominant social practice it lends illocutionary force to acts of harming persons because they are black<sup>1</sup>—it is a premise I am disposed to endorse. And I am equally, perhaps even more disposed to endorse the argument’s first premise. Still, I reject Boxill’s and McCarthy’s contention that the two premises of the group compensation argument suffice to justify the argument’s conclusion that blacks deserve compensation as a

group. At best, I think, they justify the claim that each and every individual black deserves compensation for the wrong or harm, done to him or her as an individual.

Let me try to be clear about what is at stake here by recalling McCarthy's insistence on contrasting his defense of group compensation to Janna Thompson's view that reparations are owed to individuals in their capacities as members of family lines—a view to which I will return in a few minutes. According to McCarthy, reparations are owed first and foremost, not to individual blacks, but to blacks understood as a persecuted group that has been socially constructed as a group through systematic persecution.(pp.5-6) In his view, in other words, the socially constructed collective, qua collective, has a moral standing that has rendered it vulnerable and victim to wrongs not identical to the wrongs done to individuals. Call this thesis McCarthy's moral holism--his way of saying that after we identify and add up all the wrongs done to individual blacks through the history of racial domination, we will have yet to identify and count the wrong done to the socially constructed collective as such.

I return now to the group compensation argument. As I interpret McCarthy's version of the argument, its conclusion—that compensation is due to blacks as a group—is tantamount to the moral holist's thesis that compensation is due to the socially constructed collective of blacks as such. Now the problem with McCarthy's argument—the reason I reject it—is that its premises do not warrant its conclusion. One way to see this is to modify the argument, keeping the first premise, but introducing an alternative second premise: e.g., that when one black is harmed because he is black then the socially constructed collective as such is harmed. Thus modified, the group compensation argument would in fact yield the conclusion McCarthy desires. But left unmodified, its premises impute no harm at all to the socially constructed collective as such, and so license only the conclusion that each and every individual black is due

compensation 1) for the harm done to her as an individual when she is harmed directly, and 2) for the harm done to her as an individual when she is warned, threatened, and otherwise harmed indirectly by the harm done directly to other individual blacks. If, finally, one wished to demonstrate both this “individualist” conclusion and McCarthy’s stronger, group compensation conclusion, then one could again modify the argument, now retaining the original second premise but adding as a third premise the thesis that when one black is harmed because he is black then the socially constricted collective as such is harmed. Adding this thesis as a second or third premise would not be justified, however, absent more extensive argumentation than McCarthy gives in his paper.

I conclude my discussion of the group compensation argument by noting that Boxill himself, a few pages after he adduces the argument, expresses doubts about its validity, in part, I think, because he senses that the argument rests on a questionable moral holism—not McCarthy’s social constructionist moral holism, but a moral holism nonetheless. Thus, Boxill writes,

I am not altogether comfortable with the claim that blacks are a cultural group, or that they interact enough, and are sufficiently interdependent, to support the group compensation argument. These claims ultimately depend on empirical investigation, and even if the contention I made earlier is correct, and all blacks whatever their class, are wronged and have good reason to feel threatened by racial discrimination, the often cited disparity between the black middle class, and the black under class still undermines the force of the group compensation argument. (BSJ, 159)

Here, it seems to me, Boxill expresses two worries relating to his initial argument. The first is that the argument’s two premises by themselves do not justify group compensation, for the two premises by themselves do not establish that blacks constitute a group that enjoys moral standing. Indeed, Boxill seems to acknowledge here that were the disparity between the black middle and underclass as great as some believe, then, even if both premises of the initial

argument were true, the black population of the United States would not be composed of a sufficiently interactive and interdependent collection of individuals to justify a moral holism that conceptualized it as a group deserving group compensation. The second worry, of course, is that empirical investigation will bear out the suspicion that the disparity between the black middle and underclass is in fact as great as some believe.

I turn now, briefly, to McCarthy's group equality argument. Here, I agree with McCarthy that de jure discrimination left behind patterns of disadvantage and structures of inequality that can be successfully addressed only "through resources, policies, program and reforms aimed precisely at repairing them, at making blacks, as a group, more nearly equal to other groups in our society." (p.6) And I likewise agree that principles of distributive justice—e.g., Rawl's idea of fair equality of opportunity—may very well serve as guidelines for working out the details of reparations policies and programs in accordance with the otherwise vague ideal of group equality. (p.7) Still, I want to raise a question regarding the group equality argument itself. Again quoting Boxill, McCarthy writes that "had it not been for slavery and discrimination, blacks as a group would be more nearly equal in income, education, and well-being to other groups...Consequently, assuming that compensating a group for wrongful disadvantages requires bringing it to the condition it would have been in had it not been wrongfully disadvantaged, compensating blacks as a group requires making them, as a group, more nearly equal to those other groups." (p.7) Now the problem with this line of argument, at least as it stands, is that it is vulnerable to what I shall call the *group existence* objection-- an objection that, in fact, Janna Thompson mentions in her paper. Again, this objection maintains that, had the ancestors of present-day blacks not been shipped to the Americas, then these present-day blacks, the descendents of said ancestors, would not have existed, and so cannot claim to be worse off,

