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Who? Whom? Reparations and the Problem of Agency

Chandran Kukathas

If a person is wronged, whether by a physical violation of his person or by having his property unjustly taken, or even by the besmirching of his reputation, he is, most people agree, entitled to some form of compensation or restitution from the person or persons responsible for the wrong. What form the reparation should take, and how great it should be, are sometimes difficult problems, but this does not change the fact that something is owed and someone must be held to account. If a restaurant goes bust because a supplier fails to fulfill his commitments and a newspaper publishes false reports of the restaurant's allegedly unethical practices, the business owner can seek compensation from those responsible for the harm he has suffered. The fact that apportioning responsibility will not be easy makes no difference: the law must try to find an answer that rectifies the injustice. Similarly, it can be argued, the harm suffered by the descendants of victims of unredressed injustices of the past cries out no less urgently for attention. Many people today suffer as a consequence of wrongs committed in the past, and they too, some say, are entitled to some form of restitution. The fact that matters are complex is no reason for them to give up their claims, or for others to give up on the task finding answers to the question of who owes what to whom.

It seems fair to say that the complexity of the problem of apportioning responsibility, and of settling the nature and extent of compensation owed, should not deter us from trying to do justice. We seek only as much precision as we can plausibly hope for, and make compromises to ensure that *some* justice is done, imperfect justice being better than no justice at all. Yet matters are importantly different when the problem is not so much determining the form of restitution but establishing who the relevant parties are in the case. In cases of past injustice, the problem of identifying the parties often turns out to be especially troublesome. Indeed, the more remote the original wrong, the more difficult it is to establish who has cause for complaint and who can rightly be held responsible.

In this paper, I argue that the pursuit of justice by making reparation for past wrongs, and particularly for wrongs done more than a generation ago, is not morally justifiable except in some special cases. For the paying of reparations to be defensible, it must be possible to identify two kinds of agent: the victim of injustice, to whom reparation is owed, and the perpetrator or beneficiary of injustice who can be held accountable for the wrong or liable for the cost of restitution. If both agents cannot be identified, there cannot be a case for reparation. It may be possible to justify, say, the return of some lands to people

who have been dispossessed, if we can identify the dispossessed and also those who can be held accountable; but it is not possible to justify, say, compensation for the descendants of slavery generally. Some persons can be held responsible for some of the wrongs of the past, but one *generation* cannot be asked to atone for the sins of earlier ones.

Such a conclusion might be defended for many reasons,¹ but in this paper I focus on the problem of identifying the agents who might make claims, and the agents against whom claims might be made. One aspect of this topic has already been explored by a number of authors in the literature on the rectification of past injustice. This is the issue of whether the descendants of victims of past injustice can make defensible claims for compensation given that, without the injustice, they might never have come into existence.² Because this topic has been examined in depth, I propose to put it to one side, and to focus on other aspects of the problem of agency.

The paper is organized as follows. Section I considers why it is necessary that we be able to identify the agents who are the victims of past injustice and those who are to be held responsible for rectifying them. It is not sufficient merely to establish that injustices did occur, and that there do exist modern day descendants of the victims of injustice, and modern day descendants of perpetrators of injustice. Section II argues that it is difficult, if not impossible, accurately to identify the individual agents who can rightly be held responsible for historical injustices, or the agents who are owed reparation. Section III takes up the question of whether responsibility might be understood not as a relationship between individuals but rather as one between groups. In particular, it considers the question of whether the state might be understood as a moral agent with responsibility for rectifying the injustices of the past. It concludes that there is a limit to the extent to which responsibility can be laid at the door of the state.

