

**SPECIAL ISSUE ARTICLE**

# A path to repair of the past

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1. Centuries of enslavement of Africans and African-Americans constitute an egregious and foundational wrong in the United States. The genocide of native and Indigenous peoples in the land considered the United States is likewise a terrible and fundamental wrong. These wrongs are thoroughly implicated in the founding of the United States as a nation. People of European descent engaged in these actions, and created rules, policies, laws, and institutions to enact and perpetuate them and did this for hundreds of years. The magnitude of these wrongs is enormous.

Acknowledgment of wrongs and of their magnitude is essential to repair. But even once we do this, several important problems face the defender of reparations. First and foremost, it is not clear whether there are any wrongdoers available to repair these wrongs. This problem is temporal: on the dominant view, the wrongs were done in the past, the wrongdoers (people of European descent) and wronged individuals (Africans, African-Americans, and native and Indigenous people) all lived in the past. If the wrongs were in the past, and if wrongs can only be repaired by those who did them, it is not clear that individuals in the present can take, or are obligated to take, any actions to repair them. Some call this the Temporal Problem.<sup>1</sup> Resolving it is a tall order.

But if the Temporal Problem can be resolved, the defender of reparations then faces the further question of whether reparative obligations are forward-looking (an imperfect duty to improve the conditions of the least-well off or improve the state of the world) or backward-looking (a perfect duty to repay a debt). Finally, the reparations-defender must consider whether the obligations to repair (if there are any) are had by governments, institutions, and other corporate agents alone, or are also had by individuals. And reparation-makers must also determine how to begin their task.

Answering these questions is the aim of the paper. I begin by considering the structural approach to reparations because it aims to address the Temporal Problem. I argue, however, that while structural views represent important tools for addressing present injustices, these views do not provide a vehicle for addressing the past considered in itself—rather, structural views address the past only insofar as it is reflected in the present. And while the defender of the structural approach acknowledges this, I argue that a fuller repair is possible if society both aims to address ongoing historical, structural injustice, and also addresses the past for its own sake.

I then take up a crucial obstacle to addressing the past for its own sake: it is not clear that anyone *can* address the past. I argue however, that it is possible to address the past in part and that European descended people are part of a group some of whose members are the wrongdoers of the past. This shared group association plus the fact of moral luck—namely that present members of the group might have been the wrongdoers of the past—together confer on people in the present an obligation to repair the wrongs of the past. European descended people have this obligation regardless of whether these historical wrongs are reflected in contemporary social structures. The insight is important because, I think, the obligation to repair historical injustices is rooted in the occurrence of the past injustice, not solely in its expression in current structures, as structural views allege.

I also argue that the obligations of repair are backward-looking and not just forward-looking ones. Moreover, I argue that these backward-looking obligations are had by collectives but also by individuals. And finally, I argue that the first step in repairing historic injustices is for repairers to center the perspectives of wronged communities. Toward the end of the paper, I give two examples of what this might mean.

2. In recent years, there have been several prominent defenses of structural approaches to reparations.<sup>2</sup> Structural approaches hold the promise of addressing the Temporal Problem, because they see the wrongs for which reparations are made as occurring in the present— injustices today, connected to historic injustices, are built into the structures of contemporary society. This addresses the Temporal Problem because repair is made in the present, by people who exist in the present, for wrongs that are occurring in the present. At the same time, structural approaches make a substantial acknowledgment of historical injustices, because these approaches see history as informing, or as built into, the present. Two helpful examples as well as analysis of this phenomenon are given by Alasia Nuti in her book, *Injustice and the Reproduction of History: Structural Inequalities, Gender and Redress*. In “Structural Processes and Unjust History,”<sup>3</sup> Nuti argues that structural injustices are processes that occur in the present and are a continuation of unjust processes and actions in the past. Her first example is of the *banlieues* of France, the “urbanized zones around French cities...[that are] usually inhabited by the poorest and most marginalized (Nuti, 2019, p. 35).” Those living in these suburbs are often migrants from North African countries, places that were colonized by France. The deep poverty and unacceptable living conditions of these suburbs demonstrate that France’s “unjust history remains structurally present in the material urban environment and continues to produce second-status citizens (Nuti, 2019, p. 35).” The colonial injustices of the past are materially reproduced in the living conditions of the *banlieues*, which perpetuate oppression of North African migrant communities in France.

Second, Nuti discusses stereotypes, which both informed and grew out of past injustice. Stereotypes persist today, continuing to perpetuate injustice. In the United States, for example, European-descended people developed and defended racist stereotypes as a purported justification for their racist practices. One such example, discussed in Nuti (Nuti, 2019, pp. 36–46) and discussed at length by Ibram X. Kendi is the constructed association between African-descended men and criminality.<sup>4</sup> European-descended people developed multifaceted defenses of this false and pernicious idea over centuries (in legal opinions, legislation, philosophical writings, and media) as purported justifications for the historic injustices they committed (institutionalized slavery, Black codes, Jim Crow segregation) and for the ongoing contemporary injustices (mass incarceration, and discrimination in housing, schools, health care). The stereotype of Black criminality is the ongoing structure that continues to prop up injustices such as mass incarceration and is thereby connected to past injustices.

