

# HISTORIC INJUSTICE

**Exam Strategies:** Go for depth, rather than breadth. Don't write in a survey style. It is fine to acknowledge that a certain issue exists, but that for the purpose of the essay you are going to take it as given that xyz. And then you can focus on particular things. Bring in wide range of empirical examples. Question the assumptions made in the essay prompt.

## Questions to think about:

- What obligations do members of one generation have, if any, because of the misdeeds of previous generations?
- Insofar as they have such obligations, what kinds of action are appropriate – apologies, financial compensation...?
- Do members of societies that were former colonial powers have duties to compensate the descendants of their former colonies? If so, why?
- Can people be held collectively responsible for the actions for which they are not individually responsible?
- Can historic injustice be superseded? When?

**My own position:** *The BPP is an attractive and convincing principle in theory, but close to impossible to implement in practice because of the difficulty of extracting the “correct” benefit. However, it also doesn't pay sufficient attention to the position of the victims. We are linked in a relevant way to past injustices, namely via one of responsibility through structural injustices – so people today can be responsible for compounding injustices even if they weren't the perpetrators themselves. As “currency of corrective justice” I think financial aid does have its place, but it won't completely rectify the injustice. Instead, we need discussion, debates and reparation of an encompassing kind, like via democratic deliberative procedures.*

## DEFINITIONS AND CLARIFICATIONS

- > What is historic injustice about?
  - > It is about past moral wrongdoings that have a lasting impact on the wellbeing of currently living people; is often committed by previously living people
  - > It is concerned with the domain of *corrective* justice, not distributive justice
  - > The core issues lie in the **normative disagreement about whether what happened in the past should affect what should happen in the future** (less about empirical disagreements of what actually happened)
  
- > What is the difference between distributive and corrective justice?
  - > **Corrective justice** is about the **rectification of the wrongful invasions of legitimate entitlements** that people hold (Vision 2006) – it aims at producing a “*moral equilibrium*”, in which no given party has “*particularly gained or lost relative to the other as a result of injustice*” (Butt 2009)
    - **Pro** corrective justice: “*Social justice theory should be reconnected with its real-world roots, the correction of injustices, which means that **rectificatory justice in non-ideal societies should be the theoretical priority, not distributive justice in ideal societies.***” (Mills 2015)
    - **Contra** corrective justice: “*backward-looking considerations add no weight to claims for reparations. Only forward-looking factors give us reasons to repair historical injustice... **Reparations, when they are due, are reparations not for the sake of the past, but for the sake of the future.***” (Wenar)
  
- > Which are forms of morally relevant connection with the past?
  - > **Entitlement:** when one agent has possession of property to which another is morally entitled
  - > **Benefit:** when one agent is benefiting and another is disadvantaged, as a result of the automatic effects of an act of historic injustice
  - > **Responsibility:** when one agent is responsible for an ongoing injustice in connection with another, understood in terms of an ongoing failure to fulfil rectificatory duties over time (Butt 2009) – **compounding injustice.**

**Note** that these do not have to be separate accounts but rather interlink with each other! Some principles may come in when another one does not hold anymore.

- › What is the BPP?
  - › Says that **agents can come to possess obligations to lessen or rectify the effects of wrongdoing perpetrated by other agents by benefiting, involuntarily, from the wrongdoing in question (Butt 2014)**
- › What is wrong with colonialism?
  - › So many things: It has produced ongoing harms and disadvantages, was an exploitative use of labour, restricted liberty and autonomy, extracted resources, corrupted elites...
- › What forms of reparations exist?
  - › Standard elements of corrective justice include apologies, reparation, forgiveness/reconciliation
  - › Can be done in three ways:
    - **Restitution** – giving back the very same thing which has been taken away
    - **Compensation** – making up for a (general) harm or loss of some form by shifting the loss from one entity to another (Butt 2009). It is not just about wrongful harm.
    - **Symbolic public gestures** – remembrance ceremonies, public apologies etc.
  - › This list is not complete – see *radical reparations* below.
- › What does ethical individualism say?
  - › An individual can be a payer of reparations only if he committed or benefited from or could have benefited from a wrongful act. An individual can be a beneficiary only if he was the victim of the wrongful act. (Posner and Vermeule)
  - › But under soft ethical individualism or ethical collectivism, a **group can play the role of the beneficiary or payer.**