I

Many people and communities that are the descendants of victims of injustice in the past live disadvantaged lives. The descendants of American slaves are on average worse-off than are the rest of the population of the United States; the descendants of Australian Aborigines are generally worse-off than the non-Aboriginal population; and the Maori of New Zealand do less well than their *pakeha* counterparts on most measures of well-being, from life expectancy to rates of incarceration. There are many reasons why a political community might want to acknowledge the wrongs of the past. For one thing, it seems likely that the events of the past have had a significant bearing on who fares well and who fares poorly: the probability of one's life going well is affected substantially by the community into which one is born. For another thing, the fact that people are suffering itself gives us some reason to attend to them, and when that suffering has a long history, that very history may need to be acknowledged.

If, however, we wish to do justice to specific individuals or groups, we need to do more than take note of history's injustices. We need to identify with some precision who is a victim of injustice, and who can rightly be held responsible—or liable. But why do we need to be precise if we know that there has been injustice in the past and that there are people who are suffering in the present? One reason is that this is, at least implicitly, what those who see themselves as victims of past injustice demand. Their claim is not that their condition should be remedied because they have simply done badly out of history. It is that they should be compensated in some way because they have been treated unjustly. Their claim is different from that which might be made by the poor more generally: that the background institutions under which they have remained poor are unfair or systematically biased in favor of others or not conducive to equality. Their claim is, rather, that particular wrongs were committed and that it is the further injustices that were consequent upon them that need to be rectified. If this is indeed their contention, then their claims can only be addressed by identifying the agents who deserve restitution and those who are liable for providing it. For them, it will not do simply to lump them in with the poor more generally, for their claim is of a very specific nature.

Irrespective of the claims of the descendants of victims of past injustice, however, it is necessary to identify the agents involved in matters of historical injustice because justice in restitution generally demands that we know who is obliged to restore whom. If the issue were one of distributive justice rather than justice in rectification, there would be no need to do so, since the problem would be one of determining what background institutions should operate, and what principles should guide them. Indeed, at least according to some thinkers, establishing the institutions of distributive justice may even require that the identity of the agents who might have claims of justice be unknown. For John Rawls, for example, just institutions are those that would be chosen by parties to an agreement in which no one knew his or her identity. But when the issue is one of justice in restitution, identifying those who are to be held liable or entitled to compensation is crucial, because the question is not simply one of how the benefits and burdens should be distributed in a good society, but rather a question of who owes what to whom even if distributive institutions are just. This means that the question of justice in restitution is at least a different kind of question to that of distributive justice, even if it might be held, in the end, to be an aspect of the problem of distributive justice understood more broadly.³

The next question then is, who are the relevant agents when justice in rectification is at issue? There are three kinds of agent who can make, or be asked to fulfill, moral claims: individuals and two kinds of group agents including collective entities and corporate entities. An individual is an agent insofar as he or she is an actor who is capable of making decisions and can be held to account—or held responsible—for those decisions. A group is an agent when it is capable of making decisions and can be held responsible for them. A group is not an agent when it is merely a category or class of persons, such as the set of all platinum blondes; nor is it an agent when it is simply a collection of people, such as a

crowd, or even a neighborhood, since it lacks any locus of decision making, or any structure or organization that establishes an authority capable of taking a decision on its behalf, and that is recognized as such. Group agents include partnerships, families, clubs, churches, companies, and private and public associations of various kinds such as charities and universities. They also include governments of all kinds: local, provincial, and national, as well as international organizations. Tribes can also be regarded as group agents.

Group agents can be understood either as collective entities or as corporate entities. A group is a collective entity when the interests of the group are congruent with the interests of the individuals who comprise it. Partnerships, families, and clubs, for example, are uncontroversially entities whose interests coincide with the interests of their members. What is good for the family is good only because it is good for the individuals who comprise it. There can be no conflict between the interests of the family and the interests of its members, even if, on occasion, the interests of some particular members may have to be sacrificed to preserve the integrity of the entity that serves the interests of all. Many groups are best understood as collective entities, for their value and purpose are best understood in terms of the way in which they serve the interests of their members.

