

Jon Miller / Rahul Kumar (eds.): Reparations. Interdisciplinary Inquiries

Reviewed by Daniel Weyermann

Jon Miller and Rahul Kumar, both philosophers at Queen's University in Ontario, Canada, present a collection of highly interesting essays on reparative justice. As they indicate, reparation is an issue of some weight in today's political world. Be it civilian victims of war in Iraq, citizens of formerly colonized nations in Africa or South Asia, descendents of slaves in the United States or indigenous peoples around the world—most of them take reparations to be a crucial “tool for social justice” (p. 5).

Reparations as a means to redress historical injustices involve a wide range of problems and issues. Miller and Kumar hint at the importance of conceptual and normative clarifications (p. 5). On the other hand, they admit that the understanding of reparations claims and programs crucially requires the expertise of other disciplines—thus stressing the multi-faceted character of reparations issues. Bringing together contributions from different scientific fields such as history, law, political science, sociology or psychology, they take their volume to be an argument for the “understanding of reparations claims and programs as an inherently interdisciplinary inquiry” (p. 7). The fruitful discussions that emerge between the different contributors of the volume demonstrate the relevance of such interdisciplinary approaches to reparations issues.

To render the problem of reparations more accessible, the volume is structured around different “modules or types of reparations cases” (p. 7). Miller and Kumar put their focus on reparations involving indigenous minorities, slavery and Jim Crow in the United States, conflict, and colonialism. This division makes sense, since a lot of reparations-talk today is concerned with one of these types. Grouping the discussions around these cases also displays what is “unique about each type as well as what all the types share in common” (p. 7). Furthermore, the division facilitates the discussion among authors writing on one particular type. Reparations also raise some crucial conceptual and normative issues that affect all these cases of reparations claims. Miller and Kumar distinguish “four general clusters” (p. 5) of such issues that involve the following fundamental questions. Firstly, to whom are reparations owed, and who has the duty to make reparations? Secondly, what form should reparations



take? Thirdly, what is the relationship between reparations programs and other goals of social justice, such as distributive justice? And fourthly, what exactly is the aim of reparations? Such general concerns regarding reparations are examined in the particular context of the above mentioned reparations cases. This volume thus makes a significant contribution to the understanding of reparations in different contexts. Although introducing a wide range of particular problems and perspectives, it does not lose sight of fundamental and general problems.

Discussing reparations for indigenous peoples, Jeremy Waldron highlights some fundamental and highly interesting problems regarding the notion of indigeneity (see my article in this IGJR issue).

Janna Thompson, another leading scholar in the field of reparative justice, is concerned with reparations for Aborigines in Australia. Thompson states “a political backlash against Aborigines” (p. 71) regarding reparations, which is aggravated by some conceptual difficulties involved in reparations talk. For instance, for many it is not at all clear why present day Australians should be held accountable for past injustices to Aborigines. Furthermore, one may wonder what reparative justice can demand “in a situation where so many Australians depend on resources that

were unjustly taken from Aborigines” (p. 71). Regarding the first problem, Thompson hints at the “existence and moral desirability of intergenerational relationships” (p. 72) and the obligation “to keep the commitments of (...) predecessors” (p. 73). Therefore, reparations might also be owed by actual members of such intergenerational communities.

Concerning the second problem, even though interests of non-Aboriginal land users should also be taken into account, it is difficult to deny that Aborigines are owed something for past injustices. Thompson thus argues that “[r]eparative justice would be achieved when the harm done by injustice to relations of respect (...) is repaired or compensated for (...) in a way such that each party can, from its point of view, regard the settlement as a just basis for future coexistence and cooperation.” (p. 77). Thompson thus not only tackles some important theoretical problems regarding reparative justice, but her essay also gives a good overview on the reparations debate in Australia.

In the last contribution regarding reparations for indigenous peoples, Rebecca Tsosie—a professor of law at Arizona State University (USA)—stresses the importance of the concrete contexts of indigenous reparations claims. According to Tsosie, any discussion of reparations claims—and thus also of Native/non-Native relations—have to consider “Native normative frameworks” and “address Native epistemologies” (p. 43). Considering the Great Sioux Nation in the United States, Tsosie asks “what an intercultural framework for reparative justice might look like”, and suggests “that the starting and ending points might differ from group to group” (p. 44). An interesting enterprise that investigates the role of the damaged in discussions on reparative justice.

Investigating the second type of reparations claims, Glenn C. Loury—social scientist at Brown University (Rhode Island, USA)—argues for a certain kind of reparations (and against others) in the context of slavery and segregation (Jim Crow). Loury holds that “*racial stigma*, not *racial discrimination*, constitutes the deepest and most enduring historical harm done to blacks in the United States” (p. 89, emphasis in the original). The problem is not so much that blacks are discriminated—and thus deliberately deprived by society of moral

and political equality—, but that they were afflicted with a social stigma during the period of slavery and segregation.

To remedy this stigma, Loury proposes a “interpretative approach” (p. 104) to reparations rather than a “compensatory” one (p. 104). Reparations should not necessarily encompass financial compensations for the harm done—since this would not aim at the core of the problem—, but rather “public recognition” (p. 104) of historical wrongs. Through this recognition, “past injury and its continuing significance can enter into current policy discourse” (p. 104) and a “national narrative” (p. 105), thus countering the vicious circle of stigmatisation.