## DO PAST INJUSTICES CREATE DUTIES AND ENTITLEMENTS?

### ARGUING ‘NO’: AGAINST LOOKING BACKWARDS

#### THE NON-IDENTITY PROBLEM

- › **Basic idea** is that **were it not for the acts of injustice in question, present day individuals would not have existed**, but rather different persons (because every individual grows from a particular combination of sperm and egg, and parents might have mated at a different time). Thus, presently living individuals cannot really claim to have been made worse-off.
- › **Responses**
  - › **Ignoring** it: Even if we cannot philosophically resolve the NI problem it doesn’t actually mean that it should be action-guiding.
  - › **Move on to groups/collectives**
    - “Colonialism was an assault against the collective identity of a people” (Tan) – present individual holders of that identity can demand reparations, even if they themselves were not personally wronged.
  - › **Sufficientarian** account of harm
    - Difficulty: having an account of rectification above that threshold
  - › **Challenge the relevant counterfactual:** Butt (2009) identifies the **morally relevant counterfactual** when determining how much and to whom compensation is owed not as the state of affairs which would have obtained had the act of injustice in question not occurred, but instead as **one in which historic interaction between colonial powers and their colonies had been characterized by consensual and non-exploitative relations.**

- Challenge: But what makes one counterfactual more plausible than another? [Butt](#) thinks this depends on the case in question, and that we need to appeal to our moral judgement. But this is quite vague and indeterminate.

---

## SUPERSEDING INJUSTICE

- › [Waldron \(1992\)](#): *"it seems possible that an act which counted as an injustice when it was committed in circumstances C1 may be transformed, so far as its ongoing effect is concerned, into a just situation if circumstances change in the meantime from C1 to C2."*
  - > Thus, Waldron argues that **rights can fade over time**, e.g. when the agents involved can no longer be identified or distinguished. There are pragmatic arguments for this, such as procedural difficulties about evidence and memory, but also changes in background social and economic circumstances (population, resource availability etc.) which can impact entitlements of agents.
- › Arg.: Whether we can justify an exclusive entitlement depends on the impact of others' interests of being excluded from the resources in question, this **impact is likely to vary as circumstances change**. An acquisition which is legitimate in one set of circumstances may not be legitimate in another set of circumstances. Thus, an initially legitimate acquisition may become illegitimate – hence, **injustice can be superseded**.
  - > Intuition behind this: No one in the present is responsible for the wrong. *Note* here that Waldron is mainly focusing on territorial holdings.
  - > Obj. (Compounding interest, normative): The **descendants of injustice might themselves be the victims of an injustice**, even if they themselves have not suffered from the original act of injustice. Every time one fails to compensate the victims, this constitutes a "fresh" act of injustice, which can carry on for generations. Things may actually get worse and worse over time, as a result of the initial act of injustice not being rectified. ([Butt 2013](#)).

Example of Debts and Bookmaker: Someone owes me 100 pounds. I remind them every day to transfer the money to my bookmaker to set the money on a specific horse in a horse race. The person never pays, so the debt persists – and when the horse eventually wins the race, then the person owes me 100 pounds PLUS the money I would have won from the bet. Thus, the **amount owed cannot decrease but only increase due to compounding interests**.