Nonetheless, group agents can sometimes also be understood as entities whose interests are *not* congruent with the interests of their members. They may be entities that have a life, and an ethical standing that is independent of the lives of the individuals that comprise them. A tribe, for example, might be regarded as having interests over and above those of the interests of individual members to the extent that its interest is in its own survival as an entity. Individual members might value it to the extent that it serves their interests in having particular services provided or in having an association that supplies them with an identity. But they may find that they can secure these goods by joining other tribes. If the tribe is understood as a corporate entity, however, it can be regarded as having interests of its own, regardless of whether its members value it. The protection of this interest might be justified on the grounds that the continued existence of this entity preserves values that are not congruent with the particular interests of the members that comprise the group. In the case of the tribe, it might be that the continued existence of the corporate entity preserves a culture that its members no longer value. Defenders of (the interests of) the corporate agent may be outsiders who benefit from its continued existence.

Many group agents may be viewed under either aspect, as collective or corporate agents. A company, for example, is a collective of shareholders, and also a collective of employees. But it may also be a corporate entity with an existence independent of either employees or shareholders, who cannot be held entirely liable for its actions. The interests of employees, shareholders, and others affected by the operations of the corporation—its creditors, for example—can differ significantly.

States, provinces, and townships may also be understood as either collective or corporate agents. They are collective agents insofar as their interests are nothing

more than the interests of their members. They are corporate agents, however, to the extent that they can be viewed as entities with interests—and liabilities—of their own, independent of the interests of their members. A state might, for instance, have an interest in its own survival, even if its members are indifferent (or even hostile) to its continued existence. A state whose members want to secede into two states would supply an example of this. The continued existence of the state as a corporate entity might be valued by non-members, who have, say, purchased government bonds whose value would disappear if the state vanished, but not valued by members who have nothing to gain by continuing their membership.

When the issue of how to redress historical injustice arises, the problem is to work out who has a claim upon whom for compensation for past wrongs. This means working out which agents have claims against which other agents for actions taken in the past that have damaged some and benefited others. Claims might be made by individuals against other individuals, individuals against groups, groups against groups, and groups against individuals. The validity of any claim would depend, among other things, on the proper identification of the agents in question as persons entitled to make claims or persons liable for fulfilling them. The issue is: how readily can this be done?

II

The problem of identifying the relevant agents in trying to establish claims for restitution for past injustice is more difficult than has been recognized. Who is entitled to compensation for a wrong committed, and who is liable to pay is sometimes easy enough to ascertain when victim and perpetrator are both alive, though it can get progressively more difficult to establish the extent of entitlement and responsibility as time goes on. When generations have passed, even identifying the parties to the case is difficult.

To begin with, let us consider the problem of identifying the claimants, before turning to the problem of establishing who is liable for providing restitution to those who are harmed. Some claimants will be *individual* descendants of the victims of past injustice. One thing that should be noted at the outset is that it is not obvious that the descendant of a victim of injustice is owed anything by anyone. Certainly the law in most countries does not always presume that descendants have such claims. If Nancy in generation one is beaten and killed by Bill Sykes, her surviving daughter, Nancy Junior, cannot, in generation two, make any claim against Bill Sykes Junior (who earns his living as a boxer, using the skills his father, Bill Senior, imparted to him).⁴ Nancy Junior may have been orphaned, and now be destitute, and Bill Junior may have become wealthy as a boxer. If Bill Senior had gone to prison and died penniless (and more than likely, any pennies he had would have been returned to the persons from whom he stole), Nancy Junior would have had no redress against him, and it would be hard to argue that she had a claim upon Bill Junior's human capital. But I propose to set this matter

to one side for the moment and assume that a case can be made for saying that descendants of victims of injustice are owed something. The question is: *who* are the individual descendants of the victims of past injustice?