Andrew Valls and Carolyn Benson respectively from Oregon State University (USA) and Oxford University (UK) introduce further concerns regarding the issue of reparations to blacks in the US. Valls, from a point of view of political science, argues that the issue of reparations to blacks involves some severe misunderstandings. In his view, for instance, the history of slavery and Jim Crow are different issues that deserve separate considerations. Furthermore, he argues that reparations—against widely held views—do not necessarily involve monetary compensation. In fact, it might even be that such payments undermine certain aims of reparations policies, such as atonement and racial reconciliation. He also addresses the concern that the focus of the reparations movement on historical justice might be a strategic or political mistake. This is not the case, he holds, because to draw attention to the past injustices is substantial to address racial inequalities (p. 115). He also argues that “race-blind egalitarian theories of justice fail to address (...) the distinctive racial dimension of inequality in American society” (p. 115) and thus have to be complemented by reparative approaches to justice.

Carolyn Benson, a philosopher, introduces some “further trouble for unsettled waters” (p. 131). She argues that the attention to gender in the debate on black reparations has been neglected even though the “attention to the relationship between race and gender (...) will be an important factor in assuring that certain harms are not excluded from our list of reckonings” (p. 139).

All the essays in this section deliver important insight into the problems of reparations to blacks in the USA and are interesting contributions to the debate.

In the section on reparations for conflict, the main focus of the contributions is on situations where countries undergo transitions to democracy. Pablo de Greiff, director of research at the International Center for Transitional Justice, considers “reparations as a political and

not a juridical project” (p. 156). This means, amongst others, that reparations should in front of all “contribute to the reconstitution or the constitution of a new political order” (p. 156). To do so in the context of transitions to democracy, reparations should help to establish “recognition of individuals as citizens with equal rights” (p. 161), “civic trust” (p. 163) among citizens and “the attitude of social solidarity” (p. 165). Thus, de Greiff, similar to Loury and Valls, argues that reparations should be seen “in these explicitly political terms rather than in the more judicial terms of compensation (...)” (p. 165).

Debra Satz, a philosopher at Stanford University, investigates further the role of compensation to counter wrongs of the past. She argues that compensation is a plausible form of reparation and that “economic compensation remains a form of redress that belongs in the toolbox of those seeking to counter the crimes of the past” (p. 190). However, Satz admits that its applicability is limited. For instance, it is not appropriate in cases where restitution (and not merely compensation) is possible; or where the re-establishment of “relations of respect among groups and individuals” (p. 190) is at stake. In such cases, compensation might merely be a means to express “sincerity and regret” (p. 190); and can thus help to re-establish mutual respect.

Catherine Lu, a political scientist at McGill University in Montreal, gives an historical and systematic overview on several concrete cases of reparations—such as the German reparations after World War I and the Treaty of Versailles—to investigate their role in world politics. Focusing on the tension between reparative justice and reconciliation, Lu holds that “reparations may be important for achieving justice as accountability and as victim restoration, but it is also important for fostering social reconciliation between victims and perpetrators (...)” (p. 209). In the case of Germany after World War I, however, the reluctant payment of reparations did little to promote social reconciliation. The reason is that reconciliation also depends on the voluntary acceptance of perpetrators to meet their reparative obligations (p. 210). Reconciliation as a potentially pertinent aspect of reparations is also considered in many other contributions to the volume.

Regarding reparations for colonialism, attention is drawn to the wide range of injustices that have been committed during the colonial era. Rajeev Bhargava, from the Center for the Study of Developing Societies in Delhi, focuses on cultural injustices. He gives an enlightening account on how cultural injustices of colonialism could be addressed. He refers to apologies that depend on the experience of

shame (p. 242), to truth telling and the engagement in building “common space where different cultures can enter into dialog with one another” (p. 243). Former colonies like India, he suggests, could respond to the past wrongs in retrieving its “own forgotten and neglected traditions” (p. 246) and to “make sense of the West in Indian terms” (p. 247); thus contributing to a “richer, greater commonness” (p. 248) and reconciliation.

In his essay on reparations claims in South Africa, Brandon Hamber, former Programme Manager at the Centre for the Study of Violence & Reconciliation in Johannesburg, investigates the symbolic value of reparations. He gives a valuable overview on the history of the reparations debates, some relevant institutions and state actions. By asking what reparations mean in South Africa, he stresses the “deeper psychological and symbolic needs” that should be addressed by reparative measures. Furthermore, he insists on the separation of debates on economic development and reparations (p. 271).

The essay of Kok-Chor Tan, philosopher at the University of Pennsylvania, is a highly interesting investigation into some of the basic problems of reparations in the context of colonialism. He tackles some of the basic questions (why, to whom, from who, and what exactly?), focusing mainly on the question of responsibility. In some length, he argues that “corporate entities are capable of being responsible and of being wronged” (p. 302), thus establishing a view on reparations that affects not only individuals, but also companies, states etc. As the other sections too, the ones on conflict and colonialism deliver a highly interesting insight into problems and perspectives in the debate on reparations.

In general, the essays of this volume give an excellent overview on the crucial questions regarding reparations and the actual state of the debate. A fundamental concern are the aims of reparations. Many stressed that reparations should be understood as a project of reconciliation with some symbolic weight, thus favouring strategies of reparation that comprise acknowledgement, apology or truth telling. Nevertheless, monetary compensation might still be important to underline the sincerity of such reparations programs.

After all, the volume is mostly interesting for people interested in theoretical problems regarding reparations, since all contributions—although brought together in an interdisciplinary spirit—are to a great extent “philosophically minded” (p. 7).

Jon Miller / Rabul Kumar (eds.) (2007): Reparations. Interdisciplinary Inquiries, Oxford: Oxford University Press. 368 pages. ISBN 978-0-19-929991-1. Price: £58.00.