- [Thompson \(2010\)](#) argues that it is indeed the status as heirs of the victims which gives them an entitlement to claim possession that were wrongly expropriated from their ancestors. Descendants are able to make a legitimate claim for reparation for a historic injustice, because they can claim that it has violated *their* rights.
  - Example: Debt owed by France to Haiti.
- It is important **not to confuse the question of whether the condition of victim is improving or deteriorating with the question of whether the offender's wrongdoing is increasing or lessening** ([Butt 2013](#))
- > Obj. (Empirical): Circumstances have not changed such that one could say that the situation is just now – it is very rare that there are absolutely no continuing ties after a colony has become independent. On top of this, the global economic order is skewed to benefit the global North ([Ypi, Goodin and Barry 2009](#)) – see *Global Justice (Political Theory) summary sheet*

**Note**: Waldron's argument is motivated by him being from New Zealand – where it would seem crazy if the territory which used to be owned by aborigines was returned. Here what seems to be doing the work for territorial claims is sustained possession.

---

## ARGUING 'YES': JUSTIFYING REPARATION PAYMENTS

- › **Wellman 1995:** Duties survive the death of the bearer of the right, and currently living people can stand under the correlative duties. For example, we all have reasons to protect people’s trust that promises will be kept and that people have the reputation that they deserve.
- › Present and past may be relevantly linked
  - > Through **Entitlement, Benefit, Responsibility** (see above)
  - > Note here that the **existence of a morally relevant connection can be vital**, that is, when compensation is not coming from the “right” people, i.e. the initial perpetrators (or the relevant parties bearing the duties after initial perpetrators are no longer alive), the victims might not be satisfied; there would **no equilibrium**
- › **From a distributive justice perspective, there are associative duties between colonies and colonizers (Ypi, Goodin, Barry 2009):** Those who are linked in **political associations of a colonial sort** have claims against one another under exactly that heading. Usually, the argument from associative duties is raised to refuse applying the same principles of distributive justice globally as within a state, but here it is used the other way around. Associative duties morally do not vary merely on account of how distant you are from those who exercise power and authority within your association.
- › **Cooperation account:** Associative duties are rooted in the fact that members of the association are cooperating in some joint venture.
- › **Coercion account:** Associative duties are rooted in the fact that members of the association are all subject to the same coercive authority. Since coercion threatens the liberal idea of autonomy, it is often claimed that citizens can justify the use of force by the state only if that is paired with an institutional concern for relative deprivation among fellow associates (**Blake**)
  - > **On the coercion account**, those people who are bound together within the same colonial association have associative duties to one another – the Mother Country and the colonies are **all under the same legal web**. *“It would be perverse to hold that coercively imposing alien rule on colonial subjects precludes those subjects from being owed the same associative duties as everyone else within the political association whose coercive authority pervasively impacts them.”*
  - > **On the cooperation account**, it is similar: associates in the Mother Country and the colonies all contribute to creating public goods which allow each other’s life prospects
  - > Special associative duties of distributive justice extend far more widely than previously supposed: to everyone in one’s colonies, ex-colonies and indeed fellow colonies and fellow ex-colonies
    - Though this does not give distributive justice *quite* the global scope that cosmopolitan liberalism calls for, it does **extend its scope well beyond current state borders**.
  - > **Associative duties of justice can linger even after the ties have ended (Ypi, Goodin, Barry 2009).** There are different types of duties:
    - i. Duty on the part of the colonizer to **rectify the harm involved** in violating the colonized people’s right to self-determination
    - ii. Duty to **rectify any failure to meet the associatively grounded duties of distributive justice** that obtained during the period of colonization
    - iii. Duty to **share fairly the benefits** of any cooperative good or venture created during the period of association to which all parties – colonizer and colonized – contributed and to recompense for the continuing damage done by the arrangements instituted during that period but persisting afterwards.

