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Edition in Tribute to John Arthur

This edition honors the legacy of John Arthur, who, for eighteen years, was a Professor of Philosophy and Director of the Program in Philosophy, Politics, and Law at Binghamton University. He was also co-editor of this Newsletter from 2006–2007. Professor Arthur’s life and career were cut short by cancer. He died in 2007 just as he was finishing his last book.

This book, Race, Equality, and the Burdens of History (Cambridge University Press, 2008), was the culmination of his long reflections and personal history with race relations in America. From 1981-1988 John taught at Tennessee State University, an historically black college. He was appalled at the conditions of the university relative to the predominantly white Middle Tennessee State University a few miles away, and he organized a biracial group to file a suit against the State of Tennessee for violating the Equal Protection Clause of the Constitution, accepting a settlement that brought millions of dollars to improve Tennessee State University and a desegregation plan for the entire system of higher education in Tennessee. It was during those years of active social and legal engagement on matters of race that John conceived the book that he worked on until weeks before his death in 2007.

Professor Arthur was also the editor or co-editor of more than eight other books and twenty-five articles covering many issues of public concern. After teaching for thirty years, John possessed and displayed the enthusiasm of a new professor, earning numerous teaching awards. Even with lung cancer, John continued to teach into his last several months, until he could no longer stand. An account of his career and writing is published in the APA's Proceedings and Addresses, May 2007, 80(5).

This Newsletter edition focuses on John’s last work, Race, Equality, and the Burdens of History. The contributors are Lawrence Blum (University of Massachusetts–Boston), Charles Mills (Northwestern University), and Janna Thompson (La Trobe University). Their essays offer an engaging discussion of race and racism in response to John’s analyses and arguments. They also formed the basis for a Special Session sponsored by the APA Committee on Philosophy and Law at the APA’s Pacific Division meeting in April 2008. We thank both the Committee for sponsoring this event and the contributors for responses that John would have deeply respected and relished for their philosophical disputation.

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ARTICLES

Confusions about “Culture” in Explaining the Racial Achievement Gap in John Arthur’s Race, Equality, and the Burdens of History

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I did not know John Arthur, I am sorry to say, but I admire his book in many ways. It is an important contribution to the growing, though still quite small, serious philosophical literature on race. Arthur covers many vital topics concerning race and often has a quite distinctive approach to them.

I wish to talk about how Arthur uses the concept of “culture” in Chapter 5 of the book, “Poverty and Race.” The chapter is a welcome discussion of two related issues generally discussed by social scientists and much less frequently by philosophers. One is black poverty. The other is black/white inequality with regard to various socio-economic measures, including but not restricted to poverty and income. Arthur does not always keep these two issues separated, but he appears to assume that black poverty is of moral concern and that inequality as such may or may not be, depending on the explanation for it. With regard to poverty he is concerned to argue that black poverty, or disproportionate black poverty (compared to white) is not solely a product of racism or racial oppression (161). With respect to inequality, he argues that whatever injustice there is in racial disparities between black and white cannot lie in the bare existence of the disparity itself. With regard to both, he wants to say that “culture” is a significant part of the explanation of their existence.

It is very gratifying to see a philosopher weigh in on these explanatory issues, which require a familiarity with the character of the disparities as well as a range of available and deployed explanations of them. Although I do not think that philosophers who have written on race almost ever take the simplistic position Arthur criticizes—that every disparity is an injustice, or that injustice consists in bare disparity—it is also true that few philosophers have fully attempted to come to grips with particular racial disparities, in particular domains, such as health, education, housing, income, and wealth, from an explicitly normative point of view. Arthur does not say so explicitly, but his discussion presumes that the explanations for various disparities and for poverty importantly bear on how morally troubling they are.

I will focus largely on educational disparities, as Arthur gives a good deal of space to them and sees education as a prime causal factor in black poverty; and because disparities
in school achievement among whites, blacks, Latinos, and Asians have been the source of a great deal of public concern. The disparities are generally referred to as “the achievement gap.” Arthur focuses mostly on whites and blacks and I will do so as well.

From a normative point of view, there are (at least) three normatively interestingly different categories of explanations given for why blacks score lower on the average than whites on standardized tests, receive lower grades in school, and graduate from college at about half the rate of whites. One is some form of racial discrimination. Teachers treating students differently based on race; black students not being encouraged to take advanced placement tests that would help them get admitted to better colleges; the fact that teachers in largely black schools are on the average less qualified than those in white schools—all these are plausibly regarded as constituting discrimination against black students. They are instances of what I will call for convenience “racism-based” explanations, which is not to deny that different ones may differ in normatively-relevant character.1

A second category is culture-based explanations. Arthur is particularly concerned to establish that, as he says, “cultural differences clearly also play an important role in explaining educational achievement” (178). The distinction between racism-based and culture-based is generally quite normatively charged. Discrimination and racial oppression are clearly both wrong and not in any way the fault or responsibility of the victimized group. So to the extent that a given disparity can be attributed to such factors, doing so can fairly straightforwardly underwrite a moral claim to closing up the gap produced by those factors. Of course, acknowledging a claim on public action to close racial gaps often leaves us a long way from figuring out how to do so, and to do so in a way that does not conflict with other significant values. Nevertheless, the acceptance of discrimination as an explanation is, from a normative point of view, thought to contrast strongly with appeals to culture. Culture is generally seen as emanating from, and the responsibility of, the group itself, rather than being a result of mistreatment by others. Conservatives on these racial matters often claim that black culture is destructive or at least counterproductive in various ways, and regard the solution to the problem of inequality as that black people have to change their culture. In the area of education, Stephan and Abigail Thernstrom in their 2004 book No Excuses make perhaps the best-known use of this culturalist argument, and Dinesh D’Souza does so with regard to the position of blacks in U.S. society in general (in The End of Racism from 1995).2 Arthur cites this definition in relation to his own statement that “families impart different cultural values and beliefs to their children” and he illustrates it thus:

Some families stress the importance of religious faithfulness or wealth, while others might encourage artistic creativity, intellectual accomplishment, philanthropy, sports competition, political power, or social acclaim. Some children are read to from the time they are infants, while others are left to watch television; some are encouraged or even required to excel in school, others in athletics, in art, or in nothing at all. (179)

Notice that while religiosity and the pursuit of wealth or artistic creativity are values that parents might impart to children, reading to children and letting them watch a certain amount of television are more appropriately thought of as practices than actual values, practices that might be engaged in from a variety of values, or from something other than values. Parents might well not read to their children because they are not very comfortable with reading themselves, or are not well educated, or have less time than parents in the comparison group. By categorizing parenting practices under “values” Arthur gives the impression that reading to one’s children is a simple function of whether the parent places a value on her children’s developing into readers or not. If added to the assumption that cultures are for the most part internally generated, one gets the result that parents who do not read to their children are choosing to impart the value of not-reading, or at least not to impart the value of reading. While as mentioned Arthur sometimes rejects this assumption, that does not come until later (than Chapter 5), and it is an assumption that is natural to make concerning this portion of his argument.
One might reply that whether parents read to their children or let them watch a lot of TV can quite plausibly be seen as part of a “family culture”; and, indeed, the definition from Patterson citing “ideas about how to live” might allow for including such practices (i.e., “how to live”) under the category of “culture.” I don’t think our intuitions about the use of the word “culture” are sufficiently fine-tuned to resolve this definitional dispute. But it is important to distinguish between a cultural practice that could be engaged in for several distinct reasons related to values in different ways or not related to values—I will call this “culture as habitual practice”—and specific values that are transmitted to one’s children, which I will call “culture as values.”

Arthur plausibly moves from family-based cultures to ethnicity-based ones on the way to discussing working up to black culture. Family cultures are often embedded in ethnic ones, which can be a source of familial practices and values. Having introduced ethnicity, Arthur gives the following example to illustrate—that Jews in the U.S. are 25 percent of law school faculty, that they made up half the lawyers in Hungary in 1920 (where they were 6 percent of the population), and that they owned 80 percent of the retail clothing businesses in New York at some unspecified time in the past. In explanation of these disproportions, Arthur offers an emphasis in Jewish culture and religious practice on law; the value of learning and scholarship; the ability to trust other members of the community; and the advantages of belonging to a tight-knit family. This is a very misleading grouping under the heading of “ethnic culture.” Part of why ethnic groups tend to cluster in certain occupations or areas is that they have been prevented or discouraged from other occupations. This is certainly the case vis-à-vis Jews. Moreover, once a group establishes a sort of “beachhead” in one occupation it becomes much easier for other members of that group to go into that area, entirely independent of the group’s values in any meaningful sense. This dynamic is part of why in the U.S. Chinese often went into the laundry business, why Koreans own small businesses in central cities, and Indians, motels in the Southern U.S. The alleged tight-knit families that Arthur mentions might contribute to this “ethnic niching” process, entirely independent of familial values; but the dynamic depends on only some degree of kinship or connection within an ethnic group, not necessarily rising to the level of “tight-knit.” Networks of credit help establish businesses within an ethnic community. And there is also a role modeling dimension, reinforced by but not entirely dependent on families, in which seeing other members of one’s ethnic group in an occupation makes that occupational path seem more accessible than others. So whatever reasons have led to ethnic niching in the first place, there is a tendency for the group to remain disproportionately represented in that occupation. But the reasons for this have little to do with culture-as-values, that is, with what Arthur calls “the importance of the connections between culture and educational achievement” (180).

That loose thinking may not matter too much from a normative point of view in understanding Jews’ disproportion in the legal profession. But, of course, where Arthur is going with this is the much more normatively charged area of black underperformance in education. So, Arthur says, “The importance of the connections between culture and educational achievement are illustrated by an account of a black high school student reported in the New York Times. It shows the effects of culture in schools and in particular, its effect on black children who criticize students who work hard as ‘acting white’” (180). The idea that black students routinely chastise and stigmatize academically successful black students by saying they are acting white, and that this is a major cause of black underachievement, is probably the most widely parlayed explanation of the achievement gap in the public eye. It constituted then-Senator Obama’s almost sole reference to education in his famous 2004 speech to the Democratic Convention, where he said, “In any inner city neighborhood…children can’t achieve unless we…eradicate the slander that says a black youth with a book is acting white” (448 in Dreams From My Father). The so-called “acting white” phenomenon has been much studied and researchers differ as to its extent, but virtually all agree that it plays a very small part in understanding black underachievement as a whole. Yet its appeal to whites is evident. It simultaneously expresses the idea that white students are studious and on track and places the blame for black educational underachievement squarely on the black community itself. The power of this popular trope is shown in that, after making the statement just quoted, Arthur illustrates it with a quote from a black student that talks about his fellow students not taking school very seriously, but does not mention anything about “acting white.” Not taking school seriously enough can not be equated with the acting white phenomenon, which is only one possible explanation of the former.