either individually or as a group, than they would have been “had it not been for slavery.”

McCarthy’s claim that blacks have been constructed as a group through systematic persecution also invites a version of this objection, for it seems to follow from this claim that, absent systematic persecution, blacks would not have existed as a group, and so cannot cogently insist that, as a group, they would have been worse off than they would have been had they not been systematically persecuted. A last point worth noting in connection to the group existence objection is that Boxill himself, in a John Locke-inspired essay that Janna Thompson discusses, and that Boxill published some nineteen years after the book McCarthy quotes, specifically tailors his argument for reparations to avoid that objection.<sup>2</sup>

My final comments bearing on McCarthy’s presentation concern the issue of *collective responsibility*. On this issue, I agree with McCarthy, as well as with Thompson, and believe that the arguments they make are critical to countering objections to reparations of the Henry Hyde sort—“I never owned a slave. I never oppressed anybody”—as well as to countering objections relating to post-Civil War and post-Civil Rights immigration—objections that McCarthy explicitly mentions. As Robert Fullinwider has stressed, responsibility for reparations is no one’s personal liability but 1) the corporate responsibility of the nation as a whole, and 2) the civic responsibility of each citizen—including each African American citizen—to do her fair part in honoring the nation’s obligations: “And so it is that Americans not as individuals but as citizens owe support for the nation’s debt.”<sup>3</sup>

### Thompson

I turn now Janna Thompson’s paper. I concentrate on her injustice-to-family-lines argument for reparations for slavery, and then briefly remark on her rejoinder to a possible

objection to that argument. On occasion, I draw on her book, Taking Responsibility for the Past, which develops in detail some of the arguments she presents in this morning's paper.

According to Thomson, reparative entitlements are due individuals only for the wrongs do to them.(TRP, p130) And reparative entitlements are due individuals of African American descent, she says, precisely where those individuals have been subject to historical injustice through their membership in family lines that themselves have been subject to historical injustice.

Thompson acknowledges the material harm done to blacks by America's history of racial injustice, but her arguments emphasize the psychological harm. Thus, following Annette Baier, she holds that a person's conception of herself is bound up with the heritage she receives from her familial and cultural predecessors; that her self-development will be set back when her familial predecessors have been oppressed and treated with disrespect; and that the source of this set back in self-development is the depression, want of self-esteem and despair caused her by her hurtful memory of her family line's history of having been oppressed and disrespected.(pp.11-12, TRP, p.106). In sum, Thompson sees black family lines not only as victims of a history of racial injustice, but likewise as the media through which that history affects present-day African Americans, thus entitling them, as members of family lines, to reparations.

Now before I turn to Thompson's response to a possible objection to her family-lines argument for reparations, I should like to note two features of the argument that to my mind warrant further reflection and discussion.

The first feature is the argument's strong dependence on a psychological-damage narrative—that is, on a narrative of African American history that ties a claim about psychological damage done to individual blacks to a thesis about historical violence done to



black families. Although I do not have time here to develop the point in detail, it is obvious I think that this line of argument is likely to raise questions that resonate with debates about the Elkins-thesis, not to mention what once seemed to be an endless cycle of disputations about black poverty and the black family, many of which revolved around the Moynihan report's use of the Elkins-thesis. My point here, to be sure, is not to resurrect a one-sided and narrowly heroic culture-of-resistance story of US slavery and its legacies, but rather to wonder whether the reparations debate has something to learn from the slavery debates; whether, to adapt Peter Parish's words, it is possible to reconcile a recognition of the severity and basic inhumanity of slavery, Jim Crow, and the like, with the conviction that these institutions did not completely shatter the personalities of black people, reducing them to walking embodiments of depression, low self-esteem, and despair about the future.<sup>4</sup>