## THE BPP (CORRECTIVE JUSTICE)

- › Formulation of the BPP:
  - > **Butt 2014:** *Agents can come to possess obligations to lessen or rectify the effects of wrongdoing perpetrated by other agents by benefiting, involuntarily, from the wrongdoing in question.*

- Note the relative weakness “can”
  - > [Huseby 2015](#): *If an agent A benefits from an action x that she did not perform, and an agent B is harmed by x, then if B did not perform x, A, in virtue of benefiting from x, owes B compensation, insofar as no other agent has stronger duties to compensate B.*
- > Challenges to the BPP:
  - > **Persuasion:**
    - **Voluntarist challenge to the BPP:** People haven’t been responsible for the past wrongdoings, and they haven’t chosen to get those benefits – analogous to Nozick’s PA system.  
Example: Driveway, where I am the involuntary beneficiary of getting my driveway repaired, and I do not seem to come under any compensatory obligation ([Fullinwider 2002](#))
      - Resp.: Nevertheless, beneficiaries are acting wrongly by doing *nothing*. They could give up their benefits. Perhaps I would have even wanted to get my driveway repaired, in which case there is even stronger moral reason to compensate my neighbour for it.
    - Possible to **accept that we do have moral duties under the BPP, but that they are not compelling and not legally enforceable**. This does not mean that the principle has no ethical or political significance, however. It is still important for individuals and political communities to reflect on the degree of privilege.
  - > **Identification:** Have we identified the right moral principle?

Consider two cases (proposed by [Huseby 2015](#)):

- i) E acts. As a consequence, A benefits, and B is unjustly harmed. Then E dies.
- ii) E acts. As a consequence, A benefits. The next morning, E acts again, As a consequence, C is unjustly harmed. Then E dies.

Assuming that the act carried out by E is one and the same in both cases and that B and C end up in equally bad states while A ends up better off than them, the BPP would say that A has a duty to compensate B but not a duty to compensate C. **This seems arbitrary**. It seems strange that I should only pay compensation for those victims which happened to suffer losses as a consequence of the same act of injustice through which I have benefitted.

Objection: **How is the BPP different from a broader distributive principle, such as luck egalitarianism?**

Luck egalitarianism would say that if you are the beneficiary of brute luck, in general this means that you can have duties to others – so **benefiting from historic injustice may just be one instance of brute luck** and it has nothing to do with the BPP ([Knight 2013](#)). “*There are many good reasons to agree with the mandates of the BPP, but many of those reasons are not derived from that principle*”. ([Huseby 2013](#))

- Resp.: There is a particular **claim about corrective justice arising from the BPP** which cannot simply be subsumed into a broader point on distributive justice.
- **“Empirical Evidence”** in defence of the view that innocent beneficiaries have genuine special duties to victims of injustice: [Lindauer and Barry \(2017\)](#) conduct a **survey-like experiment** and find that participants tend to decide that the ‘innocent beneficiary’ should give more of the benefits to the victim of injustice rather than to the ‘unfortunate person’, even though it is stipulated that both were equally disadvantaged by these causes. This goes to show that **actual people seem to be more persuaded by cases involving benefiting from wrongdoing**, than they do when people are victims of brute luck in the absence of historic injustice. It hence grounds the BPP theory in what people actually think, what their intuitions are, rather than just the intuition of the author writing.

- > **Specification:** How can we limit and specify range of cases where we receive benefits which give rise to duties to others? Can the BPP determine in which cases compensation should and shouldn't be paid?

If we think that past injustices permeate almost every aspect of the current day, then don't we have a "contagion of injustice" (Waldron). There is such a widespread effect of contemporary benefits from historic injustice that it would be absurd to claim it is always wrong to benefit from injustice (Anwander 2005)

- Resp.: Only some cases of benefiting give rise to compensatory duties – **if they sustain wrongful harms**. But these would need to be teased apart from other cases of benefiting which do not sustain wrongful harms (Barry and Wiens 2016)
- In order to properly operationalise the BPP, one needs to distinguish between what Butt (2009) calls "automatic benefits and costs" and "non-automatic benefits and costs", that is, one needs to distinguish between costs and benefits which have arisen due to injustices and not via other, permissible ways.