Of course, if it is true that blacks do not take school as seriously as whites, this is troubling in itself, and could easily be a causal factor in black underperformance in school, independent of the acting white issue. But there could be many sorts of reasons for this lack of engagement other than a culture of poor educational values among black youth. (Note that we do naturally speak of such attitudes and values as “cultural” even though they are attributed only to an age-cohort and so are not necessarily trans-generational. This suggests that Patterson’s definition is not entirely accurate; some cultural values can be held by certain age cohorts but not others within a larger ethnic group. I will adjust my “culture as values” definition to allow for age cohort-based cultures.) Just to give one plausible example of a reason for lack of engagement of a racism-based sort: blacks face discrimination in the labor market so that their school achievement is not as rewarded as is that of whites and other groups. That discrimination is well-documented. One particularly striking example, often cited, is a study by two economists of the response of companies in several distinct industries to the resumés of about 28,000 presumed job seekers. (The resumés were actually dummies but were carefully constructed from real resumés and divided into two equivalent groups distinguished only by whether the names on the resumés “sounded” black or white [Jamal vs. Greg, Lakisha vs. Emily].) The study found that the white resumés received a 50 percent higher call-back rate than the black, that the racial gap existed in every industry and at every level of qualification. Moreover, a point especially pertinent in this context, there was more discrimination at the upper ends—that is, more qualified blacks were discriminated against to a greater extent than were less qualified blacks. I am citing this study not as the last word on the presence and degree of labor market discrimination, but only to say that a sense among blacks that educational success does not translate into occupational success as much as it does among whites could plausibly be regarded as both a rational response to that discrimination and as part of the explanation of why black students do not work as hard in school as white students. And it is a type of racism-based consideration that Arthur ignores entirely. It is not “cultural” in the culture-as-values sense.

Such a lack of effort among black students could be regarded as “cultural” in the habitual practice sense. Yet, the way it is cultural is very different from the conservative assumption that culture is a communally self-generated set of habits or values. The practice in question—academic disengagement—is a rational response to external circumstances, namely, racial discrimination, and thus would not be the fault of the students,
or the black community as a whole; and the racism-based explanation would underwrite a case for public rectification of some sort, either cracking down on the job discrimination or giving more resources to the schools black students attend, or both.6 Note that the distinction between internally and externally generated cultural expressions cuts across the “habitual practice” vs. “values” distinction. That is, either values or practices can be primarily internally generated or primarily externally driven.

Arthur makes two other remarks about alleged cultural factors among black students that exhibit familiar confusions. After citing plausible studies to the effect that black children watch more television and are read to less than white children, he says, “These cultural differences in parenting practices are further confirmed by studies of students’ attitudes” (183). He thus implies that the student attitudes he is about to report are somehow “cultural” in nature.8 But the attitudes he actually reports are that black students do not work as hard in school, do not do as much homework as whites, and that “twice as many black students as whites report that they do not understand very well what they had been told to read.” That black students do not work as hard is part of what he is allegedly trying to explain. The mere fact of it is not something about culture. Why don’t they work as hard? Well, his citing that they don’t understand what they are asked to do by their teachers—at twice the rate of whites—suggests a possibly significant factor. But this is not a cultural factor in any sense so far noted. It simply means that something is going wrong in the communication between teachers and black students.

Such miscommunication has been extensively researched by Ronald Ferguson, a leading achievement gap researcher. Ferguson looked at different instructional styles and their impact on student learning. He asked students to assess their teachers on two statements: “if you don’t understand something, my teacher explains it another way” and “My teacher has several good ways to explain each topic.” Not surprisingly, Ferguson found that teachers who notice and track whether their students understand what they are asked to do by their teachers—at twice the rate of whites—suggests a possibly significant factor. But this is not a cultural factor in any sense so far noted. It simply means that something is going wrong in the communication between teachers and black students.

Although there may be “cultural” differences in the “habitual practice” sense, related to the students’ race and class, that affect how likely the teachers, given their own race and class background, are in the course of their own customary practice to make themselves understood, the impact of these in some sense cultural differences is quite easy to rectify if the teacher simply does what Ferguson asked his students about—find out when students are not understanding, and learn alternative ways of saying the same thing, perhaps through some familiarity with the students’ own home-based and peer-based ways of talking. “Cultural” often carries the implication of a deeply rooted set of values or practices, but here the impact of students’ linguistic practices would not be cultural in that sense, if teaching practices could so easily affect that impact.

This improvement in instruction should be within the reach of almost any teacher, although perhaps some current teachers may be too set in their ways to voluntarily change to adopt them. Communicating with students across a race and class divide might require teachers to have some familiarity with the home and youth ways of speaking that the students bring to school, to rectify the divide that Ferguson mentions. But doing so should not be regarded as less than what it is appropriate to expect from teachers.

To sum up, then, once we have clearly distinguished from “culture as values,” mere culture as habitual practice, ethnic nicheing, rational or at least understandable responses to racism, and teacher practices that readily correct for failures to communicate with students, there is not much left of the idea that a culture of school disengagement is an important determinant of black student underperformance. Of course, I have not in this short presentation provided anything like the empirical case for the actual degree of the link between the two. I do note that Richard Rothstein, in his exhaustive survey of class-based factors in the racial achievement gap, summarizes his findings in this way: ‘All it is reasonable to say is that most of the racial test score gap probably results from social class factors, but a small part may also result from a culture of underachievement’ (56).11 My point here has been to do some conceptual work on the concept of “culture” and suggest that Arthur’s confused usage of it is likely to greatly exaggerate the significance of culture-as-values on educational disparity. However, I do want to affirm that I think Arthur was right to think that culture of that sort plays some part, and that racial progressives cannot avoid dealing with culture. Not all black-white inequality, in education or more generally, can be accounted for by racism-based and social class factors; and Arthur is in good company with William Julius Wilson, the pre-eminent urban sociologist of our time, whose most recent book argues that racial progressives must take culture seriously, while he also argues that most conservatives and liberals overstate its causal significance.12

Endnotes
1. Another racism-based explanation that I will not consider here, but which is certainly significant, is the legacy of historical oppression. I mean this to be distinct from direct discrimination. An example would be the hypersegregation of blacks, a legacy of both de jure and de facto segregation and related policies which disadvantages black students in several distinct ways. (This sort of explanation can sometimes be part of the explanation of one of the other three categories discussed here.)


4. The full quote is as follows: “In any inner city neighborhood... children can’t achieve unless we raise their expectations and turn off the television sets and eradicate the slander that says a black youth with a book is acting white.”


7. Although Arthur does not discuss this sort of discrimination as a factor related to the achievement gap, he does discuss another factor that he sees as part of the legacy of racial oppression, and that is “rumors of inferiority,” which is blacks’ internalizing the view originating in the slave era and reinforced during segregation that they are intellectually inferior. I cannot engage with his discussion here, but will only mention that Arthur tends to conflate this issue with blacks
Comments on John Arthur’s Race, Equality, and the Burdens of History

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I am delighted to be on a panel commenting on the late John Arthur’s Race, Equality, and the Burdens of History, though deeply sorry, of course, that his sadly premature death means that he cannot join us and reply to our comments. Since, given my own perspective on race, I am going to be critical of Arthur’s book, I should begin on a positive note by praising it as a welcome addition to the steadily growing literature on philosophy and race. It is a book with many virtues. It is constructed and written with great clarity; it canvasses an impressive range of literature; it reflects an obviously serious and thoughtful attempt to grapple with a number of very important issues; and it develops and argues for a set of positions that—whether you agree with them or not—force you to reconsider your assumptions, no matter where you’re located on the racial-political spectrum. As such, it achieves admirably the traditional philosophical goal of challenging the conventional wisdom, provoking discussion, and stimulating us to re-examine what we may have been taking for granted, in the process contributing to the clarification of crucial claims and arguments in a way beneficial for all sides to the debate.

In the short time available to me, I will not, of course, be able to discuss the many topics covered in this book. So I will be focusing on a few key (and interlinked) themes: Arthur’s conceptions of personhood and race, his suggested analysis of racism, his theoretical emphasis on intention, his explanations of continuing black poverty, and his position on issues of racial justice. My overall line of argument will be that Arthur’s individualistic analysis of racism both understates and misconceives the centrality of racial subordination to U.S. history, and that his opposition to measures of compensatory racial justice is therefore unjustified.

1. Personhood and race

Let me start with the issue of the relationship between personhood and race. Doing what we all do (even if I am the only one who is going to admit it) when we open a new book in an area in which we’re supposed to be a player—i.e., turning to the index to see whether we’ve been cited or not—I discovered to my chagrin that Arthur was critical of my “subperson” concept (Mills, Charles, 107), first introduced in a 1994 essay, “Non-Cartesian Sums,” and later developed further in my 1997 book The Racial Contract (inexplicably absent from his bibliography). Arthur writes: “Popular assumptions about the justification given for slavery are often erroneous. It is sometimes said, pointing to the three-fifths compromise in the U.S. Constitution, that the rationale for slavery rested on the idea that slaves were seen as less than fully persons. Charles Mills expresses this idea” (107). But though I do mention the three-fifths compromise in the essay, that was not my basic rationale for introducing the concept. Rather, it was as part of an argument more fully developed in my later work, that the most illuminating way to think of white racism is as partitioning humanity into whites and nonwhites, with the latter group having an inferior moral status owing to their being either literally nonhuman (bestial), or humans lacking, because of race, the prerequisites for moral equality. As I said in “Non-Cartesian Sums”:

What is a (racial) “subperson”? ...[T]he peculiar status of a subperson is that it is an entity which, because of phenotype, seems (from, of course, the perspective of the categorizer) human in some respects but not in others. It is a human (or, if this word already seems normatively loaded, a humanoid) who, though adult, is not fully a person. ...This, then, is a more illuminating starting point than the assumption that in general all humans have been recognized as persons (the “default mode,” so to speak). ...Even after emancipation, you are categorized on the basis of your color as an inferior being, since modern racial slavery (unlike the slavery of antiquity) ties phenotype to subordination.