Structural accounts offer a partial answer to the Temporal Problem, because these accounts locate the wrong in the present. The wrongdoers are in the present and have obligations to repair the wrongs they are perpetuating by acting within present structures. This is an important insight and there is clearly an obligation for people in the present to cease perpetuating structural injustice and repair the injustices that are occurring.

Some structural accounts, go further, however, arguing that present-day wrongdoers have only forward-looking, and not backward-looking obligations of repair. Forward-looking views see the obligation to make reparations as akin to an imperfect duty to promote the autonomy,<sup>5</sup> or improve the wellbeing, of members of society.<sup>6</sup> Backward-looking accounts, by contrast, see the obligation to repair as perfect duty to right a wrong done or repay a debt. Some reparation-defenders argue that we are driven to accept forward-looking repair because there are no wrongdoers of past wrongs available to make backward-looking reparation.

One such view is that of Iris Marion Young. Young calls her account a “forward-looking social connection model,” which she contrasts with a backward-looking “liability model.”<sup>7</sup> The liability model, according to Young, is best suited to hold accountable those who are direct causes of (or legally responsible for) harms. But Young argues, the condition of being a direct cause of wrongdoing is not met in cases of historic injustices. Those who did directly cause these past wrongdoings are all dead. Moreover, Young says, the liability model, “is not well suited to assigning responsibility in relation to structural injustice (Young, 2011, p. 175)” even when the wrongs are occurring today. This is because structural injustices often result not from “the isolatable actions of individual or institutional agents, but rather from the normal, ongoing structural processes of the society (Young, 2011).” Liability responsibility is appropriate in response to the isolated actions of individuals. Moreover, Young believes that where there are only weak causal connections between the actions of individuals (following company policy and giving or not giving loans to lenders) and the resulting harm to victims (denying credit to Black and brown lenders), the liability model is unable to assign responsibility. These individuals are simply doing their jobs.

There appear to be three reasons why Young takes liability responsibility to be inappropriate for structural injustice. First, people in the present simply did not commit the wrongs of the past. Because there is no causal link from present-day people to the wrongs of the past, these people are not liable. She says, we must “take the past as given. In one sense we are not responsible for this past; we rightly say that we ourselves did not commit its unsavory acts, and we cannot be blamed for them (Young, 2011, p. 182).” Liability responsibility is appropriate only for those who directly perpetuated the wrongs themselves.

Second, Young believes that it is simply impossible to repair the past. While we might grieve this truth, or rail against it, she takes it to be a fact. She says: repair of “injustices such as slavery or the killing and removal of Indians [sic] *cannot be performed*. It is too late (Young, 2011, p. 182, emphasis added).” These terrible actions are done and in the past, and nothing can be done to repair them.

Finally, Young believes that the way structural injustice is perpetuated prevents liability responsibility. Liability responsibility is inappropriate in the case of structural injustice because individuals perpetuate the injustices through everyday actions. These ordinary actions, on Young’s view, produce injustice collectively—but the causal connections between any one action (of not granting a loan to a Black borrower, for example) are only weakly correlated with injustice. Liability responsibility is appropriate only when we want to separate individual wrongdoers from other individuals and say that the wrongdoer is responsible and the others are not. But in the case of structural injustice, *everyone* or nearly everyone participates in the

perpetuation of injustice, simply through their everyday actions, which are not aiming at wrongdoing.

So because liability responsibility is not possible, Young proposes her social connection model which she considers better suited to systems of structural injustice. This model “does not assign blame or fault, but rather enjoins a political responsibility to organize collective action for change (Young, 2011, p. 173).” Moreover, those who “contribute to structural processes with some unjust outcomes should not be *blamed* for these injustices, nor do they owe damages... (Young, 2011).” On the social connection model, responsibility is “shared by those connected to one another through structural processes (Young, 2011, p. 180).” Young’s account is necessarily conjoined with a forward-looking account of repair. The backward-looking model is apt only in cases of liability. Because structural injustice does not permit liability-responsibility, forward-looking repair is the only possibility.

While Young’s view represents an important advance in partly addressing the temporal problem, there are also several problems with this view. Consider, first, Young’s view that liability responsibility is not possible in the case of historic wrongdoing. The structure of this argument appears to be:

No one alive today committed the historic wrongs of institutionalized slavery or genocide.

Therefore, no one alive today can have liability responsibility for those deeds.

But this argument only follows if the *only* way to be liability-responsible is to have committed the deeds in question. Certainly, those who directly perpetuate wrongdoing are appropriate bearers of liability-responsibility. But others may also be liability-responsible if an additional ground of liability-responsibility can be given. I return to this issue in section three.

Second it is important to note that while many people in society today do perpetuate structural injustice through their everyday actions, it is not the case that everyone does, and even among those who do, it is not the case that they do so all of the time. Consider implicit bias. Implicit biases are associations of ideas linking descriptions to norms. While many members of society have *some* implicit biases, some, for instance non-Black people demonstrate a stronger anti-Black bias than do African-descended people (Gran-Ruaz et al., 2022, p. 612). Young’s view that there is little value in distinguishing wrongdoers from non-wrongdoers in the perpetuation of everyday structural injustice seems mistaken: there may be value in identifying those individuals who have these pernicious implicit biases. Even if these individuals are not blamed, it is valuable to promote their awareness of, and reflection about, implicit bias as a way to disrupt the perpetuation of structural racism.