This brings me to the second feature of Thompson's argument I'd like to underline, which is its reliance on a biological, descent-based notion of the family. For Thompson, in other words, the subject of slavery-reparations discourse is not a socially constructed racial group, as it is for McCarthy, but a group of families she represents without reference to the categories of race, racial identity, or racialization. To be sure, I do not mean to deny that Thompson's argument recognizes that African Americans have been subject to racial discrimination. Rather my point is that she conceptualizes the moral entitlement of members of African American family lines without reference to the question, who counts as black? To see the significance of this omission, we need only consider Kwame Anthony Appiah's recent assertion "that very many—perhaps even a majority --of the Americans who are descended from African slaves 'look white,' are treated as white, and identify as such," an assertion that Appiah substantiates by citing a statistical study that claims that over twenty-eight million white persons are descendents

of persons of African origin.”<sup>5</sup> Now if Appiah is correct, then it would appear that Thompson’s family-lines argument for reparations entails that millions of Americans who normally count as white are members of African American family lines and, as such, due reparations for a history of racial injustice. Thompson, I suspect, would deny that her argument entails this outcome, claiming that present-day white members of African American family lines have not been harmed through their membership in these family lines. But this claim is questionable, for it rests on a psychological-damage narrative of African American history. If we complicate without romanticizing that narrative, allowing that African American history is a story of great achievement no less than of great pain, then a plausible case can be made for the thesis that present-day white members of black family lines have been harmed by America’s history of racial injustice. Consider, in this connection, the closing paragraphs of James Weldon Johnson’s, The Autobiography of an Ex-Colored Man, a novel whose black but light-skinned protagonist, after he is motivated to pass for white by the terror of a lynching to which he bears witness, praises “the gallant band of colored men who are publicly fighting the cause of their race.” He continues,

Beside them I feel small and selfish. I am an ordinarily successful white man who has made a little money. They are men who are making history and a race. I too might have taken part in a work so glorious.

My love for my children makes me glad that I am what I am and keeps me from desiring to be otherwise...and yet I cannot repress the thought that I have sold my birthright for a mess of pottage.<sup>6</sup>

Now if Johnson’s protagonist has sold his birthright, then he has also sold his children’s and his grandchildren’s birthrights. His decision to pass, while unknown to his children and grandchildren, will harm them nonetheless by denying them the chance to claim the history of African American struggles for social justice as a part of their family heritage (for even if the ex-

colored man himself has opted out of that history, we may easily imagine that at least some of his relatives—cousins, uncles, and aunts, for example—have not). One moral, then, of Johnson’s story, is that secret, fear-motivated decisions to pass belong to the history of racial injustice and have harmed millions of white Americans by estranging them from chapters of their family histories with which they otherwise may have been proud to identify. As I read Thompson, the family-lines argument must in principle acknowledge that this harm, which has resulted from historical injustice to family lines, and which has been transmitted through the media of family lines to white members of those lines, entitles large numbers of present-day white Americans to reparations.

Now my point here is not to justify reparations for millions of white Americans. Rather my discussion of Johnson’s novel may best be read as a reductio ad absurdum critique of the family-lines argument. But how can the argument be fixed? A few moments ago I suggested that to answer this question we need first to ask, who counts as black? Here, of course, we must proceed cautiously, for it is clear that an appeal to the one-drop rule would simply reinforce the thesis that white members of African American family lines deserve reparations. A better strategy, I believe, would be to adduce a version of what Tommie Shelby and Lionel McPherson have described as a “political” conception of blackness, according to which persons count as black for political purposes only if they “acknowledge publicly, when the occasion calls for it, that they are racially black.”<sup>7</sup> Because white descendents of African slaves typically know nothing of their African ancestry, they cannot acknowledge that ancestry, and so they cannot satisfy the political conception of blackness. If, therefore, we restrict reparations-entitlements to individuals who do satisfy the political conception, we rule out reparations to millions of present-day white Americans. Notice, however, that in thus “fixing” Thompson’s argument, we enter a

political conception of black identity into the reparations calculus, thus suggesting that an individual's entitlement to reparations is not simply a function of his status as a member of a biological family line—for which he bears no responsibility—but likewise a function of his choice to affirm his solidarity with other blacks through a minimal gesture of acknowledgement.

My final comments relating to Thompson's paper concern her rejoinder to the objection that it makes no sense to regard the remedies owed to present-day African Americans as reparations owed to present-day African Americans—that is, as remedies owed to them, not because past injustice has caused them unjust suffering, but because past injustice is the source of a morally justified demand entailing an obligation to them to remedy their suffering. (10, 12-15) Now Thompson, I believe, fails adequately to answer this objection. Establishing that we have an obligation in respect to past people to remedy the harms done to their descendents (specifically: an obligation deriving from the demands that past people would have been morally justified in making) does not entail that we have an obligation to their descendents themselves to remedy those harms. More generally, that I have an obligation in respect to a past individual to repair a present-day individual's injury does not entail that I have an obligation to that present-day individual herself to repair her injury. It appears, in short, that Thompson's answer to the objection in question relies on a non sequitur.