It should have been obvious, then, that I am using “person” as equivalent to “full person,” that is, someone with all the rights and freedoms of equal moral status. Insofar as blacks and other people of color were denied these rights and freedoms because of their race they were clearly not regarded as full persons. Thus, they were, in my taxonomy, “subpersons.” Arthur contends that because the Constitution explicitly refers to slaves as “persons,” and “slave codes and judicial opinions...acknowledged slaves’ status as persons” (107-8), then theorists like myself and others sympathetic to this line of argument have misread the ethico-juridical rationale of the “peculiar institution.” But that is because he is using “person” in such a way that it can accommodate a range of moral statuses: “[Slavery’s defenders] argued that slaves were less than equal persons. Slaves were thought to have less moral standing” (3). I, on the other hand, am using the term in such a way that—bracketing the standard problem cases (children, those who are severely mentally handicapped, people in a permanent coma, etc.)—“person” = entity of equal moral status having equal rights and freedoms. So when Arthur goes on to answer the question of how slavery was defended at the time, and cites justifications whose “underlying assumption...is the natural inferiority [physical, intellectual, and moral] of the negro to whites” (110-12), he is not, as he seems to think, providing an answer that contradicts me. Rather, he is using “person” in a different way that makes it possible for there to be both full persons and morally inferior persons, whereas I am suggesting that it is more illuminating to formally demarcate the latter as subpersons.

So is this just a trivial dispute about the use of words, not worth the page and a half I’ve already spent on it? I would claim not. My broader argument, which is meant to apply to European imperialism, colonialism, and aboriginal expropriation globally, not just African slavery in the U.S., is that Western thought develops in the modern period so as to accommodate the planetary racial subordination of people of color, who were not seen as moral equals, full persons. The conventional narrative of modernity, in which the ascriptive hierarchy and differentiated moral statuses of the ancient and medieval worlds
are replaced by the moral egalitarianism of the American and French Revolutions, is thus quite wrong. (A wonderfully clear-cut illustration of the continuation into the twentieth century of this bifurcated white/nonwhite equal/unequal moral status is the vetoing at the 1919 post-World War I Versailles Conference by the “Anglo-Saxon nations”—Britain, the U.S., Canada, Australia, New Zealand, and South Africa—of the Japanese delegation’s proposal to insert a “racial equality” clause in the League of Nations’ Covenant. Two Australian historians, Marilyn Lake and Henry Reynolds, provide a fascinating account of the backstage drama in a recent book whose title pays tribute to W.E.B. Du Bois: Drawing the Global Colour Line: White Men’s Countries and the International Challenge of Racial Equality.)

The semantic virtue of the “subperson” concept, then, is that it (formally, directly, facially) registers this partitioning in the ranks of humanity, both the history and its legacy in the present, and exposes the obtuseness and disingenuousness in current social and political histories, and corresponding accounts of moral and political philosophy, that retrospectively sanitize this color-coding and pretend that “person” was a term meant to include everybody equally. (As one unaware of this racial history would naturally think, given contemporary usage—note, though, that I am not saying that Arthur himself is consciously guilty of this whitewashing.) Racism was not an “anomaly” in the history of the West, a deviation from colorless, universalist, all-inclusive liberal categories; rather, racism has been symbiotically related to liberalism and its ethico-juridical apparatus from the start.

And that brings me to a related problematic point: Arthur’s history of racism. He characterizes the eighteenth century as dominated by an “environmental” view of race, for which “hereditary differences among people mattered far less than their social circumstances, such as education, family, and other environmental factors” (65-66). Locke’s (supposed) tabula rasa view of humanity, articulated in the seventeenth century, then inspires the later egalitarian eighteenth-century bourgeois revolutions: “This understanding of human beings as naturally similar—but made different as a result of political and social conditions—was also among the core beliefs of the French Revolution, and shared by thinkers as different as Thomas Hobbes and Jean-Jacques Rousseau. ...Racial differences (in the nonconstructivist sense), therefore, took on a fairly minor role in the eighteenth century (66). His main authority for these claims is the International Encyclopedia of the Social Sciences, vol. 13 (“My discussion of the history of race is indebted to this useful work” [66 n. 36]). But the problem is that this reference work, dating from 1968, is over forty years old, and thus seriously dated. There has been a lot of research on the history of racism since then, a fair amount of it done by philosophers, and it is a pity that Arthur did not consult some of it. For much of this literature challenges the older orthodox history, raising the question of whether humanist Enlightenment environmentalism was indeed consistently applied across the color-line, or was instead limited to those fully human, i.e., white males. Certainly the past three decades of revisionist feminist scholarship should have made us wary about aprioristic judgments about the actual scope of Enlightenment principles advertised as universally applicable. For in the case of gender, the all too familiar conceptual partitioning has turned out to be: environmentalism for men, hereditarianism for women.

In the case of race the history is somewhat more complicated. But (to make some familiar points) Locke’s ostensibly color-blind tabula rasa view of humanity is hard to reconcile with his role in writing the Carolina Constitution and his investment in African enslavement (which, in contravention to the chapter 16 prohibitions of his later Second Treatise, was hereditary); Hobbes’s proclamation that “Nature hath made men...equal, in the faculties of body, and mind,” with the degree of mental equality being even more striking than physical equality since “prudence, is but experience; which equal time, equally bestows on all men,” comports oddly with his judgment that for Native Americans, unlike Europeans, the state of nature is real, so that they have obviously lacked the “prudence” to get out of it; and Rousseau’s ringing condemnation in The Social Contract of classical slavery falls mysteriously silent on the African slavery of his own time. And what about the heretical endorsement of polygenism by such prominent eighteenth-century Enlightenment luminaries as David Hume, who suggested that “the negroes, and in general all the other species of men” are “naturally inferior to the whites,” or the even more incandescent Voltaire, who declared that “bearded Whites, wooly haired Blacks, yellow-skinned peoples with their long manes, and beardless men do not come from the same man?” Not much environmentalism there. Above all, why is there no extensive discussion of Immanuel Kant—the paradigmatic eighteenth-century Enlightenment thinker—who was able to reconcile orthodox Biblical monogenesis with permanent nonwhite inferiority through the postulation of Keime, natural “seeds” activated by climate but then permanently differentiated? In Robert Bernasconi’s summary: “[For Kant] the races, once formed resist further remodelling. ...Race cannot be undone by further differences in climate. It is permanent.” The work of Bernasconi and the late Emmanuel Eze has been crucial to the claim that Kant deserves the (dis)credit for being the founder of modern scientific racism.

Though he does not mention Bernasconi, Arthur does cite Eze briefly in a footnote (69 n. 50). But he does not grapple with his argument. For Arthur, “[Kant] was undecided about the causes of the differences he noticed among the races” (69), a judgment radically out of step with what many other scholars have concluded. In sum, it seems to me that more engagement with the contemporary literature on the history of racism would have been desirable, since much of this literature argues that racism is far more central to modern philosophy and modern liberalism than Arthur is apparently willing to concede. And this history is relevant to the assessment of Arthur’s recommended analysis of how we should think of racism.

2. Racism

I turn now to that suggested analysis. After reviewing and finding unsatisfactory a number of proposed definitions by sociologists, political theorists, and some fellow-philosophers, Arthur recommends the following: “[M]y central claim is that, at its core, racism is best understood as racial contempt in the form of an attitude of either hostility or indifference toward people’s legitimate interests in virtue of their race” [Arthur’s emphasis] (14-15). I think what will immediately strike readers familiar with the philosophical literature on the subject is the apparent similarity to Jorge Garcia’s well-known definition of the term, first proposed in his 1996 essay “The Heart of Racism,” and further elaborated in a series of subsequent papers: “My proposal is that we conceive of racism as fundamentally a vicious kind of racially based disregard for the welfare of certain people.” But, interestingly, this surface similarity conceals deep differences.

To begin with, Garcia was emphatic that his was a volitional, non-doxastic analysis of racism: “Racism, then, is something that essentially involves not our beliefs and their rationality or irrationality, but our wants, intentions, likes, and dislikes.” And, later: “I reject any such doxastic account.” So for Garcia belief is not a necessary component of racism. He has been criticized by various commentators (myself included) for this recommended conception, because it has seemed to critics that beliefs of one kind or another are going to be crucial to identifying the “disregard” as racial in the first place and
determining whether or not it is racist. Arthur, by contrast, is explicit that these “attitudes” are cognitively based. As such, his account will be found more congenial by those philosophers of race who agree that a doxastic account of racism is theoretically preferable—indeed that a non-doxastic account may not even ultimately be coherent. And that brings us to the second important difference. For Garcia, “racism is always immoral,” since it definitionally involves moral vice: “our wants, intentions, likes, and dislikes and their distance from the moral virtues.”

For Arthur, on the other hand, what racism involves is epistemic vice: “Instead of thinking of racism as some form of moral defect for which the person should always be held responsible, we should instead see racism as an epistemological defect ...The reason is that racism is always unwarranted. It is an attitude that is never justified. ...The core of racism and its normative force is therefore epistemic” (17-19).

Now it would be an interesting exercise to trace out the respective implications for various test cases of the competing analyses of these two philosophers. However, I am not going to do that here but, rather, make another point, which focuses not on their differences but on their similarity. There are many different ways of thinking about and analyzing racism—both Arthur and Garcia begin their chapters/articles with surveys of the broad spectrum of positions in the literature—but I suggest that, admittedly with some simplification, they can illuminatingly be divided into two main camps: individualist accounts and social-structural accounts. (Actually, now I think of it, biologistic explanations in terms of “natural” racial antipathies would constitute a separate third category.) Individualist accounts come in different versions, but their theoretical starting-point (obviously) is basically the individual, conceived of as deficient in some way, with this deficiency then serving as the crucial explanans and definiens for racism. Thus, while Garcia and Arthur differ radically in their diagnoses, one locating racism in individual moral vice, the other in individual epistemic vice, both offer us accounts in which “vicious” individual deviation from a “virtuous” norm (moral, epistemic) is doing the causal and explanatory work. Social-structural accounts, by contrast, start off from social systems characterized in a certain way, with particular distinctive features, and then move from there to the likely moral and cognitive psychologies produced in the people who are socialized by these systems.