Finally, with regard to Young’s argument that we cannot repair historic injustice, it is true that we cannot *fully* repair the wrongs of the past—the dead cannot be resurrected, those who were enslaved cannot have their lost freedom restored, those who were raped or suffered other dignitary wrongs cannot have those actions undone, even if the individuals in question are still alive. But from this it does not follow that no repair of the past can be achieved. For example, individuals and groups in the present can study, unearth, acknowledge, and apologize for the wrongs of the past. Germany has done this in the decades following the Holocaust; cities in the United States, for instance Greensboro, North Carolina, have undertaken truth and reconciliation projects. Greensboro did this following the November 3, 1979 massacre motivated by racial hatred. The state of Maine and the Wabanaki people undertook a truth and reconciliation process to give voice to the Wabanaki people’s harmful experiences in the Maine child welfare

system from 1978 to the early 2000s. In no case is full restoration possible. But the lack of awareness, study, acknowledgment of the wrongs, the lack of apology and promise to never again commit or allow such wrongs, perpetuates the wrong, and enables the harmful effects to grow. On the contrary, acknowledgement (and apology and promising never again) constitutes a partial repair of the wrongs themselves even if full repair is not possible.

3. In the previous section, we saw that structural accounts of reparations are an important advance. At the same time, I argued that some structural accounts have limitations. In particular, we considered Young's forward-looking social connection model of responsibility and repair, and I argued that the fact that someone *is not* a direct cause of wrongdoing should not yet lead us to conclude that the individual is not liability-responsible. But is there a justification for holding that non-direct causes of wrongdoing can have backward-looking liability responsibility for the wrongs of the past?

A view that comes closer to what I believe we need is that of Alasia Nuti. As we saw earlier, Nuti's view is that people in the present have a perfect duty to address injustice in the present. Moreover, Nuti compellingly argues that we should not think of past injustices as *past* but rather that these injustices continue to live in the present, embedded in contemporary social structures. Nuti's novel account argues that history lives in the present, in the sense that events in the past structure present realities. On her view, historical injustices are present and interwoven throughout society and injustices of the past reproduce themselves in present social structures. Nuti argues that understanding historical injustices as historical-structural injustices (HSI) explains both why the past is normatively important (why it continues to live in unjust contemporary structures when it does) and also enacts needed limits on *which* injustices of the past will be addressed through reparative policies (only those whose effects continue to live in unjust contemporary structures). And so on Nuti's view, some past injustices can be left unrepaired because their effects do not live on in contemporary structures. Nuti says, "Unlike backward-looking approaches, the account of HSI does not claim that the unjust past grounds obligations of justice in the present per se...it claims that we should pay normative attention to the unjust past because *it is present* in terms of unjust long-term structures (Nuti, 2019, p. 47)." Furthermore she says: "An unjust history cannot be neglected when and because it is not 'past' but reproduced into the present and shapes the contours of our social reality...It constructs (at least a central part of) the *script* in which persons daily act and reproduce with their actions (Nuti, 2019, p. 48)."

One especially compelling aspect of Nuti's view focuses on what she calls the "banal radicality" of the reproduction of historical-structural injustice—this is the way everyday actions, stereotypes, and implicit biases function to perpetuate historical injustice. Because the past is reproduced in the everyday actions of ordinary members of society, Nuti argues that reparations cannot simply be the obligation of the state. She endorses a distinction made by Robert K. Fullinwider between "a state's 'corporate accountability' and citizens' 'civic responsibility' (Nuti, 2019, p. 163)." Nuti follows Young in holding that contemporary citizens of a state are not held accountable in Young's "liability" sense, where they would be blameworthy for past wrongdoing, but should "regard support for reparation programmes as an obligation of citizenship—that is, as an obligation to sustain their state's efforts to achieve (reparative structural) justice (Nuti, 2019)."

For the individual citizen, Nuti suggests that approaches to reparations constitute showing collective support for forward-looking social programs of repair. In her conclusion, Nuti argues that her de-temporalized framework highlights the "necessity for reparations" and argues that reparations are "'redistributive' (e.g., free and public educational programmes, a guaranteed

minimum livable income and affirmative actions) and about ‘recognition’ (e.g., changes in school curricula, national holidays and public practices of commemoration) and thus they already tend to be quite encompassing in scope (as they should be) (Nutti, 2019, p. 180).”

Nutti’s view is nuanced and powerful. Particularly powerful are her the explanations of why the unjust past continues to live within social structures in the present. Her de-temporalized framework in many ways blurs the distinction between forward- and backward-looking repair. But I want to raise two concerns about this view. First, while I agree with Nutti that the past lives in the unjust present, I am concerned that this recognition may not exhaust the ground of the obligation to repair the past had by some people in the present. Imagine, that is, an unrepaired injustice in the past that is not reflected in contemporary social structures. Were this to be the case, is it correct to say that contemporary people have no obligation to address these injustices? On Nutti’s view, there would be no moral obligation to address this injustice.