*I find this challenge prima facie quite convincing. Perhaps the BPP is defensible in theory, but suffers from practical limitations, such as identifying who the exact beneficiaries are, and to what extent they owe victims of injustice compensation.*

- > Another critique of directed generally at accounts that focus on the perpetrators or beneficiaries of past wrongdoings (to which the BPP belongs) has been outlined by Amighetti and Nuti (2015): **By focusing explicitly on the obligations of perpetrators and beneficiaries, one possible neglects the claims of the victims and sees them instead as passive beneficiaries** of the responsible agency of their wrongdoers.
  - > It is crucial to understand and **include the point of view of the victims**. As Shklar (1990) argued, one needs to consider their sense of injustice in order to fully understand what the injustice amounted to and to acquire a more complete knowledge of what it entailed.
    - Otherwise it might just become another instance of the dominant group (in this case Western ex-colonizers) imposing their version of history on the victims (in this case descendants of ex-colonies).

## WHAT IS OWED? – REPARATIONS

- > What are reparations?
  - > Typically refer to schemes which: (Posner and Vermeule 2013)
    - i) Are paid on the basis of wrongs that are substantively permissible under the prevailing law when committed
    - ii) Justify payment on backward looking grounds of corrective justice, rather than forward-looking grounds (such as the deterrence of future wrongdoing)

Coates (2014): "Reparations – by which I mean the **full acceptance of our collective biography and its consequences** – is the price we must pay to see ourselves squarely. The recovering alcoholic may well have to live with his illness for the rest of his life. But **at least he is not living a drunken lie.**"

- > Coates sees this as **more than compensation payments**. It is about a "national reckoning that would lead to spiritual renewal (...). Reparations would mean the end of yelling 'patriotism' while waving a Confederate flag."

"We as Germans are indeed obliged without exception to understand clearly the question of our guilt, and to draw the conclusions. What obliges us is our human dignity." (Jaspers 1947)

Forms of non-radical reparations:

- > **Apologies**
  - > It provides a mechanism by means of which the **offender reaches out to the victim in a gesture of respect**, thereby recognising the injustice of the harm done to the victim, a confirmation of the moral

worth of the victim and the value of what has been lost (Gill 2000). In an official apology, highest political leaders acknowledge that the culture of the victim group is not now, and never was, morally inferior to that of the offender group – this might **reshape the very identity of the victim group**

- We see that the previously dominant ideology of Western cultural superiority – which has helped justify colonial acts – is now no longer widely held (Kymlicka 1995)
  - Example: Apology of then Prime Minister of Canada Stephen Harper in June 2008: Apologized on behalf of the government to the native population for the role of Canada in the system of the Indian residential schools, which were designed to assimilate the native population to the dominant culture. This was accompanied by the Indian Residential Schools Settlement Agreement, which provides reparations and welfare services to the victims.
- > An apology is **not a form of compensation, and certainly cannot be used as a substitute**
- Example: When Asian “comfort women” demanded to receive both an apology and compensation from the Japanese government, and only were offered the latter (compensation), this was criticized as **hush money**. It was perceived as buying their silence while allowing the Japanese government to avoid taking responsibility (The Feminism Committee Questioning Japanese Modernization 1995)
- > “even where the apology is not legally operative of its own force, **apologies do transfer to recipients a valuable intangible benefit, that of moral acknowledgement of historical injustice**” (Posner and Vermeule 2003)
- > **Compensation**
- > Often hard to calculate a price tag for reparations:
    - Example: Bittker (1973) calculates the **reparation cost for slavery** by multiplying number of African Americans in the population by the difference in white and black per capita income and gets \$34 billion dollars. However, this arguably does not capture how blacks are disadvantaged compared to whites outside of the wage gap – e.g. structural violence, discrimination in housing market, fewer university admissions...
  - > Example: After WWII, West Germany agreed to pay Israel 3.45 billion Deutsche Marks, or more than \$7 billion in today’s US dollars. Individual payments followed – for psychological trauma, for offense to Jewish honour, for time spent in concentration camps...
  - > Of course, **reparations could not make up for the murder perpetrated by the Nazis**. But they **did trigger Germany’s reckoning with itself**, a nation-wide reflection process. (Coates 2014)
    - David Ben-Gurion assessed the reparations agreement as follows: “*For the first time in history of a people that has been persecuted, oppressed, plundered and despoiled for hundreds of years in the countries of Europe, a persecutor and despoiler has been obliged to return part of his spoils and has even undertaken to make collective reparation as partial compensation for material losses.*”
- > **Commemoration**