This question may be read in different ways. One way of reading it is by taking it to mean “who should *count* as a descendant of a victim of past injustice?” If this is the question, the answer in any given society could be a relatively small or a worryingly large number. It would be a very large number if we considered anyone a descendant of a victim if he or she could identify *any* ancestor who had suffered injustice. If we confined our analysis to a single society, like the United States, we would get a collection of individuals that included at least the following: the descendants of African slaves, the descendants of Native Americans, the descendants of people who were the victims of war, the descendants of conscripts and neglected war veterans, the descendants of people unjustly incarcerated (including but not only the Japanese imprisoned during World War II), the descendants of anyone who was cheated, swindled, or taken unfair advantage of by governments, businesses, unions, criminal organizations, or individuals. Depending on how broadly injustice was defined, that number could easily encompass the majority of the population. If, for example, we took severe punishment for possessing and selling drugs to be unjust, then many people have been the victims of injustice; but if we took severe punishment in this instance to be warranted, many people are in fact the descendants of the victims of justice. We could also stipulate how broadly or narrowly we wish to construe injustice by determining a strong or weak minimum standard by which we deem whether an injustice has been committed. If being verbally abused by a policeman is sufficient for someone to claim victimhood, the number of victims could be impossibly large. Finally, if we took the victims of injustice to include women who had been treated unjustly in the workplace, in the home, or by laws limiting their right to work or to receive equal pay, the descendants of the victims of past injustice might include everyone.

The point here, of course, is not to suggest that no one could be distinguished as a descendant of a victim of past injustice because everyone is a descendant. It is, rather, to say that identifying the set of people to be recognized as the descendants of victims is a complex and contentious matter. It requires determining not only who to include but who to exclude from consideration.

Another way of reading the question is by taking it to mean “how do we tell if someone is a *descendant* of a victim of past injustice?” In some cases, this may be relatively straightforward: the child of a slave or former slave is clearly in this category. But what of the children, and grandchildren, of mixed descent? Does a person with one black grandparent or one black great-grandparent count as black or white? Even if we assume that the world is divided conveniently into victims and perpetrators or beneficiaries of injustice, it is not obvious how we should categorize those with ancestors on both sides of the divide—leaving to one side the issue of whether descent should be understood purely biologically or to include relationship through adoption.

A further complexity arises when we consider whether the category of descendants of victims of past injustice should be extended to include people beyond the borders of the political community. Many people around the world are the descendants of refugees who fled persecution, often leaving behind both the experience of violent treatment and their personal wealth or livelihoods. Inter-marriage over the generations has created many people who are the descendants of people who have suffered great injustice. Sometimes it is difficult to identify these people. On other occasions it is not: if we take the case of Liberia for example, a country founded by the forcible repatriation of black Americans to African soil, we might say that almost everyone there is the descendant of victims of injustice, although many people there may have only one American ancestor.

The general problem in distinguishing the descendants of victims of past injustice is that it is too easy to reach the point at which a very large proportion of the population can be identified as descendants. If that happens, the moral force of the claims made by some people will be diminished to the extent that many others in the society might simply respond that they too have injustice in their histories. Is there a better way of separating out the descendants of injustice who have strong claims from those who do not?

An obvious alternative is to identify not individuals but groups that are the descendants of victims of past injustice. This might have the immediate advantage of giving us an entity that is easier to isolate and distinguish from other potential claimants because it has persisted over a greater length of time and because tracing an ancestry will not be a problem. Moreover, the most serious injustices of the past, which cry out for rectification, were committed against groups or people as members of groups. The two issues that have to be settled, however, are which groups to count, and whom to include within them. This may be difficult, and we should consider why.