As indicated at the start, I am myself sympathetic to social-structural accounts, and I have consistently argued in my work that we should focus less on racism and more on racial domination, which in the U.S. context is white racial domination, white supremacy. I think the virtue of such an approach is that it is generally methodologically superior in accounting for how things actually work—the individualist analyses tend to become psychologistic—and explains what is frequently the normality (in several senses) of racism. One of the implications of both Garcia’s and Arthur’s accounts is that the racist becomes aberrant, so that the virtuous racist (for Garcia) or the rational racist (for Arthur) is a contradiction in terms. What I am claiming is that in a racialized sociopolitical order the normal and typical individual from the dominant race, R1, will be racist, not because of individual moral and/or cognitive deficiency (depending on whose definition you find more persuasive) but because dominant ethical and epistemic norms justify such an attitude.

One of the most positive developments in mainstream epistemology in recent years has been the realization that epistemic norms for guiding our actual cognitive practice can be more illuminatingly generated by considering human cognitive agents in action and in group interaction rather than in isolated and idealized abstraction. Epistemology, including moral epistemology, needs to be both naturalized and socialized; the Cartesian problematic is unhelpful because epistemic autarky is unattainable. We are unavoidably dependent on other people for most of what we know, which means that more attention needs to be paid to the workings of epistemic communities. As Alvin Goldman writes, “[Social epistemology] often focuses on some sort of group entity...and examines the spread of information or misinformation across the group’s membership. Rather than concentrate on a single knower, as did Cartesian epistemology, it addresses the distribution of knowledge or error within the larger social cluster.” Now, unfortunately, the people who work in this field have little interest in race and its implications for social cognition, so there is little exploration of such matters in the literature. But imagine being a white “group member” in the “larger social cluster” of late nineteenth-century America, where not only majoritarian lay opinion but scientific consensus (as expressed in encyclopedias and other reference works, leading scientific journals, the pronouncements of those at top universities) is united on the “error,” the “misinformation,” of black inferiority. Is it so clear that the formation of racist beliefs is a matter of individual epistemic vice, as Arthur tells us—that racial contempt is “irrational” rather than rationally justified by the testimony of expert authority? I am not at all defending any kind of epistemological relativism here; these beliefs were objectively false. But my claim is that normative judgments about the epistemic “vice” involved are more meaningfully directed against the cognitive frameworks that have been generated by the “larger social cluster” of white supremacy rather than at the individual white person as cognitive agent. For it could well be that by the norms of this cluster, the agent is indeed being rational in reviewing and then reaffirming her racist beliefs. The “vice” is global rather than local.

3. Institutional racism and intention

Related problems arise when we compare the prescriptions of these competing theoretical frameworks, individualist and social-structural, for the best way—conceptually and judicially—to understand the role of “intention” in perpetuating racial injustice. Racism for Arthur is a matter of individual racial contempt, and the way to conceptualize institutional racism is by imagining it as agentic contempt writ large: “We first personify the institution, imagining what it has done to be the action of a single agent that can have attitudes, and then, with that assumption as background, we ask whether the institution’s action is a reflection of racism” (33). Such an analysis “fits with [U.S.] judicial practice” in meeting the test of “strict scrutiny” since we can then ask “whether we would reasonably conclude that an action taken by that body was motivated by racism” (153). But the whole point of the critical race theory movement (in the original narrow sense referring just to legal theory) was to challenge both this conception and U.S. judicial practice, since for the competing social-structural analysis of race, non-discriminatory intent can still have culpable racially differentiated consequences. Given his preferred conception of race, of course, Arthur is critical of critical race theory, and correspondingly hostile to such a claim. We cannot resolve the dispute between individualist and structural accounts here, but I do want to at least gesture toward the kind of moves that would typically be made by structuralists.

Let us introduce the term “racial wrong” to indicate a race-related injustice. Racial wrongs and racism (in Arthur’s sense) are not coextensive, because there can be racism (as racial contempt) which does not lead to racial wrongs, for example, because the person never acts on his racism, or because his racist action is ineffective, or is deliberately or serendipitously cancelled out by some other action. So there can be racism without racial wrong. But what I want to claim is that there can
also be racial wrong, and thus racial injustice, that is not directly produced by racism, or at least not as a proximate cause. It is not just a matter of racially disparate outcomes since, as critics have rightly pointed out, this is not sufficient to establish racial wrong. One also has to tell an appropriate causal story. (Jorge Garcia has a wonderful example which has stuck in my mind ever since I read it. As preparation for their invasion of Earth, the aliens begin a long-distance bombardment of the planet. Since Africa is the largest continent, they target their fire on it. As a result, blacks are differentially represented in the casualty lists. But clearly, though this is a wrong, it is not a racial wrong.\(^{20}\)

Consider now some other kinds of examples. White parents are making a decision as to where they should move to get good schooling for their children. They reject one neighborhood for its high crime rate, and choose another one instead. The neighborhood they choose is overwhelmingly white. Recent high-school graduates compete on the job market in a certain town, and after examination of their CVs, hiring decisions are made. It turns out that those hired were disproportionately white, because their academic credentials were on the whole superior. In a time of economic downturn, people have to be laid off. Who should be let go? Well, by the seniority rules of last hired, first fired, it should obviously be those more junior, and it so happens that these are differentially people of color.

The point is that in none of these cases need racist motivation in Arthur’s sense, racial contempt, be present. Yet, in all three cases, a racially disparate impact was the outcome, and one which, I would claim, is not morally neutral but constitutes a racial wrong that perpetuates racial injustice. The high crime rate in the black neighborhood is the result of diminished police protection as a result of a weaker black voice in white majoritarian local politics; the inferior schooling of the black children is the result of educational segregation and the lower tax base; the pattern of white seniority is the legacy of past racist hiring practices. Racially disparate impact is not, as in the Garcia example, the outcome of the conjunction of non-racially motivated action and a population configuration or situation owing nothing to a racist history. Rather, the explanation for high crime rates in the black neighborhood, for the qualitatively superior education the white students have received, for the over-representation of whites at upper echelons of employment hierarchies, is the past (and in some cases current) history of white domination and exclusion. So in all three cases, non-racial motivation and intent has the effect of continuing to reproduce a pattern of unjust racial inequality.

Now one response is to try to stretch the term racism to cover these kinds of examples, as in such recent neologisms as color-blind racism. But, though I sympathize with the sentiment motivating the phrasemaking, I disagree with the choice of words. I think what these awkward locutions really demonstrate is that the attempt to understand racial domination solely through the conceptual prism of racism is just misguided from the outset, and that rather than a further twisting and contorting of the term, what we really need to do is to develop a more extensive vocabulary whose semantics better tracks the complexity of racialized social systems.

The key insight, contra Arthur—which is why a direct clash of paradigms is involved—is the realization that individual intention is far too simplistic a notion to capture the dynamics of the reproduction of systemic racial advantage. As Michael Brown and his co-authors have pointed out, this presupposes “an outdated, дискредитированный understanding of racism as intentional, obvious, and individual,” a “moralistic” view for which “racism is motivated, crude, explicitly supremacist, and typically expressed as individual bias. Racism, in short, is a form of ‘prejudice.’”\(^{22}\) (This is, of course, exactly what Arthur says [28-29]; note, though, that Brown et al., though giving a competing structural analysis, are still themselves terminologically locked into the vocabulary of racism.) Correspondingly, the judicial criteria for determining discrimination are tied to intention, so that, as Arthur proclaims, his analysis fits well with U.S. judicial practice. But for structuralists this is a sign not of its merit but its demerit:

In equal protection cases, the [Supreme] Court has increasingly emphasized invidious intention as a necessary element for finding actionable discrimination. ...[But arguments] that demonize racism and treat it as the exception lose sight of the complicated and subtle workings of being white in America. ...The face of racial subordination today is residential segregation, unequal loan policies, differential police stops, divergent medical care and schooling, variation in criminal sentencing, and disparate administration of the death penalty. Absent a smoking gun of intentionality, constitutional challenges to these forms of racial inequality are impossible.\(^{22}\)

In sum, for those like myself supporting the competing paradigm, the claim would be that Arthur’s focus on “intention” misses the many ways in which racially unjust structures and institutions can persist in the absence of either individual bigotry or the bigotry-writ-large that is his recommended interpretation of institutional racism.

4. Explaining black poverty

As one would expect, these differences also play themselves out in Arthur’s explanation of continuing black poverty, which, though hedged and qualified in various ways, highlights the role of “cultural” factors amidst economic trends like the out-migration of blue-collar jobs produced by deindustrialization (171), with “slavery and racial oppression” having only an “indirect and difficult to specify” role: “Rather than having a single cause, poverty results from a web of mutually reinforcing economic and cultural factors. Most directly relevant, culturally, are single-parent families, crime, and poor educational achievement” (197). He cites Cuban-Americans, Asian-Americans, and Jewish Americans as model minorities whose occupational choices and cultural traditions have enabled them to overcome the initial barriers against them (162-63, 179-81), by contrast with African-Americans whose parents do not inculcate in them the proper attitudes (182-89), and whose unjustified pessimistic perspective on prospects for racial change in the U.S. discourages them from taking advantage of the opportunities that are there (189-97).