## WHAT IS FEASIBLE? – REPARATIONS IN PRACTICE

- > Goodin (2013) argues that the approach of requiring innocent beneficiaries to **disgorge the fruits of historical wrongdoing** of others is attractive (even if it’s not ideal) because it is **feasible where other responses are not** - and doing something is better than doing nothing in response to grievous historical wrongdoing. Disgorgement makes the least informational demands: it **requires solely that the fruits of wrongdoing be relinquished** – people wrongfully in possession of goods should acknowledge that they have no legitimate claim to them and should be prepared to give them up.
- > “*It is corrective justice, in the sense of correcting one wrong (the goods are in the wrong hands) even if not the other (that goods are not in the right hands)*”
  - > *This seems to be a response to the specification challenge against the BPP, that it is too difficult to figure out who needs to give up what.*

- › If we were to actually do calculations about the actual costs and opportunity costs resulting from historic injustices like imperialism and colonialism, we end up with *very, very* high numbers. Re-paying the costs would thus be **incredibly expensive**. This means that such reparative justice measures would never be implemented in practice.
  - > Examples:
    - **Germany and Poland during WWII**: It is claimed by Polish officials of the PiS party that Germany could owe Poland more than \$850 billion in reparations, arising from the damage caused by brutal Nazi occupation and killings. ([Source: Reuters, 2019](#))
    - **Slavery in the US**: Present value of US slave labour in 89 years is estimated to range from \$5.9 to \$14.2 trillion, in 2009 dollars ([University of Connecticut](#))
    - One reason Clinton is said to be opposed to issuing a formal apology for America's slave past is the fact that "*it could increase legal, as well as moral, pressure for reparation to the descendants of slaves*" ([Brooks](#))
- › An appropriate response to the situation where the scale and scope of historic wrongdoing is too large to be realistic or desirable for public policy would be to:
  - > Accept the **inadequacy of the compensatory response**
  - > To link the response to questions of structural change and institutional reform ([Lu 2011](#))
  - > To look forward and not just backward and aim for the pursuit of social equality.

## RADICAL REPARATIONS

- › The majority of the literature focuses on non-radical reparations, which aim to restore the moral equilibrium between parties by using reparations to fix persisting harms caused by past wrongdoing.
- › New idea: **Radical reparations** – argue that the scale of past wrongdoing and the wrongful character of all subsequent interaction means that **any idea of a “fix” is misplaced**
  - > Thus, **open-ended settlement processes are needed!**
  - > This returns the focus to the agency of the victims of injustice, rather than focusing only on the perpetrators.
- › [Amighetti and Nuti \(2015\)](#) recognize the fundamental importance of the **active contribution of the wronged** in developing principles of redress for complex historical injustices. They hence reject unilateral solutions and international courts of law, but instead **advance deliberative democracy between wrongdoers and victims** as an institutional process to realize the *principle of shared redress*. This principle means that wrongdoers and victims alike should engage in the decision-making process about redress for past injustices. "*A shared past calls for shared redress.*"
  - > They propose a "**Deliberative Democratic Forum**" as the most appropriate way, it is characterized by:
    - i) **inclusive entrance**, ii) different stages of democratic discussion: **interpretative** (what exactly was the historical wrong), **redress** (what should the solution be?), **implementation** (how should the exact policies be designed)
  - > Objection: **Structural inequalities between representatives** in the forum can influence the egalitarian quality of the deliberation. For example, in the Oregon Basic Health Care Act, the aim of the deliberation (a series of community meetings) was to reach consensus on values to be adopted in the allocation of health services. Deliberators however, turned out to be from similar, better-off backgrounds because the recruitment strategy did not target more disadvantaged minorities. Thus, the **deliberative procedure may not work under non-idealized conditions**.
    - Response: One can avoid the internal inequality by intervening in the selection process and requiring that the **background of representatives is as heterogeneous** as possible, e.g. in case of deliberation between Belgium and Rwanda, the relevant heterogeneity consists in the divide between Tutsi and Hutu. Additionally, to avoid one group dominating the other, various measures like **introducing facilitators** may help to guide the deliberation so that everyone has chance to speak ([Fung 2006](#))