But imagine for instance a society that in the past relied solely on fishing for its livelihood. One generation of this society, through greed or lack of awareness, overfished the available resources so that within that generation fishing no longer sustained the community. There was famine and substantial suffering as a result. These wrongs were never acknowledged. The next generations were resilient and adapted—they found new ways to support themselves and built a society where everyone’s basic needs were met. But some members of the community have heard vibrant stories told by their ancestors and handed down through the generations of the carelessness that led to the famine and devastation of those years generations ago. Subsequent generations did not so much as repair these wrongs, but worked to find new ways to support themselves. Still painful stories and ill-feelings linger. Fear of a recurrence persists among some in the community.

In such a society, it seems that contra Nutti there *would* be an obligation to offer repair for these past injustices, even if full repair is not possible and even if the injustices are not reflected in current social structures. Acknowledgement of the past is necessary for its own sake, but also to help ensure that these sorts of actions do not recur. So even though Nutti is correct that it is urgent to repair historical wrongs that live in present social structures, it is also important to repair the past for its own sake. The fact of wrongdoing, whether in the past or in the present, demands repair.

Similarly, Rahul Kumar argues that the way we conceptualize reparations communicates something important about how understand the wrong being repaired.<sup>8</sup> On Kumar’s view, reparations as compensation, for instance, reduce the wrong to the material effects of the wrong—so the wrong of institutionalized slavery on the compensation view of reparations becomes the monetary value of the enslaved person’s lost wages or the wealth they created for the enslaver. But Kumar argues that this reductive view fails to capture, and in fact, belittles the wrong that the enslaver did to the person they enslaved.

Kumar’s lesson is that it matters how we in the present relate to the wrongs of the past. If we regard them as repair-worthy only if they continue to be reflected in our social structures, we communicate that it is not the wrongs themselves that deserve our attention, but their wrongful effects in the social structures of society today. However, acknowledging and addressing wrongs for their own sake is an important communicative and moral act.

4. The question that my account must answer is whether there is anyone appropriately situated in the present to do just that. In order to argue that there are individuals in the present obligated to repair the wrongs of the past, I first want to urge us to shift our understanding of the circumstances under which there is an obligation to repair. A commonly held view is that individuals have obligations to repair only in highly circumscribed situations: only those who



are direct causes of wrongdoing, who had a guilty mind, and who had control over their actions are obligated to repair the wrong. There are various ways to trouble this view—for instance, some hold that control is not necessary for moral responsibility (Smith, 2008; Wolf, 1990). But I want to suggest something different, namely that the obligation to repair does not dissipate when direct causes of wrongdoing cannot or will not repair the wrongs.

It makes good sense to hold that individuals most obligated to repair wrongs are those who directly perpetuate them. But if those individuals are unavailable or unable to repair, on the view I am suggesting, the obligation would then cascade to those farther and farther in their circle until repair is made. This view represents a shift from the standard view where the requirement is that wrongdoers and repair-makers be proven guilty and where the standards for doing so are quite high. The standard view and its associated protection of wrongdoers makes sense in the legal realm, where the authority of the powerful state to impose sanctions on individuals, a power so easily subject to abuse, must rightly meet that high bar. But holding that same high standard in the moral realm stands in the way of reckoning with the past. And so in the moral arena, I suggest, it makes sense to demand a very high standard in order for reparative obligations to be superseded. My intervention is thus to suggest that we see the obligation to repair as persisting, even when the wrongdoers themselves are unable or unwilling to make repair.

Indeed, we already hold the view that under some circumstances, others in association with wrongdoers must step in to repair wrongs when the wrongdoer is unable or unwilling to do so. Catherine Lu, for instance, argues that members of a shared community can, do, and should step in to repair the wrongs done by others, when the wrongdoers themselves cannot or will not take up reparative action.<sup>9</sup> In an International context, she says, “when the goal of victim reparation is beyond the capacity of the responsible state(s) to fulfill alone, then the obligation to repair the losses and damages resulting from war may have to be distributed beyond the directly responsible state... (Lu, 2017, p. 234).” Responsibility and costs become shared among nations.

We also hold this view about individuals. For example, parents of young children do and should repair wrongs done by their children. Friends sometimes find themselves needing to repair the wrongs done by other friends. Regarding shared responsibility among friends, Carol Gilligan discusses the short story, “A Jury of Her Peers,” in which a woman, Minnie Foster, is suspected of killing her husband following his possible domestic abuse. After Foster is accused, her friends discuss their own implication in Foster’s act, saying, “I wish I’d come over here once in a while (Gilligan, 1987, p. 29).” The women in Foster’s life, “connect themselves with one another and with Minnie (Gilligan, 1987, p. 30).” In this example, we can see an ethic of sharing responsibility for the deeds of a friend.

Now, we might think that parents or friends have these obligations because these relationships are ones they have entered into voluntarily. But these relationships are far less voluntary than we might think. There is little sense in which we choose our children. We might choose to become parents, but we certainly do not choose the particular children we have. And even in the case of adoption, where we might choose to adopt a particular child, we do not choose to adopt that child because we are consenting to take responsibility for the specific weaknesses or foibles that child might have. A parent does not choose whether to adopt a child who is measured or one who is impetuous. At best we can say that sometimes parents choose to become parents, and sometimes they choose to become parents to a specific child. But these choices do not constitute a robust consent that can serve as the ground of a parental obligation to take responsibility for the child’s actions. Instead, it is the parent’s association with the child that grounds responsibility for repairing any wrongs the child does.