To begin with the matter of which groups to count, it may seem plain that certain groups are almost self-evidently candidates. The descendants of African slaves in modern America, and the indigenous peoples dispossessed of their lands in many parts of the world come to mind. It would be impossible to deny that slaves and dispossessed people were the victims of injustice many generations ago, or that the injustice the people of these groups continued to suffer was injustice in succeeding generations. The main point of contention is not whether such groups are plausible candidates for restitution but whether excluding the descendants of other victims of past injustice is warranted. The question is not just “why these groups and not others?” but also “why not people who don’t fall into notable groups, but are the descendants of victims of serious injustice all the same?” One powerful reason for picking out particular groups but not others may be that the injustice suffered by these groups have had a particularly significant impact on the life of the society as a whole—perhaps so much so that it would make a difference to the quality of life in that society if these particular grievances were addressed. While this is an important reason, and one that may well justify

attempting to offer restitution to the descendants of some groups, it is not, in the end, a reason that invokes the importance of doing justice for its own sake. (I will return to this point at the conclusion of this paper.)

The issue of who is to be included within a group being recognized as descending from victims of past injustice raises different problems. Most of these problems stem from the fact that groups are made up of individuals, and sub-groups of individuals, with different histories, and often quite complex identities. Morally speaking, those histories themselves can be quite mixed. Consider, for example, the case of the Seminole Indians. The Seminoles were bands of Creek Indians who separated from the tribe and settled in northern Florida in the seventeenth century. They practiced slavery, not only of other Indians captured in battle, but also of Africans whom they purchased or were given as gifts by the British. By the nineteenth century, however, the black Seminole population had grown and established a strong, independent community, which actually joined with the Seminoles to resist the attempt of Americans to annex Florida. They fought against General Andrew Jackson in the First Seminole War (1817–18), and later in the Second Seminole War (1835–42), and gained a measure of independence. But they were then forced to face the Creek Indians, who were intent on enslaving them, and reintegrating the Seminole Indians into Creek society. Many fled to Mexico to escape Creek slave-hunters, though a good number returned after the Civil War to work as Indian Scouts. They claim that they were promised their own land in Texas in return, but in the end the War Department denied that they had land to offer, and the Bureau of Indian Affairs refused to give them land on the grounds that they were not really Indians.

How should these groups be understood if the issue is the rectification of past injustice? The Seminoles and Creeks were certainly victims of injustice, since theirs is a history of dispossession; but they were also perpetrators of some serious injustices against each other and against Africans, in collaboration with Americans. The black Seminoles appear to have a less ambiguous history, but even they returned to work as scouts in an American army intent on clearing the southwest of Comanches and Apaches to make room for white settlements. Even they were complicit in serious injustices.

The question is whether the complexity of history and identity should be assumed away in order to focus on the larger story of injustice, in this case the story of African slavery and the dispossession of indigenous peoples. If the detail is obliterated in the moral accounting, however, it is not clear that what would be guiding the decision to rectify past injustice are the injustices themselves but other ethical considerations.

More generally, there is a problem in determining whom to include in groups that might be candidates for restitution to the extent that individuals may be of mixed descent, having ancestors who were both victims and perpetrators of injustice. Others might be descended from a mix of immigrants and ancestors who suffered injustice. This problem may be compounded by the fact that some groups refuse to recognize some individuals or subgroups as members of their

communities. At present, for example, the existence of black members of the Seminole Indians is a contentious issue because the sums paid to the Seminoles in compensation for dispossession would have to be further divided if Indians of African descent were included.

None of this is to suggest that identifying the agents who are the descendants of victims of past injustice is impossible. There may well be cases where the identity of the groups in question, and their membership, can readily be settled. My point is only that there are serious obstacles in the way of making a ready determination in many cases.

Yet even if the identities of the descendants of victims of past injustice can be settled, there remains the problem of establishing who should be held liable for restitution. This problem is more serious because even if it is true that injustices were committed in the past and the descendants of victims have suffered as a consequence, this may not be sufficient reason to hold many—or indeed, any—people today responsible for rectifying the situation.