Arthur obviously conceives of himself as charting a new explanatory path: “We need a fresh start,” one distancing itself both from claims of white racism or imputations of innate genetic inferiority (169). But culturalist accounts of African-American problems have been around for at least a century, albeit originally frequently linked with complementary hereditarian assumptions. So there is nothing actually radically new here, though the specific nature of the set of supposed black cultural defects may change over time. Thus, in his The Ethnic Myth, written nearly thirty years ago, Stephen Steinberg argued that the discrediting of scientific racism had led to a displacement of classic Social Darwinism by what he called the “New Darwinism”:

All too often, notions of biological superiority and inferiority have been replaced with a new set of ideas that amount to claims of cultural superiority and inferiority. According to this perspective, differences in social class position among ethnic groups in America are a product of cultural attributes that are endemic to the groups themselves. ...The affinity to nineteenth-
To be fair, Arthur’s view of culture is not as immutable as this, since the whole point of his analysis is to prescribe the need for black “cultural” change. But the overall pattern of explanation Steinberg is indicting is obviously the same. So this does not at all represent “a fresh start” theoretically but a replay of tropes long familiar to social scientists, if perhaps novel to a philosophical community who have historically not paid much attention to race. Correspondingly, there is a familiar set of structuralist critiques of culturalism, which I will now summarize.

To begin with, it is not always clear how radically different the putatively ethnoracially demarcated cultures in fact are in the first place, as against involving the recoding of mainstream American cultural values under different socio-economic circumstances with different opportunity structures. Secondly, merely demonstrating that the “cultures” are different does not establish a causal relationship; one needs to show how this supposed difference produces divergent results. Thirdly, one would obviously need to consider competing hypotheses, such as the different status of an immigrant population in its adopted country, and the particular skill set it brings with it. In a chapter sardonically subtitled “The Jewish Horatio Alger Story,” for example, Steinberg argues that Jewish immigrants to the U.S. in the late nineteenth and early twentieth century were comparatively advantaged by their backgrounds: “[W]hat was most significant about the urban background of Eastern European Jews was that they worked in occupations that prepared them for roles in a modern industrial economy. ...In a word, Eastern European Jews were not peasants. This simple fact would have far-reaching implications for their destiny in the United States.” Moreover, apart from this class (not “ethnic”) advantage, Jews were, of course, “racially” classified as white, even if borderline inferior whites, and thus enabled by a Federally backed system of white racial privilege juridically consolidated by the 1896 Plessy decision at the very time when native black workers were being displaced by European immigrants in the industrializing U.S. economy.

Comparing black Americans unfavorably to white ethnic European immigrant groups has a long history in ethnoracial studies, and it is doubly misleading. All immigrant groups will tend to have a different profile than native populations because by definition immigrants are self-selected, representing a section of the population willing to leave their homeland and start life in a new country, and so presumably more entrepreneurial and risk-taking than the average person. In some cases (unless the immigration is illegal), there will also be educational prerequisites that have to be met. But, in addition, in the specific case of immigration to the U.S., such a comparison misleads through failing to differentiate (white) ethnicity from (nonwhite) race—which is wrong not because ethnicity is cultural and race is biological, but because race is social-structural, and in that structure white ethnics are racially privileged. The formal organization of the polity and the economy on a white/nonwhite axis officially sanctioned by the Federal Government was qualitatively worse in its holistic social consequences for people of color than “prejudices” (to use Arthur’s term) against European ethnics, vicious as they often were. Some of the 1990s “whiteness” literature sought to deny or downplay this distinction, most famously Noel Ignatiev’s How the Irish Became White, though there was also Karen Brodkin’s How Jews Became White Folks. But their claims have been challenged by Thomas Guglielmo’s White on Arrival, a study of Italian immigrants in Chicago that argues, as its title implies, that Italians (and these other European groups also) were indeed white from the start, albeit inferior whites. So they still benefited from their location of social whiteness in the U.S. polity and economy.

What about Arthur’s “nonwhite” success stories? Cuban-Americans are not representative Latinos for the simple reason that most of the Cuban-Americans in the original 1960s post-Castro immigration wave were white and upper-class, precisely those with the skin color, skills, and human capital one would expect to succeed in the U.S. As for Asian-Americans: Steinberg points out (again illustrating the datedness of these arguments and counter-arguments) that:

The theory of “Asian” success lumps together some twenty-five nationalities that are very disparate in history and culture. It is only in the United States that they are assumed to share a common “Asian” heritage. ...As in the case of Jewish success, the prevailing theory of Asian success overlooks the operation of premigration class factors that go a long way toward explaining the destines of these immigrants after their arrival. The issue here has to do with selective migration—that is, with who decides to emigrate and who is permitted entry. ...[Asian immigrants] are drawn disproportionately from the intellectual and professional elites that, for one reason or another, have restricted opportunity in their home countries. Many of them have been admitted under the occupational preferences built into the [then] new immigration law. In short, they are “successful” even before their arrival in America. ...It is hardly valid to compare the children of upper-middle-class Asian professionals to the children of unemployed black workers, as is done when “Asians” are compared to “blacks.”

Similarly, Arthur’s claims about the “cultural” explanation of black poverty as a result of the prevalence of single-headed families have been challenged by others. Arthur writes: “The impact of single-parent families on poverty cuts across race and ethnicity. ...Marital status swamps race as an explanation of poverty” (172). But other theorists sharply disagree:

There is no reason to believe an increase in single-parent families causes persistent high poverty rates or is responsible for continued gaps in earnings and poverty rates between blacks and whites. ...To think otherwise is to confuse cause and effect; most poor single heads of families were poor before they were parents. ...While unemployed single mothers have the highest poverty rates in the United States, it is employment, not marital status, that is the key to their high poverty rates. The poverty rates of unemployed married black or Latina mothers are almost identical to those of employed single black or Latina mothers. ...The comparison between black women and Latinas is vital because Latinas are much more likely to be married. ...[I]f young, uneducated black [single mothers] had been treated the same as [young, uneducated white single mothers], the income gap between the two groups would have declined, not increased. What really matters to their economic well-being, then, is not that they are single mothers but that they are black mothers.
Finally, Arthur’s argument about the self-fulfilling nature of black pessimism about racial progress, which fails to recognize the tremendous liberalization of white attitudes on race, as manifested in statistics on white support for equal opportunity, integrated schools, and having black neighbors (194), itself fails to recognize what is one of the most well-documented facts about contemporary racial attitudes: the huge discrepancy between white support of liberal ideals in theory and what whites are willing to do in practice.29 The same whites who are telling pollsters how liberal they are on race are the whites who are opposing affirmative action and aggressive enforcement of anti-discrimination law, sending their children to segregated schools, and living in segregated neighborhoods.

And that brings me to one of the most striking features of Arthur’s book: the almost complete absence of the literature on segregation and its impact on black opportunities. Insofar as he does talk about segregation, it is (check the index) largely restricted to classic de jure segregation, Jim Crow. But more than forty years after the 1968 Fair Housing Act, de facto residential segregation in big cities with large black populations has hardly changed.30 The authors of American Apartheid, generally judged to be one of the most important books on race of the last twenty years (and not in Arthur’s bibliography), argue that segregation and the maintenance of the black ghetto are central to the perpetuation of black inequality.31 Nor is there much on the segregation of the educational system, despite the fact that, more than fifty years after Brown, schools in many parts of the country are more segregated now than they were then. There is no mention of Gary Orfield, generally regarded as the most important researcher on education and racial segregation, nor any discussion of the competing hypothesis that “poor educational achievement” (Arthur) may have more to do with what Jonathan Kozol calls “apartheid schooling” than deficient black parenting skills.32 The large literature on wealth and its role in reproducing racial disadvantage is not cited, for example, such works as Melvin Oliver and Thomas Shapiro’s Black Wealth/White Wealth (again, widely regarded as one of the most important books on race of the last two decades), or Thomas Shapiro’s follow-up The Hidden Cost of Being African American: How Wealth Perpetuates Inequality, or Dalton Conley’s Being Black, Living in the Red, which argues that wealth differentials can explain most if not all of the achievement gap between white and black students from similar class backgrounds.33 Structuralists would contend that these factors are far more important in explaining continuing black inequality than the “cultural” patterns on which Arthur focuses, and make clear why his explanatory and normative emphasis on racial contempt and discriminatory intent is largely beside the point.

5. Compensatory racial justice

Finally, let me say something, very briefly (since I have long since exceeded my allocated time), about compensatory racial justice. Arthur does think that “an apology and appropriate remorse” at least are called for to repair relations to the living descendants of slaves (227), but he opposes any actual reparations or material reparations. Many of his objections to providing material compensation are epistemological in nature: How would we determine the baseline for deciding how much damage was done by slavery, considering that there is “no rational basis” for choosing among different options? (218) In speculating about counterfactual histories in which blacks were not enslaved, how can we know whether they would actually “have taken advantage of those rights and opportunities”: “Would they have worked hard or chosen leisure? Would they have succeeded on a par with the average of other groups, have done better, or have done worse? It is impossible even to get a grip on how we should answer these questions” (220). But Arthur also raises moral concerns: the denial of opportunities to blacks cannot give them an entitlement to money or property, since they have not actually done the work to earn it: “The fact that a person did not actually do the work is relevant to the claim that the person should receive what could only have come as a result of actually having worked. Insofar as we believe that income is deserved in virtue of having actually earned it, there is a gap between the denial of the opportunity to work and the right to the product of the work” (221). Thus, according to him, both epistemic and moral problems combine to undermine the defensibility of the pro-reparations argument.

Now, I think that even for slavery there are points to be made in reply to Arthur’s objections. But because of space considerations, I will leave them to another day. The point I do want to raise is one which he ignores completely—not contingently, but, in my opinion, as a direct result of his flawed analysis of race—which is that, as Boris Bittker pointed out decades ago in his pioneering The Case for Black Reparations, the pro-reparations argument can be made far more easily if we focus on white supremacy rather than slavery.34 Rather than dealing with what Arthur, somewhat hyperbolically, calls an “ancient wrong” (an institution that ended less than 150 years ago is ancient?), we would focus on segregation, both de jure and de facto, and the general racialization of the polity and the economy in the post-bellum period, and its negative impact on blacks. The paper trail is far easier to establish here, since documentation is widely available.35 Ira Katznelson’s recent When Affirmative Action Was White, for example, argues that simply tracking the consequences of the racialized implementation of the G.I. Bill (not at the Federal but the state level) for returning black veterans who had fought for the liberation of Europe from a racial Reich (in, of course, a Jim Crow army) would make clear the extent to which a clear-cut causal history can be demonstrated for the reproduction of systemic racial disadvantage.36 Arthur’s epistemological objections could largely be answered because we would no longer be comparing radically divergent possible worlds, with and without African slavery, but two alternative scenarios with a much more recent point of divergence. But, to repeat an earlier point, his individualist analysis of race and complementary general failure to attend to the role of the state, the legal system, and racialized public policy in entrenching racial disadvantage blind him to such realities. Finally, such a reframing of the issue would, I claim, answer his moral objections also. Committed to the principle that “income is deserved in virtue of having actually earned it,” he would presumably—now that it has been brought to his attention—be swift to condemn as unjust the unearned income that whites have historically received as a result of such inequitable transfer payments, not to mention the more general global benefits they get from racial exploitation.37

As should be clear, then, while I applaud the intelligence and thoughtfulness of John Arthur’s contribution, I am fundamentally opposed to his line of analysis. This is the way neither to understand nor to deal with race, equality, and the burdens of history.