Something similar can be said of the responsibility we take for the actions of our friends. While we do exercise some agency over those who become our friends, these choices are severely limited by constraints on who we happen to encounter, who is available to us. It is not that we consent to associate with people who have certain attributes and for whose actions we are willing to bear some responsibility. Rather, we have associates, and some of these associates become our friends. Our associations with them partly ground our responsibility for their actions, and for offering repair for their wrongs. So when a child or a friend cannot or will not take responsibility for their actions, it is appropriate for their associates to do so. We take responsibility (apologizing on their behalf, considering our own causal contribution to the acts they have done) for our friends or our children.

The same is true of our ancestors. Our ancestors are our associates through time and thus we can take some responsibility for unrepaired wrongs that they committed. But are we obligated to do so? Though I cannot develop a full account, I want to suggest that there are two reasons why we both can and should offer repair on behalf of our ancestors. First, we share something important in common with our dead ancestors. We are racially privileged in a system of race that they *created*. Our ancestors created a racist system in order to benefit themselves and people who looked like them (namely, us). Second, were it not but for our temporal moral luck, we might have been them and might have done the deeds that they did. Our proximity to them, our shared association, as well as the luck that we were *not* them confer obligations on us to address the wrongs they committed when they have not repaired these wrongs.

Nuti argues for a similar view with regard to wronged communities. She says:

Structural descendants are significantly connected to (dead) victims of past injustices. Had they been alive back *then*, they would have suffered from the original form of the injustice (which is now newly reproduced) because of their structural membership; they would have occupied the same position as their (structural) ancestors (Nuti, 2019, p. 62).

The same is true of us as descendants. Moral luck and our unchosen associations ought to ground obligations of repair.

Now certainly, if our friends, children, or ancestors themselves take responsibility for their deeds and repair the wrongs they have done, there is no need for us to do so. But when they cannot or choose not to, we are then required to make repair on their behalf. Wrongdoing requires repair, such that the obligation to repair cannot be superseded. Furthermore, seeing these actions and policies as repair-worthy communicates to the contemporary descendants of the wronged that these acts were wrong and that we acknowledge them as such, which itself has a reparative effect.

5. So far, I have argued that forward-looking accounts have less power to repair than do backward-looking ones. And I have argued that it is important to repair the past for its own sake, to the greatest extent possible, apart from whether the past is reflected in present structures. It is also necessary to address current structures and wrongs being done now—to recognize the structures, stop the wrongs, and repair them. I have also argued that the obligation to repair wrongs persists when the most proximate wrongdoers cannot or do not repair the wrongs. In such cases, the obligation is transferred to others in the circle of the wrongdoer.

Next we must consider whether these obligations are had only by collectives (such as governments or corporations) or by both collectives and individuals. Nuti argues that the primary locus of reparative obligation rests with collectives and the policies they adopt. On Nuti's view,



individual citizens may not have explicit individual responsibility for repairing the past.<sup>10</sup> The obligation to take responsibility for the past is held by the state, or by corporations, or by other powerful institutions in society. This responsibility involves enacting policies of repair at the government, corporate, and institutional levels. Though Nuti admits a role for individuals, it is a derivative one, as individuals have responsibility secondarily for supporting the collective actions of the state and other powerful institutions.

But Olúfemi Táíwò offers a more robust role for individual responsibility, within a view holding that collectives also have reparative obligations. He calls his view the constructive project of reparations. According to this view, historic injustices have formed the world in a particular way, and the purpose of making reparations is to, now, form the world anew in a just way. He says, “The constructive view is...built specifically in response to trans-Atlantic slavery and colonialism. ...The global racial empire created new kinds of injustice and linked them into entirely new global systems. The constructive view of reparations I defend here calls for change of equal scope (Táíwò, 2022, pp. 74–75).” The focus of reparations, on Táíwò’s view, is distributive justice because “distribution systems, over time, are also systems of accumulation (Táíwò, 2022, p. 75).” Unjust distributions of resources compound over time so that future distributions of resources accumulate and magnify the original injustices. Táíwò points out that the constructive view aims to create a just world by transforming unjust institutions, providing material redress, eliminating institutional racism, and improving the lives of individuals. Racially advantaged people today are morally obligated to build a just world, with a just system of advantages and disadvantages.

Táíwò’s view differs from mine in, I believe, two ways. First, he argues that individuals are obligated to undertake constructive reparation because these individuals are *advantaged* by the unjust past. While I do not have the space to address this view, I believe that being advantaged by injustice is at least not the *only* ground of a reparative obligation, and I have attempted to articulate association as a ground of reparative obligation. Second, Táíwò argues that individuals can be liable for the past even if they are not responsible for it. Responsibility, he regards as inherently bound up with ideas of blameworthiness, punishment, and causation of a wrong (this view is in many ways similar to Young’s liability responsibility). On his view, because people in the present did not *cause* the wrongs of the past, they should not be punished for them, nor blamed, nor regarded as responsible. But they can be liable (using the word differently from Young). For Táíwò, liability seems to mean obligated to repair. Táíwò says that liability does not involve “backward looking investigations about who did the wrong thing in the past; [it is rather] design choices about our present and future (Táíwò, 2022, p. 123).”