A number of difficulties stand in the way of establishing responsibility for past injustice. One set of difficulties stems from the problem of determining who was responsible for the original injustices that might now generate claims on the part of descendants of victims. If one takes the case of African slavery, the perpetrators of injustice certainly include slave owners, slave traders, and those who supported the institution of slavery, whether by backing governments who upheld it or serving as officials who enforced the law protecting it. But this means some responsibility for the original injustice must be borne by people from other countries who captured and sold slaves. Equally, it is difficult to hold responsible for the injustice of slavery those who had no part in it, or who disapproved of it, or who worked to eliminate it.

It might be argued that all who benefited from slavery can be held responsible to some degree, and one might conclude from this that no one in the United States was free from the taint of this particular injustice.⁵ But those who benefited from slavery included not only those whites who lived in the United States but others as well. American assets, including slave enterprises, were held by people in Europe who invested their money abroad; the products of slave labor were sold all around the world; and even some Africans and American Indians took advantage of the slave trade to enrich themselves. White Americans may bear the heaviest burden of responsibility for slavery, as they might also for the dispossession of indigenous peoples, but they do not bear it alone. If that is so, the case for holding their descendants peculiarly responsible for these injustices of the past would be weakened.

The argument for holding these descendants responsible is weakened further by the fact that, with the passing of generations, many countries such as Australia and the United States have admitted immigrants who have had no part in the injustices of the past insofar as they have no ancestors who were even indirectly implicated in wrongs committed in their new country. This view is rejected by Bernard Boxill, who argues that even “white immigrants who arrived in the U.S.

after the abolition of slavery” are liable to pay reparations to the descendants of slaves.

They came to take advantage of opportunities, funded by assets to which the slaves had titles, or to take natural assets including land to which the slaves also had titles. The fact that they competed for these opportunities and worked hard misses the point. They have a right to their own earnings, but it does not follow that they own the opportunities that enabled them to make the earnings.⁶

The problem with this argument, however, is that if immigrants can become inculpated in wrongdoing by taking advantage of opportunities that arise out of injustice, it would seem that anyone who so profits can also be inculpated. Investors who never set foot in the United States, but who have traded with a society in which an unpaid debt is owed, would also be liable. There is no reason why residence or membership of a society should make a difference. The number of people who can be held liable could well be more numerous outside the United States than within. But if this is the conclusion to which this principle leads, that is reason to doubt the plausibility of the principle.

Finally, the argument for holding the descendants of the perpetrators or beneficiaries of injustice liable for making restitution is weakened by intermarriage and the fact that people’s identities are complex mixtures of different inheritances. If responsibility for rectifying past injustice is to be sheeted home to anyone, it would have to be to a different kind of agent.

One possibility here is that we might hold liable not individual persons but certain kinds of group agents. There are a number of candidates, including companies, private organizations such as churches, and governments, from the local to state and national. Such entities might be held responsible for restitution for past injustice because, at least in some cases, they might be not so much the descendants of perpetrators of injustice in the past as entities whose complicity in past injustice is real because they are the same agents as those that originated in the past. Coca-Cola today is the same entity as the Coca-Cola of fifty years ago, and the Catholic Church of today is the same entity as the church of a millennium ago. Companies and churches can be held accountable for the injustices of the past if they themselves committed them. The same might hold for governments, which do not change with each new administration but remain continuous for as long as the polity remains stable and the personnel change without affecting the regime.⁷

This solution might have some merit, but a couple of difficulties ought to be recognized nonetheless. First, there are relatively few companies that have operated for long enough, and continue to exist, which might be found responsible and so held liable for compensating the descendants of their own injustice. There have been many companies in history that were guilty of committing serious injustices in pursuit of profit: the British and Dutch East India Companies are obvious examples. But the number of such corporations that can be identified today as

having been responsible for wrongs in the past may be small, if only because corporations are often taken over, or decline and disappear.

Second, if we consider churches to be possible candidates for being held liable for past injustice, we need to ask whether and how far a charitable organization can be held responsible for wrongs committed by those under its authority, and how this should be balanced against the contributions it has made to ameliorating the condition of the poor and the destitute.