- > This model implies that **historical injustice and global injustice are closely interrelated** (Amighetti and Nuti 2015). One might think this is because power differentials in the international sphere shape the deliberative debate – forum between former colonized African states (e.g. Togo) and former European colonizers (e.g. Germany) will give more powerful states more say in the debate.
  - BUT this is actually not the value of democratic deliberation: Rather, it shows that **global justice can be advanced through the process of reaching a shared redress for historical injustices**, because all deliberators' contributions are valued equally.

## STRUCTURAL INJUSTICE

- > Basic idea of structural injustice from Young:
  - > *"structural injustice exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities."*
    - This framework is deployed to characterise many instances of oppression and marginalisation, e.g. women, sweatshop workers, the homeless, temporary migrants...
    - It avoids the language of individual blame, which might lead to more acceptance of reconciliation
- > Lu (2011): Colonialism was a **structural or systemic** wrong, in which there is an *"unacceptable or morally corrupt desert – or value-basis underlying as a rule-governed practice, institution or system of entitlements"*. This **moves us away from a state-centric approach**, which focuses only on the responsibility of perpetrator states for colonial injustice. But structural injustice can identify other contributory agents.
  - > Example. Don't just focus on those who were directly organizing the Nazi Holocaust – though of course those should be taken into account – but also those wider social structures in which they participated and which enabled them wrongful behaviour (see Jaspers)
- > Structural injustice literature criticizes that translating reparations simply into demands for money ignores much of the relevant of injustice which is related to sentimental factors (feelings being hurt etc.) – this **cannot be made up with a certain amount of money**
  - > Yet, it doesn't automatically follow that payment isn't important at all. We should accept the inadequacy of financial compensation but recognize that there is still a remainder that cannot be solved by money.
- > The **Social Connection Model of Responsibility?**
  - > (Young 2006): All agents who contribute by their actions to the **structural processes that produce injustice** have responsibilities to work to remedy these injustices.
 

*"Structural injustice exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities ... it occurs as a consequence of many individuals and institutions acting in pursuit of their particular goals and interests, within given institutional rules and accepted norms."*

    - Thus, all those participating in a social structural process which produces – even indirectly and unintentionally – unjust outcomes, bear responsibilities to prevent the reproduction of similarly unjust outcomes. Note that they are not necessarily blameworthy, but only held responsible.
    - **Even if unjust acts or policies may end, such as through defeat in war, unjust structural processes and conditions may persist** (Lu 2011)
    - The structural injustice also recognizes that the colonized were not a homogenous group, but that there are different experiences of colonialism which need to be taken into account.

- › Both structural injustice and radical backwards account seem to prioritize cases where past wrongdoing gives rise to enduring harm in the present day.