As I suggested earlier, my concern is that without a backward look investigating who did the wrong in question, a fuller repair may be out of reach. But rather than pursue this question further, I want to ask a different question about Táíwò’s view. Táíwò defends a largely forward-looking view of reparations, focusing on the liability racially advantaged people share for constructing a just world. But is it similarly defensible for a racially advantaged person, a person of European-descent, to defend an account of reparations that is forward-looking? In defending an account that is only forward-looking, a racially advantaged person would be communicating that racially advantaged persons do not have a debt that needs to be paid. Ta-Nehisi Coates puts this point well when he says, “It is as though [racially advantaged people] have run up a credit-card bill and, having pledged to charge no more, remain befuddled that the balance does not disappear (Coates, 2014, p. 28).” People of European descent have incurred a moral debt and have succeeded in their lives in part because of a corrupt system of racialized advantage and disadvantage. Not only does justice require the building of a fair society, but also it requires the

acknowledgment of this moral debt. Looking only, or even primarily, forward perpetuates epistemic injustice and makes elusive the fullest possible repair.

A final point I want to highlight about Táíwò's account is that it is especially sensitive to the way in which individuals perpetuate, through individual actions, the unjust distribution of resources over time. Táíwò develops detailed examples both of social structures and of individual actions. For instance, he considers two individuals, Betty and Jessica. Betty is Black and Jessica is white. As a result of historical injustice, their lives take vastly different paths: "Jessica's family was set on a trajectory toward an accumulated hoard of social advantages and Betty's was set on a trajectory toward disadvantages. As a result, Jessica's grandchild Jeff faces a completely different causal environment than Betty's grandchild Mike. Whatever differences in what Jeff and Mike succeed or fail to accomplish over the course of their lives will be partly a matter of this initial difference, if not entirely reducible to it (Táíwò, 2022, p. 80)."

While Táíwò argues for a collectivist, cosmopolitan view, he also recognizes that undertaking reparations must begin with the careful examination of the lived experiences of individuals: Betty and Jessica, able-bodied Royce and wheelchair-using Pedro, Franklin who wears corrective lenses, and Divina who is born Deaf (Táíwò, 2022, pp. 88–92). Justice, on Táíwò's view, is determined by fine-grained choices made by individuals operating within structures. He says: "the question of which buildings are accessible to wheelchair users (for example) and which are not depends on design choices in the built environment—choices made by people (Táíwò, 2022, p. 93)."

I agree with Táíwò that not only are collective actions and policies necessary for repair, but that individual ones are as well. Individuals must notice that repair is required, they must notice that working for justice requires taking specific actions, and they must notice the proclivities to injustice they find in themselves. As Táíwò argues, building-designers must, say, choose to include ramps in their design. Or consider another example. A 2016 Yale study showed that preschool teachers spend more time focusing on Black male children when asked to watch video clips looking for challenging behavior from children.<sup>11</sup> The study suggests that teachers are expecting to find problematic behavior from Black male children. The children in the video clips were all actors and did not exhibit any challenging behaviors. Yet individual teachers (and other members of society) are doing harm and perpetuating systemic racism through their everyday actions. Ending injustice requires individuals to recognize these phenomena.

Implicit bias, stereotypes, and other forms of oppression do not simply operate within institutions. They also operate, as Nuti shows, in everyday individuals in their banal social activities. Individuals enact, in their everyday lives, ordinary, nonintentional actions (biased hirings and firings, stereotyped assumptions about those with identities not shared by the actor, biased car sales, loans, home sales, apartment rentals, and biased policing, court proceedings, punishments, judicial decisions, and state intrusions into the family) that perpetuate historic injustices. As a result, our approach to reparations must include not only governmental and corporate action, but also reparative actions on the part of everyday individuals, *qua* individual. Without a role for everyday actors, it will not be possible to address the full scope of the wrongs and related harms.<sup>12</sup>

An adequate view of reparations thus requires both collective and individual responsibility. I have suggested that our associations and our moral luck together ground collective responsibility for reparation. Individual responsibility is needed because injustices are perpetuated through individual actions influenced by implicit bias, stereotyping, or other oppressive psychological structures. The harm and injustice that these actions currently cause ground individual responsibility for making reparation.

6. A final point: the first step in making reparations is for reparation-makers to center the perspectives and narratives of wronged communities. To see what I mean, it is helpful to consider an example where the perspectives and narratives of wronged communities are not adequately centered. Some writers on reparations acknowledge the wrongs of the past, but nonetheless fail to fully understand the perspectives and narratives of wronged communities. Consider an influential objection to reparations defended by Jeremy Waldron.<sup>13</sup> Waldron argues that in some cases, the passage of time can obviate the need to repair injustices committed in the past. He considers the example of European peoples taking the lands of Indigenous peoples in the lands considered by some to be New Zealand, Australia, Canada, and the United States.