Endnotes


8. See, for example, Jennifer Pitts, A Turn to Empire: The Rise of Imperial Liberalism in Britain and France (Princeton: Princeton University Press, 2005), which argues that there is a shift over time in liberal theory as it accommodates to empire, and that the early liberal record does include opponents of imperialism and the inequitable treatment of people of color.


13. Ibid.


20. Garcia, “Heart of Racism,” p. 284. Of course, it could be that the aliens are contemptuous of the human race as a whole, and thus “racist” in that sense. But obviously that is not the sense at issue here.


22. Brown et al., Whitewashing Race, pp. 37, 56.


28. Brown et al., Whitewashing Race, pp. 87-89.

29. Brown et al., Whitewashing Race, pp. 36-43.


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The Moral Significance of History: Reflections on Arthur’s Approach to Compensatory Justice

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How should history figure in the determination of our duties of justice? Do we owe obligations to, or in respect to, the deeds of past generations? What bearing, if any, should the sacrifices, struggles, and injustices of the historical past have on our present decisions and policies? For Americans, these questions are especially pertinent in relation to slavery and the oppression of black Americans that followed the Civil War. John Arthur’s important contribution to the discussion of compensatory justice is a noteworthy effort to reframe historical injustices in a manner that is both analytically rigorous and morally compelling. In this essay, I aim to provide reflections on Arthur’s approach, highlighting its potential for enriching our understanding of the moral and political significance of historical experience.

Arthur’s approach is grounded in the recognition that the historical past is not merely a collection of events but is intertwined with ongoing social and institutional structures. By focusing on the moral significance of history, Arthur challenges the idea that past injustices are purely past, leaving no impact on the present. He argues that the historical past has moral and social continuities that persist into the present, necessitating a recognition of these continuities in our ethical and political decisions.

In his work, Arthur presents a framework for understanding the moral and social legacies of historical injustices. He acknowledges the importance of the “wrongful impact” that historical injustices have on individuals and communities. The “wrongful impact” refers to the enduring effects of past injustices on the lives of those affected, as well as the ways in which these effects continue to shape the social and political landscape. By explicitly addressing the moral significance of history, Arthur’s approach provides a basis for understanding the obligations that we owe to past victims and for developing strategies of compensation that are both morally and politically justifiable.

Arthur’s emphasis on the moral significance of history allows for a more nuanced approach to compensation. It suggests that compensatory remedies should not merely address the past injustices but should also take into account the ongoing impact of these injustices. This approach recognizes that reparations are not confined to the past but are integral to the present and future. Arthur’s work thus contributes to a broader understanding of the moral and political dimensions of historical injustices, offering a framework for thinking about the responsibilities of the present to the past.

In conclusion, Arthur’s approach to compensatory justice is a significant contribution to the ongoing debate about the moral and political weight of historical experience. By emphasizing the moral significance of history, he provides a valuable perspective for rethinking our obligations to past victims and for shaping policies that are both ethically and politically sound. This essay aims to highlight the potential of Arthur’s approach to further our understanding of the role of history in our ethical and political lives.
justice as a way of dealing with the burdens of this history gives me an opportunity to reflect on my own approach to this issue and to consider how philosophers in the liberal tradition ought to treat the subject of historical obligations.¹

Many liberals have little truck with history. The dead do not figure in their accounts of justice; remembering past sacrifices or maintaining a communal heritage do not belong to their conception of political obligation. And many have a negative or ambivalent approach to obligations for historical injustices. Arthur is not a liberal philosopher who denies the salience of history or rejects the idea of compensatory justice for historical wrongs. He treats seriously and at some length the question of what reparation is owed to black Americans for slavery and other injustices of the past. Nevertheless, the problems that arise from his, and others, approach bring us face to face with apparent limitations of liberal discourse when it attempts to face up to the historical past and motivates an attempt to identify and criticize assumptions that stand in the way of a more adequate account.

**Arthur on Compensatory Justice for a Racist History**

Though Arthur believes that persisting inequalities between white and black Americans largely stem from lack of educational achievement of black people, disappearance of low-skill manufacturing jobs, crime, and black family culture, he also thinks that a racist history plays a role, difficult to specify, in perpetrating black disadvantage. Educational achievement is undermined when people are vulnerable to rumors of their inferiority and a racist history provides fertile ground for such rumors (191). These lingering effects of historical injustice motivate his discussion of compensatory justice for slavery and racial oppression.

Restitution of possessions unjustly taken can be the basis of a demand for compensatory justice and much of the philosophical and legal literature on historical obligations and entitlements have centered around the issue of historical title and the validity of restitutive claims. Some philosophers, activists, and legal scholars argue that restitution is owed to the heirs of slaves for wages or reparations that were unjustly denied to their ancestors.² Although Arthur does not think that passage of time or uncertainty about whether an inheritance would have been passed down to heirs are decisive reasons against restitution for slavery, he is sceptical about this basis for compensatory justice—because of the difficulty of determining what is owed or how that should be calculated, because poverty would have nothing to do with entitlement, and most of all because the wealth accumulated from slavery was mostly destroyed during the Civil War. None of these objections seems to me decisive. A rather arbitrary way of determining entitlement may be satisfactory for legal purposes; the fact that poverty does not determine entitlement is just the way restitution works; other means must be used to combat poverty. And the fact that unjustly acquired wealth was destroyed is no reason why those with a valid claim cannot make demands for restitution. Claims for restitution (unlike claims appealing to unjust enrichment) do not depend on whether perpetrators profited from their injustice. In any case, some claims, like those advanced by Boxill, are based on what U.S. governments ought to have given slaves in restitution after they were freed. Nevertheless, I am inclined to agree with Arthur that restitution does not provide a satisfactory basis for compensatory justice for slavery and racial oppression. The stealing of wealth was a small part of the wrong that was done by slavery and racial oppression, and compensatory justice that does not somehow address these greater wrongs seems inadequate.

However, reparation, which Arthur defines as the repairing of harms caused by past wrongs (200), also faces difficulties that he believes are insuperable. If the victims are to be returned to the condition they were in before the injustice occurred then a baseline for the comparison must be established and the choice will either be historically unrealistic or will undermine the case for reparations (if it is supposed that African-Americans remained in Africa and lived typical African lives). Moreover, Arthur thinks that the problem of underdetermination—not knowing what Africans would have made of their opportunities if they had arrived as free settlers—is a more decisive objection against compensation to descendants than not knowing what ancestors would have done with property is an objection to restitution. “Insofar as we believe that income is deserved in virtue of actually having earned it, there is a gap between the denial of opportunity to work and the right to the product of the work” (221).³ I agree with Arthur that it does not make sense to aim to return black Americans to the position that they would be in if racial injustice had not occurred (a further problem is that many or all of them wouldn’t have existed). But the problem may be in the idea of what reparation requires—and not the claim that reparation is owed. A conception of reparation that is more forward-looking—that gets its justification from the injustices of the past but determines what is owed by reference to present conditions and disadvantages—may be more satisfactory.⁴

Arthur reaches the conclusion that neither restitution nor reparation is the right response to slavery and other historical injustices, but this does not mean that he rejects the idea of historical obligations. The best response to the history of injustice that American blacks have suffered is, in his view, an apology. Apologies are expressions of guilt and remorse and as such have the potential to change the moral relationship between perpetrators and victims (225). This has further implications. “The apologizer might be expected to review carefully other aspects of the relationship to be sure that there are no additional moral failings that have gone unnoticed” (225). Though Arthur does not explicitly say so, an apology for slavery and related injustices might be the response most conducive to dealing with what he believes are the lingering effects of history—vulnerability of black Americans to feelings of inferiority and alienation.

In his discussion of compensatory justice Arthur makes short work of the issues that most exercised me in my own research on this subject: how we can make present people, who had nothing to do with the injustice, responsible for the misdeeds of their predecessors and why the descendants of the victims, who were not themselves wronged, are entitled to reparation. Arthur’s view is that descendants are owed compensation, if only an apology, because, and only because, they are suffering the lingering effects of historical injustice. And those responsible for compensation are governments, federal and state—not individual citizens. I think that both of these answers are problematic and I will spend a bit of time explaining why.

Let us start with the latter claim that governments are responsible for responding to historical injustice. A corporation, Arthur holds, is a kind of person that can be held responsible over time for its decisions and actions. Its officers, including recent recruits, have to accept this and act accordingly. Although he doubts that a corporation can be held morally responsible for actions that were legal at the time they were committed, governments, he says, are a different story.

If a government failed in its duty to protect its citizens against racial oppression, then perhaps it now has a duty to repair the harms it caused by that failure. …The argument that governments could owe reparations therefore depends on the idea that government owes
At first glance, this way of treating the issue seems to remove altogether the necessity of justifying historical obligations and entitlements. If the compensation that Arthur has in mind is compensation to individuals for injustices that they suffer as the result of historical causes (as the reference to the “lingering effects of racism” might suggest), then what is relevant is their own history of unjust treatment and suffering and not what people did or suffered in the historical past. If compensation is regarded as simply making up for social inequities—that is, for inequalities that cannot be justified by the principles of social justice that we accept—then the past drops out of the picture altogether, except perhaps as something that we ought to understand in order to apply the right remedy for these inequities.