## CASE STUDIES

- › [Buffacchi \(2017\)](#) argues that it is the **arbitrary nature of the power relations of domination between colonizers and the colonized which is at the heart of the injustice of colonization**, and violence was the way arbitrariness and domination was cemented. Even though violence is not exclusive to colonial states (democracies can have it too), what makes it distinctive is the arbitrary nature of colonial violence.
  - > *“Violence makes the victims and survivors feel vulnerable, violated, degraded and inferior to the perpetrators of violence, morally and politically. Being the subject of arbitrary violence undermines a person’s self-respect, self-esteem and epistemic status.”*

One defining, intrinsic wrongness of colonialism is the **creation and upholding of a political association that denies its members equal and reciprocal terms of cooperation** ([Ypi 2013](#))

- › Native Hawaiians
  - > Kingdom of Hawai’i was taken over in 1893 by US forces. A subsequent report by former Congressman James Blount concludes that the change in government did not reflect the will of the people, especially the natives, but was instead the **result of an abuse of power** by US diplomats and military men stationed in Hawaii.
  - > President **Clinton expressed an apology** to native Hawaiians in the form of a resolution passed by Congress, which constitutes an “official” apology, not only a public one. The document has legal force and may be taken advantage of by native Hawaiians as a basis for claims to land and autonomy. (see [Morin 1997](#))
- › **Afro-Americans – Slavery and today**
  - > Compensation for slavery must address the ideological underpinnings of society, i.e. the sustained system of racial hierarchy
    - [Alexander 2010](#): implicit racial bias in criminal incarceration
    - [Coates 2014](#): wage disparities of black and white graduates
    - The wrongness of slavery is not just in unpaid labour, but in forced unpaid labour and restriction of liberty and autonomy – so it is not possible to just paying slaves and thereby making them ‘paid labour’
  - > **Structural injustices of blacks continue**, as can be seen in police violence against black people. This needs to be understood against the historical backdrop that the police was never there to protect black people, but rather to protect the whites from blacks.

MAIN AUTHORS

BUTT, RECTIFYING INTERNATIONAL INJUSTICE (2009), INHERITING RIGHTS TO REPARATION (2013)

GOODIN, DISGORGING THE FRUITS OF HISTORICAL WRONGDOING (2013)

LU, COLONIALISM AS STRUCTURAL INJUSTICE (2011)

SHER, TRANSGENERATIONAL COMPENSATION (2005)

SIMMONS, HISTORICAL RIGHTS AND FAIR SHARES (1995)

THOMPSON, HISTORICAL INJUSTICE AND REPARATION: JUSTIFYING CLAIMS OF DESCENDANTS (2001)

WALDRON, SUPERSEDING HISTORIC INJUSTICE (1992)

BUTT, INHERITING RIGHTS TO REPARATION (2013)

CANEY, ENVIRONMENTAL DEGRADATION, REPARATIONS AND THE MORAL SIGNIFICANCE OF HISTORY (2006)

POSNER AND VERMULE, REPARATIONS FOR SLAVERY AND OTHER HISTORICAL INJUSTICES (2003)

YPI, GOODIN, AND BARRY, ASSOCIATIVE DUTIES, GLOBAL JUSTICE, AND THE COLONIES (2009)

LINDAUER AND BARRY, MORAL JUDGMENT AND THE DUTIES OF INNOCENT BENEFICIARIES OF INJUSTICE (2017) - [LINK](#)

PERRY, ON THE RELATIONSHIP BETWEEN CORRECTIVE AND DISTRIBUTIVE JUSTICE

JASPERS, THE CONCEPT OF GERMAN GUILT (1947)

BUFACCHI, COLONIALISM, INJUSTICE AND ARBITRARINESS (2017) - [LINK](#)

YPI, WHAT'S WRONG WITH COLONIALISM (2013)

AMIGHETTI AND NUTI, TOWARDS A SHARED REDRESS: ACHIEVING HISTORICAL JUSTICE THROUGH DEMOCRATIC DELIBERATION (2015) – [LINK](#)

GILL, THE MORAL FUNCTIONS OF AN APOLOGY (2000) – [LINK](#)