Waldron argues that although the taking of land possessed by Indigenous peoples was unjust at the time the land-taking was committed by Europeans, whether European-descended peoples today have reparative obligations (in the sense of land-transfers) is dependent on present circumstances. Waldron argues that changing circumstances may cause obligations to return stolen land to be superseded. He says: “it seems possible that an act which counted as an injustice when it was committed in circumstances  $C_1$  may be transformed, so far as its ongoing effect is concerned, into a just situation if circumstances change in the meantime from  $C_1$  to  $C_2$ . When this happens, I shall say the injustice has been *superseded* (Waldron, 1992, p. 24).”

To exemplify this possibility, Waldron imagines a “savanna” on which different groups share “water holes.” But in this arrangement, a group, Q “descend[s] on the water hole possessed by group P and insist[s] on sharing it with them (Waldron, 1992, p. 25).” Waldron notes that this occurrence would constitute an injustice. But should circumstances change and all the other water holes on the savanna dry up except the one belonging to P, it is no longer an injustice for P to have to share the water hole with Q; Q “is entitled to share the water hole (Waldron, 1992).” “The initial injustice by Q against P has been *superseded* by circumstances (Waldron, 1992, emphasis added).” Waldron argues that in cases of land theft by Europeans of land possessed by Indigenous peoples generations ago, present circumstances have (or may have) superseded the original injustice so that the holdings of land, possessed today by European-descended people, are no longer unjust. Reparative action, in the sense of returning the taken land, is not required. Waldron says:

...there have been huge changes since North America and Australasia were settled by white colonists. The population has increased manyfold, and most of the descendants of the colonists, unlike their ancestors, have nowhere else to go. We cannot be sure that these changes in circumstances supersede the injustice of their continued possession of aboriginal lands, but it would not be surprising if they did. The facts that have changed are exactly the sort of facts one would expect to make a difference to the justice of a set of entitlements over resources (Waldron, 1992, p. 26).

But notice that two premises must be defended in order for Waldron's argument to succeed: first, he must argue that the determination of which arrangements of resources is just is influenced by circumstances. This is a plausible claim. And Waldron's argument succeeds, I think, in showing that changing circumstances *can affect* the justice of distributions of resources. But showing this alone is not sufficient to show that a present obligation to repair a past injustice is in fact superseded by present circumstances. To show that a present obligation to repair a past injustice is in fact superseded, an additional argument is needed.

We can grant, as I think Waldron does, that the original land-taking, generations ago, by Europeans of land occupied by Indigenous people, was unjust. Let us also grant (even though I would question it) that it would be an injustice today to take land from US citizens or land-owners and return the land to Indigenous peoples. What we have then, are two injustices: one experienced by Indigenous peoples in the past (and continuing in the present) and one potentially experienced by US citizens and land-owners were reparative land-transfers to be undertaken in the present or near future. But to show that the obligation to repair is in fact superseded, it must be shown that the injustice of taking reparative action today (returning the land) is greater than the original injustice. And this, Waldron does not show.<sup>14</sup>

Indeed, the supersession argument draws some of its plausibility from the implicit suggestion that returning the lands today would constitute a far greater injustice than the original injustice many years ago. Perhaps that is in part because the land was not “developed” and those living on it were “primitive.” Notice that the construction of Waldron’s analogy seems to hint that the groups involved are primitive, living on a “savanna” and using “water holes” for water acquisition. The implied suggestion is that Indigenous peoples living on the land masses that were settled and colonized by Europeans, were similarly primitive. This makes it easier to diminish the moral significance of this initial injustice. But in fact, it is not obvious which injustice overrides the other. Furthermore, the matter of which injustice overrides the other is not established by showing that returning the land in the present would be unjust. It is only if we take an approach prioritizing the *present* distribution as having a greater claim to obtain than the past distribution that reparation is not required.

And notice that this present-focused approach also centers the perspectives and the claims of wrongdoers. Only a perspective that centered the current occupants of the land, the United States, Canadian, and Australasian land-owners—and thus the current distribution of resources—would conclude that this moral conflict is resolved by maintaining current land-holdings. It seems that a less biased approach would be to acknowledge that both groups may have a legitimate claim to the land. Still another approach, the one I would favor, would hold that the historical injustices must be acknowledged, addressed, and repaired—that their significance overrides any harm caused by returning the stolen land. The first of these approaches aims for impartiality between European-descended and Indigenous peoples. The second centers Indigenous peoples who have experienced these historical wrongs and their long and ongoing aftermaths. Both approaches may be justified. But it seems clearly *unjustified* to center the original wrongdoers and hold that the original injustice has in fact been superseded by present circumstances.

We should expect an approach to reparations to consider the question of whether an injustice would be committed to present land-occupants if land were returned to its original inhabitants. But we should also expect an approach to reparations to center the perspectives of those wronged by historical and ongoing injustices. Arguments about reparations should not simply assume, as Waldron’s does, that a policy of returning lands would be unjust.