Since Arthur does think that U.S. governments have a historical debt and should apologize for historic injustices, this understanding must be wrong. I think that his position is best interpreted by taking seriously the view that an institution like a government can be regarded and treated as a moral person. A moral person can be expected to take responsibility for the wrongs that it committed in the past—even in its more distant past. So if a government is really a moral person then it has this responsibility, and the fact that present leaders and citizens had no share in the wrongs is irrelevant. This way of understanding the matter is evident in his discussion of apology. It is part of our political practice, he says, to personify institutions and attribute guilt to them. This gives them a responsibility to apologize for wrongs that they have done in the past.

I have two problems with this account. First of all, I think that Arthur takes too seriously the view that institutions can be regarded as moral persons. The difficulties with doing this are especially great when institutions have no “command center” but are defined and bound together by customary practices or ways of doing things (sometimes inconsistent), which have many different sources or have evolved over time as the result of political and other pressures. I think that the difficulty of ascribing intentions to these institutions weakens Arthur’s account of institutional racism. But this problem does not get in the way of regarding as moral persons, and attributing moral responsibility to, those institutions with an organizational structure that enables them to make and carry out decisions and to take responsibility for their decisions and actions. Corporations and governments are obvious examples. But, nevertheless, to treat any institution as a person depends on the acceptance of a fiction. Strictly speaking they are not persons. And the use of this fiction stands in need of a justification. For example, we treat corporations as persons, and, if so, how far we should take the fiction.

The same point can be made about the personhood of states. It is accepted in international law and customary practices that states should keep their promises and pay their debts and that the obligations incurred by the citizens of one generation can be inherited by their successors. But the question naturally arises why citizens of liberal democracies should accept this requirement and the burdens it imposes on them. How does it serve the interests of individuals or their sense of justice? And why should they accept obligations of reparation for historic injustices? Why should citizens of a democracy regard themselves as responsible for decisions made by their predecessors or for the debts that they incurred? More generally, why should citizens of a political society perceive themselves as participants in intergenerational relationships that give them responsibilities in respect to their predecessors as well as to their successors? The answers to these questions do not seem to me obvious. And in answering them it does not seem sufficient to fall back on existing conventions.

The second problem is that Arthur’s use of the fiction seems to involve a questionable separation between the institution and the people who are part of it. The guilt of a government for past wrongs, he seems to be suggesting, is distinct from the guilt of citizens, and the government can have a duty to apologize even though citizens as individuals are not guilty. But a question arises about where this institutional guilt comes from. In my view, statements about what governments decide or do (and thus what we attribute to them as the result of their decisions and actions) can be reduced to what individuals believe, feel, decide, and do, or to the effects (intended or not) of their relationships and interactions. Slavery existed and persisted, at least in part, because of what American leaders decided and did, because citizens voted in particular ways, because people in political institutions behaved as they did and because of a political culture that expressed certain values and attitudes. Perhaps citizens of a democracy share the guilt for an injustice perpetrated by their institutions by virtue of being participants in the government of their polity or in the maintenance of their political community. But it is not clear how their guilt can be transferred down through the generations. Some philosophers are strongly opposed to the idea that we inherit the sins of our ancestors—even just to the extent of having to make reparation for them. Although at one time, Boxtill says, the U.S. Government had a duty to pay reparation to former slaves.

None of this supports the claim that the present U.S. Government owes present day African Americans the reparation an earlier U.S. Government owed their ancestors but never paid. Since present day U.S. 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. Boxtill’s own Lockean defense of reparation for slavery is one of the positions on restitution that Arthur criticizes. But if we take instead Arthur’s view of the matter and assign to the government the moral responsibility for making reparation then it seems to me that some account of intergenerational collective responsibility is necessary.

The second problem of compensatory justice is determining who is owed reparation or an apology for historic injustices, and why. It comes up most obviously in Arthur’s advocacy of apology as the appropriate response to historic injustice. There is an obvious difficulty in offering an apology to people who have not themselves been victims of the injustice. I believe that Arthur’s way of dealing with the problem is to point out that descendants of victims can also be victims of an historical injustice if they are suffering from its lingering effects. How then do we understand why present descendants of slaves are owed an apology? The answer might be that they are owed an apology for slavery and racist oppression because harms that they suffer trace their origin to slavery and racial oppression. There is a causal sequence that takes us back to the historic injustices. But the large gulf of time that separates causes
and effects makes it implausible to blame present harms on slavery and the injustices that followed slavery. A lot of other relevant events intervened between those events and the present—events that seem more immediately responsible for present harms. Why not blame them instead? In any case, if those owed an apology include everyone who is suffering harm that can be traced to slavery, then many white Americans should also be included. They too suffer from the lingering effects of slavery in the form of social problems which can ultimately be traced to this cause.

Another way of understanding why black Americans should be given an apology is to regard it as simply an apology for the harms that they now suffer. But in this case the historical injustice of slavery drops out of the picture. Moreover, it is not clear why the government should apologize for something that it didn’t do—unless the wrong in question is failing to do enough to overcome the lingering effects of historical injustice.

A third way of understanding why apology is a proper response to historic injustice appeals to the significance of history to people of a disadvantaged or oppressed group. Respect for individuals, says Jeremy Waldron, requires respect for their collective historical memories. “To neglect the historical record is to do violence to [the identity of a community] 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.” He recommends apology and token reparation as a way of coming to terms with this need for respectful acknowledgment. An apology is thus a way of dealing with the present effects of history—one that pays attention to the meaning that history has to the people concerned.

There is some reason to think that Arthur is moving in the same direction in his discussion of apology. He identifies the negative attitudes of many black Americans about themselves as the lasting legacy of slavery and other historical wrongs and suggests that this burden of history can be dealt with through an apology that signals to the victims that their interests and situation are respected. If the apology is sincerely meant then it can benefit victims by encouraging them to give up their negative feelings. The problem is that an apology, so interpreted, is not really an apology at all—certainly not an apology for historic injustices. It is a means to demonstrate respect for people who have a historic grievance and to encourage them to change their attitudes. Because it is really a means to that end, masquerading as an apology for a historic injustice, it cannot count as sincere, and there is always a danger that the recipients of this so-called apology will regard it as a form of manipulation and react in a negative, rather than positive, way. Arthur thinks that an apology for slavery is possible and can be sincerely made, but it isn’t clear how this makes sense.

The problem that I have been outlining in my discussion of Arthur’s discussion of compensatory justice can be summarized as follows. From a liberal point of view it seems wrong to require individuals to pay for an injustice they did not commit and also wrong, or at least mistaken, to make reparation for an injustice to those to whom the injustice was not done. So if we think that reparation or apology for a wrong is owed only to wronged individuals and if we assume that it can only be given by the one or the ones who did the wrong, then it becomes very difficult to justify the existence of historical obligations and entitlements. On the other hand, it would be a mistake to reject historical claims. For one thing, people commonly believe that history gives them obligations, that past generations made commitments that they must fulfill, demands that they must satisfy, or did deeds that they are obligated to remember and honor, or, on the other hand, deeds for which they owe reparation. Liberal accounts of justice and right need to take these beliefs about obligation seriously. People can be mistaken about their duties, but it can’t be assumed that they are in error without a concerted attempt to make sense of them. This is what Arthur is trying to do, but I believe that his account is conceptually flawed.

**Defenses of Compensatory Justice for Slavery: A Summary**

So how might we go about defending some form of compensatory justice for slavery and racial oppression? The first proposal is to return to the idea of restitution for lost wages or for reparation that should have been paid to freed slaves, but was not. I have suggested that a better case can be made for restitution than Arthur allows. And the advantage of restitution as a form of compensatory justice is that it does not depend on the guilt of those who owe restitution or the victimhood of those to whom restitution is owed. Those who owe restitution are those who hold wealth or possessions that they are not entitled to possess. Those who are owed are the heirs of the rightful possessors. Nevertheless, an appeal to restitution is problematic—even if it can overcome the difficulties that Arthur identifies. It is narrow in its scope, as I pointed out, being necessarily only about unjustly taken possessions. Moreover, restitution for slavery and other relatively ancient injustices depends on the survival of rights of inheritance indefinitely down through the generations, and many people are likely to regard this view of inheritance rights as implausible or undesirable.

The second suggestion is to drop the assumption that is generally made by liberal philosophers: that the dead don’t count. Some philosophers argue that the dead can be harmed or benefited by what we do, and in fact this is a widespread conviction even among people who don’t believe in survival after death. If we do believe that the dead can be benefited, then it makes sense to suppose that we can make reparation to them. Of course, we cannot directly compensate them, but we can, as Michael Ridge argues, benefit them by promoting objectives that we have reason to believe that they cared about. “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.” Even if we have doubts about whether their concerns about their descendants, if they had any, would have stretched to present generations, it is reasonable to suppose that we owe them other duties: to remember their suffering—perhaps to record their names, so far as they are known. And an apology might also be appropriate—even though the proper recipients are not around to receive it. An obvious problem is that many people find it implausible to believe that the dead can be benefited or that they have claims, and even if they do, the problem remains why present citizens have an obligation to make reparation.

The third proposal is to move in a communitarian direction and argue that responsibility for reparation for slavery exists because of the identity of individuals with their nation or polity, or with their forebears. A national identity, according to David Miller, is a historical identity that predisposes members to value and want to maintain a cultural tradition and to take responsibility for the past. Those who so identify can be benefited or that they have claims, and even if they do, the problem remains why present citizens have an obligation to make reparation.

Members of groups, whether familial, religious, civic, racial, or ethnic, often identify with their group. This means, in turn, that when people do belong to a
nation and they identify with it, it may be reasonable for them to feel remorse and guilt at what the nation's government has done in the past. ... Though they are not individually guilty or blameworthy, and do not have personal feelings of guilt for what was done, moral feeling for what was collectively done in their name can be appropriate. (224)

And this is, presumably, why it is also appropriate for the government to apologize in their name.