### De Grieff

With practically no time left, and with many apologies, I turn Pablo de Grieff's paper.

I will limit myself to two brief comments, each of which relates to the application of his normative notions to the reparations debate in the US.

Recognition is the first normative category de Grieff discusses. "The crucial point," he claims, "is that the benefits provided by a program are not meant to solidify the status of victims

as victims, but rather, as citizens...The benefits become a form of symbolic compensation for the fact that rights that were supposed to protect basic integrity, possibilities, and interests of citizens were violated.” Now the problem with this approach, at least as regards the reparations debate in the US, is that citizenship rights were never extended to enslaved African Americans. Thus, reparations for slavery cannot correctly be conceptualized as a kind of compensation for the violation of black slaves’ citizenship rights. De Grief, of course, could concede this point, yet insist that what it shows is that the US reparations debate should concentrate less on slavery and more on the wrongs done to African Americans after the enactments of the 1866 Civil Rights Act and the Fourteenth Amendment, legislation that “overturned the entire structure of antebellum state-centered all-white citizenship delineated by Taney in *Dred Scott*.”<sup>8</sup> In short, he could follow Robert Fullinwider in rejecting slavery as a ground for black reparations, and in claiming that the proper basis for black reparations is the post- Civil War oppression of black Americans.<sup>9</sup>

Trust is the second normative category de Grief discusses. Here, I have little to say except that there is much more to be said about the nature of trust, and about its potential political significance. In that connection, a good place to start is Danielle Allen’s recent book, Talking to Strangers.

I conclude my remarks with six philosophical questions that the papers we’ve heard this morning should prompt us to keep in mind:

- 1) In the United States, what should be the historical scope of reparations claims? Should they include slavery, or limit themselves to the post-Civil War oppression and persecution of African Americans?
- 2) Who, or what, is the proper subject of reparations claims? The individual qua individual? The individual qua citizen? The individual qua member of a

biologically defined family line? Or, alternatively, the persecuted group or collective, as such.

- 3) If the proper subject of reparations claims is the group or collective as such, then what arguments can be adduced to defend the moral holism that reparations claims would then seem to presuppose?
- 4) Can we arrive at appropriate moral justifications of reparations that avoid the group existence objection?
- 5) Is it possible morally to justify reparations claims without resorting to pathologizing, psychological-damage narratives of African-American history?
- 6) To what extent would a cogent formulation of reparations claims benefit from a precise theory of racial and, specifically, black identity, be it biological, political, or one or another version of social constructionism?

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<sup>1</sup> Boxill in fact gestures in this direction—p.151. See, also, pp.33-4.

<sup>2</sup> BSJ addresses the group existence argument in connection both to individual and group compensation. In connection to individual compensation, Boxill argues that the injustice but for which present day blacks would not have existed is not the injustice for which present day blacks claim compensation—rather they claim compensation for the injustice done to them, and for having been wrongfully deprived of their inheritance. In defending the group compensation argument, Boxill argues that present day blacks may well have exhibited the interdependence required by that argument, absent racial persecution, on the grounds that racial persecution is not the only factor binding blacks together as a social group—a point that also bears on McCarthy’s thesis that blacks are constructed as a group through systematic persecution (as I read Boxill he seems to be imagining a scenario where blacks would not have been persecuted after slavery brought them to the New World). In this connection, however, Boxill does not address the thesis that, but for the injustice of slavery, the group would not have existed if only because its component members would never have existed (see BSJ, 37-8, 159-160).

<sup>3</sup> Fullinwider, “The Case for Reparations.”

<sup>4</sup> Peter Parish, Slavery: History and Historians, p.93.

<sup>5</sup> Appiah, Ethics and Identity, 185.

<sup>6</sup> Johnson, p.154

<sup>7</sup> Shelby, McPherson, “Blackness and Blood,” p.184.

<sup>8</sup> Rogers Smith, Civic Ideals, p.305.

<sup>9</sup> Fullinwider argues that it is unwise to base reparations on slavery, 1) because doing so invites the retort that America has already paid for the wrong of slavery with the bloodshed of the Civil War, and 2) because the passage of time since abolition has now become a morally significant factor. See Fullinwider, p.6.