Consider another example. Wazyatawin<sup>15</sup> argues that those who defend robust reparation-making to native and Indigenous peoples often argue for the return of land to those Indigenous peoples from whom it was stolen by European settler-colonists many generations ago. Imagine that the United States were to undertake a transfer of the land that now constitutes the United States, occupied as it is by millions of non-Indigenous people, to Indigenous people. It would be morally very demanding to return all of that land-mass to Indigenous people today, displacing millions of non-Indigenous people. But Wazyatawin argues that even such a demanding program of reparations, nevertheless still centers settler-colonists in some important

ways because such an approach to reparations fails to acknowledge that the land, water, and air used by European-descended peoples all these generations have now been damaged due to the occupation of settler-colonists. She says:

Reparative justice in this context would seemingly require an effort to decolonize, that is break that iron collar and undo the effects of colonization. This would require that settlers not just leave Indigenous lands, but that they would also take all of their systems, institutions, and laws with them. However, even this would not rectify the harm of colonization, as settlers have desecrated, exploited, and toxified our homelands to such an extent that destruction would remain in their wake. While our homelands and people could begin to recover if we were just left alone and freed from colonial oppression, some of the crimes are too monumental for Indigenous people to rectify. What, for example, could we do with nuclear waste in our homeland that requires constant cooling and the industrial infrastructure? (Waziyatawin, n.d.)

Even very demanding approaches to reparations do not necessarily center wronged communities. But the first step in reparation-making is to center wronged communities, in the sense that the narratives of wronged communities must be heard and acknowledged so that the resulting harms can begin to be ameliorated.

7. I have argued for an approach to reparations that builds on recent structural accounts. First, I have argued that reparations must address the Temporal Problem—this is the problem that reparative actions must be taken by people living in the present, but that some of the wrongdoing those people ought to repair was done by others in the past. I argue that the Temporal Problem can be addressed by understanding contemporary European-descended people as part of a transhistorical group, with the wrongdoers of the past as its members. The contemporary members of this group are obligated to repair in virtue both of their associative group membership and by the fact of moral luck: had these contemporary people lived in the past they would have been likely to commit wrongdoing in the past. They are thus obligated to make backward-looking repair when their ancestors failed to do so. Second, I have argued that reparations are a communicative act and that while it is valuable to end structural injustice today, it is also valuable to acknowledge the wrongs of the past. Reparation for the past, *qua* past, does this. And even though it is impossible to fully repair the wrongs of the past, some repair of them can and should be made. Finally, I have argued that reparations must be made by both individuals and collectives, and that the first step in any program of reparation must be to center the narratives and perspectives of wronged individuals and communities. This is the best path to making repair for the unjust past.

## CONFLICT OF INTEREST STATEMENT

The author has no conflicts of interest.

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## ENDNOTES

<sup>1</sup> Olúfẹ́mi Táíwò, *Reconsidering Reparations*.

- <sup>2</sup> Sonny Kim also has an excellent discussion of structural approaches to reparations, in an unpublished manuscript. Like me, Kim focuses on the obligations of present day individuals, considering especially what obligations are conferred by the fact of benefitting from an injustice; he also discusses forward-looking and backward-looking repair.
- <sup>3</sup> Alasia Nuti, *Injustice and the Reproduction of History: Structural Inequalities, Gender and Redress*, Cambridge: Cambridge University Press, 2019.
- <sup>4</sup> Ibram X. Kendi, *Stamped from the Beginning*, Bold Type Books, 2017, especially 410–423.
- <sup>5</sup> Derrick Darby, “Reparations and Racial Inequality,” *Philosophy Compass* 5/1 (2010) 55–66.
- <sup>6</sup> Táíwò *Reconsidering Reparations*, Iris Marion Young, “Responsibility and Historic Injustice,” *Responsibility for Justice*, Oxford University Press, Oxford, 2011 pp. 171–189.
- <sup>7</sup> Young, “Responsibility and Historic Injustice,” *Responsibility for Justice*, Oxford University Press, Oxford, 2011 pp. 171–189.
- <sup>8</sup> Rahul Kumar, “Why Reparations?” *Philosophical Foundations of the Law of Torts*, John Oberdiek (ed), 2014.
- <sup>9</sup> Catherine Lu, *Justice and Reconciliation in World Politics*, Cambridge University Press, 2017. See especially chapter 7, p. 234–235.
- <sup>10</sup> Jennifer Page also points to this lacuna in Nuti’s account. See Page, “Contributing to Historical-Structural Injustice via Morally Wrong Acts,” *Ethical Theory and Moral Practice* 24 (2021): 1197–1211.
- <sup>11</sup> Walter S. Gilliam et al, “Do Early Educators’ Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?” Yale Child Study Center, New Haven, CT, September 28, 2016.
- <sup>12</sup> Jennifer Page also points to this lacuna in Nuti’s account. See Page, “Contributing to Historical-Structural Injustice via Morally Wrong Acts,” *Ethical Theory and Moral Practice* 24 (2021): 1197–1211.
- <sup>13</sup> Jeremy Waldron, 1992. “Superseding Historic Injustice.” *Ethics* 103: 4–28.
- <sup>14</sup> Esme G. Murdock, 2022 makes a similar objection to Waldron. I became aware of this objection in the final revision of my paper in December 2022.
- <sup>15</sup> Waziyatawin, Unpublished manuscript.

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