The question remains why it is appropriate to apologize to those to whom the injustice was not done. But the entitlement to an apology or reparation might also be understood as a communal entitlement and not the entitlement of individuals. The people who were enslaved in the U.S. were black; no white people were ever enslaved (except as convicts or indentured servants). So reparation could be thought of as something owed to a people, identified as members of a racial group. Those receiving the apology are representatives of that people. If the heterogeneity of the black population of the United States makes it implausible to lump blacks together as a wronged people, we can fall back instead on families as the appropriate receivers of reparation. Slavery as it was practiced in the U.S. involved the enslavement of families, not just individuals. The children of slaves were also slaves (unlike the children of convicts or indentured servants). And the racial oppression that followed the Civil War aimed to keep black families in a state of subjection. So it does not seem implausible to me that we can think of those who are owed reparation or an apology as present members of family lines that were wronged by slavery and other historical injustices. As the present representatives of these family lines they can also be the proper recipients of an apology.

The communal approach to historical obligations and entitlements has a lot to be said for it, and Arthur is probably right to say that many people do identify with their community and feel remorse for what was done in their name. However, there are also likely to be a considerable number of white people who don't have this feeling about slavery and racial injustices of the past—either because they don't identify with their nation, or because their historical identity is limited to the period experienced by their own forebears (who might have arrived long after the Civil War), or because they do identify with their slavery owning forebears and regard them as acting rightly according to the standards of the time, or because they identify only with the forebears that they approve of or the actions of their nation that they regard as right. Communal identities can be various, they can be more or less strong, they can be very selective, and they don't necessarily lead to any particular action. In any case, communal identities are problematic in other ways and a liberal ought to be reluctant to depend on them for a justification of moral and political obligations.

The fourth proposal is to take seriously the idea expressed early on, that a liberal account of historical obligations and entitlement must be based on a conception of collective intergenerational responsibility that explains why it is in the interest of citizens to accept historical burdens. For this task we might resort to the idea of a social contract. Ernest Partridge conceives of duties to the dead—or, as he prefers to put it, duties in respect to the dead—as derivable from an intergenerational social contract. The living have an interest in having their wills, contracts, and promises respected after their deaths and in having agreements made by those now dead fulfilled, and thus have reason to participate in an arrangement that requires them to fulfill the contracts and honor the bequests of the dead, and to keep promises that were made to them.

That is to say, it is in the interest of the living (out of concern for their own to-be-posthumous “interests”) that they maintain the stable and just institutions that secured the wishes expressed by the deceased during their lifetimes. It is not necessary to believe that the dead can be benefited or harmed in order to justify obligations in respect to their wishes.

We might try to put this idea to work to explain why present citizens have an obligation to make reparation for injustices done by their predecessors. It is reasonable to suppose that people who suffer an injustice that is not likely to be undone or acknowledged before their deaths would want their suffering to be remembered; they would want the perpetrators and the perpetrators’ fellow citizens to acknowledge the injustice and repair any injury done by the injustice to their descendants. Since it is reasonable to suppose that people have these wishes, and since it is in the interests of members of a society that their political successors fulfill them, they will agree to a contract that has the consequence of committing them to make recompense in some form for injustices done by their predecessors.

Unfortunately, this contract story is rather implausible. Many people of a society are not going to regard it as likely that they will ever have such wishes and thus they have no motivation to sign up for the commitment. And people suffering an injustice may want all sorts of things, and it is not clear what the contractors should come up with in the way of intergenerational contractual obligations. Moreover, it seems mistaken to explain why people should keep promises made to those now dead or honor their bequests by reference to the interest that they had while alive in the promise or bequest being honored. If someone is the recipient of a promise or the maker of a bequest she is morally entitled to demand that it be honored (at least in appropriate circumstances). And it is not difficult to think of examples where the entitlement to have a promise honored survives death.

If there are reasons to think that a person is morally entitled to make a demand of her successors, or have one made on her behalf, then her successors ought to fulfill it. We do not need a social contract to tell us this. And her reasons for making that demand are also reasons for regarding herself as participating in a moral practice that requires her and others to fulfill relevantly similar demands made by predecessors. It is necessary, to be sure, to explain why and when people are justified in making moral demands of their successors and what moral practices result from these demands, but let us make the plausible assumption that some such demands and practices can be justified.

We must now consider how we can use this way of reasoning as the basis for a further approach to justifying historical obligations. There seem to me to be two ways of doing this. One of them is to argue that those to whom an injustice is done are entitled to demand or have demanded on their behalf, that the wrong be acknowledged and reparation be made, and if they have no hope of this being done during their life time, they can legitimately demand that their successors remember the injustice, acknowledge that the wrongs were done, and that the lingering effects of the justice on their descendants be removed. Citizens have a moral reason to participate in a practice that requires them to acknowledge the injustices of the past and make recompense or apologize to their living representatives or descendants. The reasoning is much the same as Ridge’s but with the advantage that it is not necessary to believe that the dead can be harmed or benefited. We only have to consider what individuals could reasonably demand of their communal successors (whether they actually do or not).
The second way of using this form of reasoning is to consider how citizens of a polity, who know that they have intergenerational interests and obligations, ought to relate to citizens of other polities, or members of other communities or family lines that can be assumed to have similar intergenerational interests and obligations. Such communities and polities ought to respect their intergenerational concerns. Communities that respect each other as intergenerational associations ought to commit themselves to ongoing relationships of respect—relationships that bridge the generations. If present citizens make a commitment to another community, then they can reasonably demand of their successors that they keep it—at least so long as it remains relevant and fair. More generally, each generation ought to regard itself as morally required to maintain and pass on an inheritance to its successors intergenerational relationships of respect with the other communities that it deals with and to make recompense for any failure of respect. Since the commitment is intergenerational so are the responsibilities for recompense. If one generation commits an injustice and fails to make recompense then the obligation is owed by its successors. This is simply an unavoidable implication of a practice of maintaining respectful intergenerational relationships.

To apply this line of argument to the case of slavery and related injustices to black Americans, we have to adopt the view discussed above: that these injuries were wrongs not merely to individuals but also to family lines, and we have to assume that polities ought to be respectful of family lines and their intergenerational concerns. In my previous writings I adopted this latter way of reasoning for historical obligations, though I think that the first way of developing the idea of intergenerational moral obligations and claims is also feasible. Either, if defensible, would have the advantage of being a position that a liberal could accept without having to believe that the dead can be harmed or benefited and without having to appeal to national identity or to depend on guilt feelings of present citizens.

Historical Obligations and Present Harms

In the last section I have been engaging in a philosophical discourse that seems rather distant from the main concerns of much of Arthur’s book: the present situation of black Americans, what is responsible for this situation, and what ought to be done. His view about the latter is that there should be special programs which target black families and improve educational opportunities in inner city areas. Persistence of poverty and lack of educational attainment among black citizens provides a sufficient reason to undertake programs that are especially targeted to help these citizens. What then is the point of making demands for reparation for historical wrongs? It is the apparent irrelevance of historical claims that might be partly responsible for Arthur’s rather impatient dismissal of ideas about restitution and reparation and his advocacy of apology as the only relevant and defensible form of compensatory justice for slavery and related injustices. He notes at the end of his chapter on compensatory justice that I advocated that reparations for slavery and subsequent injustices should take the form of special programs to overcome the disadvantages still suffered by black families.

It seems to me, however, that the argument for this need not rely, as she and so many others say, on repairing the harms to living descendants of slaves, or on returning their property. An apology, together with an appropriate sense of remorse and commitment to justice and equality for descendants of slaves, may also require what she and other defenders of reparations want. (227)

I will end by making a small point. The fact that present disadvantages are a sufficient reason for focusing our efforts on overcoming the disadvantages still suffered by black Americans does not mean that historical obligations drop out of the picture. Abraham Lincoln in the Gettysburg Address offered two reasons why citizens should devote themselves to maintaining a nation “conceived in liberty.” One is implied by his description of it as a nation “of the people, by the people, and for the people.” Having such a nation is a sufficient reason to maintain it. But the other reason, the one that Lincoln dwelt on, was that creating and maintaining this nation was the cause for which the founding fathers struggled and for which the dead at Gettysburg “gave the last full measure of devotion.” The fact that the first consideration is a sufficient reason for maintaining the nation does not mean that the second is not also a good reason; and the belief that it is may give people a stronger motivation. The same is true, I believe, in many cases where historical claims are made. These claims are generally made by people who are suffering the lingering effects of a historical injustice and they have a sufficient reason on the grounds of equity alone for special consideration. But they may also have a valid historical claim. And paying due attention to this historical claim may not only increase their own self-respect; it may also be what justice demands—a consideration that should only increase the resolve to ensure that justice is done.

Endnotes

1. All page references in the text of this paper are to John Arthur, Race, Equality, and the Burdens of History (Cambridge, New York: Cambridge University Press, 2007).
3. Nevertheless, it sometimes seems justified to compensate people for loss of opportunity. For example, it seems reasonable to compensate Czech intellectuals who after 1968 were denied the opportunity to practice their professions or make use of their education. The issue obviously needs more discussion.
5. However, I fail to understand why the same responsibility cannot be attributed to corporations. A corporation may not be legally responsible for actions that were legal when committed, but why can it not be morally responsible? This is certainly the position that is taken in respect to the German companies that used slave labor during the Nazi period.
6. I realize that some philosophers regard them as such, for example, Peter A. French, Collective and Corporate Responsibility (New York: Columbia University Press, 1984). But for reasons discussed below I disagree.
7. This is not merely a philosophers’ quibble. Thomas Paine and Thomas Jefferson both compared the injustice of forcing citizens to accept burdens imposed on them by outsiders with the unacceptability of forcing them to accept obligations incurred by predecessors. “One generation is to another as one independent nation to another,” said Jefferson. For this and similar declarations of independence from the past, see Stephen Holmes, “Precommitment and the Paradox of Democracy,” Constitutionalism and Democracy, edited by Jon Elster and Rune Slagstad (Cambridge, New York, 1988), 203-4.
8. David Miller argues in *National Responsibility and Global Justice* (Oxford, London: Oxford University Press, 2007), 120-1, that any form of support that members provide for their community is sufficient to give them outcome responsibility for its deeds. Thus, even anti-racists can share responsibility for the injustices of their racist community.


17. Says Feinberg: If promises of the deceased were to become null and void at their deaths, “there could be no confidence in promises regarding posthumous arrangements; no one would bother with wills or life insurance policies” (“The Rights of Animals and Unborn Generations,” in *Philosophy and Environmental Crisis*, edited by W. T. Blackstone [Athens: University of Georgia Press, 1974], 58).