In the light of these considerations, perhaps the only entities that can properly be held responsible for rectifying past injustice are the political ones. In part, this is because there may be an argument for holding governments responsible for the wrongs committed in the societies they rule. But more generally, governments could be charged with the task of remedying precisely those wrongs for which it is difficult to identify the real culprits.

III

Governments can clearly be held responsible for rectifying past injustices when they themselves have committed them. If governments can be sued or required to compensate people for taking their property, then they can surely be required to restore people who have been harmed by injustices the government committed a long time ago.

But should governments, or more particularly, the state, be considered a kind of moral agent that can be charged with the duty of acting as a kind of rectifier of last resort of the injustices that societies have been unable to remedy? It is often difficult to establish clear lines of responsibility for many of the wrongs we see in society. This paper has focused on only one kind of difficulty: the problem of identifying the agents involved in issues of historical injustice. But there are other difficulties I have not touched upon.⁸ Yet it seems evident that some injustices of the past have an enduring legacy, and it surely will not do to let them go unaddressed because clean lines of responsibility cannot readily be drawn. Perhaps it is a part of the role of the state to address precisely these problems: to do justice by considering the relations between different groups and communities that comprise it, and that have shaped the larger political society.

Tempting though this thought may be, it should be resisted. Particularly if the state in question is a liberal democratic state, accountable to its citizens, it is, in the end, obliged to do only what it can justify to those citizens. If there is no plausible justification for holding one part of society responsible for compensating another for injustices committed in the past, there is no warrant for calling upon the state to take any particular action. Or at least, any action it takes in the name of rectifying past injustice could only be seen as having a symbolic quality. In order to repair, not the wrongs done to people in the past, but the fabric of a society that has been torn by serious injustices in its history, it might move to compensate the descendants of victims of past injustice. Its move here would, however, be

primarily of symbolic importance. And it could not go too far without raising among the citizenry the question of whether its actions are what justice really demands.

Notes

- ¹Such reasons have been advanced, for example, by George Sher, "Ancient Wrongs and Modern Rights," *Philosophy and Public Affairs* 10 (1981): 3–17; and Jeremy Waldron, "Superseding Historical Injustice," *Ethics* 103 (1992): 4–28.
- ²See, for example, George Sher, "Compensation and Transworld Personal Identity," *The Monist* 62 (1979): 378–91; George Sher, "Transgenerational Compensation," *Philosophy and Public Affairs* 33, no. 2 (2005): 181–200; Christopher Morris, "Existential Limits to the Rectification of Past Wrongs," *American Philosophical Quarterly* 21 (1984): 175–82.
- ³It might be argued, for example, that a complete theory of distributive justice will encompass a theory of justice in rectification. Nozick's theory of justice, for example, seems to do just that. See Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974), pt. II.
- ⁴In this example, Nancy Junior and Bill Junior are *not* siblings.
- ⁵For a defense of this view, see Bernard Boxill, "A Lockean Argument for Black Reparations," *The Journal of Ethics* 7 (2003): 63–91.
- ⁶*Ibid.*, 77. Boxill's argument, I should emphasize, does not rely on the assumption that people made themselves better off than they might otherwise have been by taking the opportunities that arose out of the existence of slavery. His claim is simply that in taking these opportunities they thereby took something that belonged to the slaves: a portion of what slaves were owed by their society as compensation for the wrong of their enslavement. A similar point is made by Renee Hill, "Compensatory Justice: Over Time and Between Groups," *Journal of Political Philosophy* 10, no. 4 (2002): 392–415, at 414.
- ⁷I have argued in defense of this view at greater length in "Responsibility for Past Injustice: How to Shift the Burden," *Politics, Philosophy and Economics* 2, no. 2 (2003): 165–90.
- ⁸See, for example, Christopher Kutz, "Justice in Reparations: The Cost of Memory and the Value of Talk," *Philosophy and Public Affairs* 32, no. 3 (2004): 277–312.