

Beyond the Bank: Justice, Injustice, and Black Reparations

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ABSTRACT: In this article, I provide an overview of the arguments for reparations for Black Americans, a topic that has gained significant steam in recent years, and offer a criticism of how reparations are commonly understood as financial compensation. I begin by providing the basic argument in support for reparations: Systemic racial injustices committed against Black Americans violated their rights; these violations should be considered an ongoing, enduring injustice; and such violations require restitution in the form of reparations. I argue that there are unforeseen problematic results of economic-repair-centered reparations programs, most concerning that the resources offered ignore the social or economic status of large portions of the Black communities they acknowledge harming. Offering two legislative attempts at reparations as examples, I argue that reparatory policies for Black Americans should utilize the framework of rectificatory justice in order to best attempt to set an unjust situation right.

KEYWORDS: reparations, justice, racial injustice, rectificatory justice, Rodney Roberts, racial wealth gap, Black Americans

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MY EARLIEST MEMORY OF BECOMING AWARE OF RACIAL INJUSTICE was the beating of Rodney King in Los Angeles in 1992. Although my education provided me with an overview of America's legacy of racial injustice, this was the event that shoved the concept into the forefront of my consciousness. Watching from afar, I was sure that the video evidence would be enough to ensure that those officers would be held accountable. When they were not, I began to grasp the nature of racial injustice. Beyond the dehumanizing mistreatment of someone because of their

race, there was the additional sting of the perpetrators of injustice taking no accountability for their actions.¹

In the nearly thirty year period that has followed this beating, we have seen countless instances of documented police violence and racial discrimination against Black Americans,² ranging from harassment and assault to murder. The responses have often followed a similar pattern—public outcry; marches; media attention on the area; sometimes violence; and often very few, if any, consequences felt by the perpetrators. Although police violence against Black Americans is the form that gains the most attention, it is far from the only kind of injustice Black Americans face. The material disparity between Black and white Americans is nearly tenfold, with the net worth of a white family being \$171,000 and that of a Black family being \$17,150 as recently as 2016 (McIntosh et al. 2020). This economic disparity is largely due to unjust policies that historically targeted Black Americans. When taken in conjunction with the continuation of police violence as well as racist discrimination by citizens, companies, and institutions, such economic disparity has revived calls for reparations for Black Americans. These calls grew so strong that during the 2020 Democratic presidential primaries multiple candidates, including Vice President Kamala Harris, indicated their support for reparations.

In what follows, I will describe the nature of the anti-Black injustices faced by Black Americans for generations that prompted calls for reparations. I will then provide a working notion of what is meant by reparations and discuss the potential limits of compensation-centered reparations programs for Black Americans. Finally, I will offer an alternative framework for evaluating the quality of reparations programs—rectificatory justice—and offer two legislative attempts at reparations for Black Americans as examples to demonstrate the usefulness of reparations policies being informed by a framework of rectificatory justice.

Enduring Injustice and Reparations

The UN Working Group of Experts on People of African Descent recently delivered a report arguing that Black Americans are owed reparations due to “racial terrorism,” which includes “the legacy of colonial history, enslavement, racial subordination and segregation, racial terrorism, and racial inequality” (United Nations 2016). The set of wrongs that constitutes racial terrorism against Black Americans does not end with chattel slavery, but slavery is often the injustice with the most focus in discussions of reparations. The brutality and long-lasting social, political, and economic effects of the institution of slavery warrant our attention when thinking about harms that prompt calls for reparations. Focusing on only the period of enslavement for Black people, however, ignores the litany of unjust harms endured by Black Americans since Emancipation. Centering slavery as the primary harm for reparations does not match the tenor of the requests for reparations made in contemporary society. The language used by

the Movement for Black Lives in its demand for reparations includes slavery, but continues through currently existing, unjust, discriminatory practices and policies: “The government, responsible corporations and other institutions that have profited off of the harm they have inflicted on Black people—from colonialism to slavery through food and housing redlining, mass incarceration, and surveillance—must repair the harm done” (Movement for Black Lives, n.d.). The harms mentioned suggest that we would be better served to understand the injustices Black Americans face as an enduring, rather than historical, injustice.

Jeff Spinner-Halev has a model of enduring injustice that is designed to “help the advocates of repairing historical injustice respond to the criticisms of the skeptics by reframing the issue at hand” (Spinner-Halev 2007, 575). Enduring injustices persist over time, a conceptual change that requires a different model from historical injustice. Spinner-Halev is explicit about the time requirement for enduring injustice, using the American example to show how injustice must progress through generations for that group for the injustice to be enduring.

He notes the importance of cultural memory and cultural narrative as part of how enduring injustice exists. One reason that enduring injustice can persist is the lack of a clear acknowledgment of the injustice and government’s role at the federal level in the extended time of injustice. In lacking that acknowledgment, the cultural narrative of society does not include a story to explain the importance of taking accountability for rectifying anti-Black injustices. To resolve this problem requires that institutions both acknowledge the history of the injustice and purposefully act to show that they are not the same as prior institutions. As Spinner-Halev writes, “what Black Americans rightly want are signs from the government that it is no longer committed to the racist policies of the past; one way to do this is to show a break with previous governments, though other ways are needed as well” (Spinner-Halev 2007, 586). Accomplishing this type of accountability, however, can only be done by creating changes in the cultural narrative surrounding the Black American experience to recognize the need to acknowledge as well as prevent anti-Black injustice.

The current cultural narrative largely ignores how pervasive anti-Black injustice is across America. At present, anti-Black injustice takes on multiple appearances, but I will focus on two: anti-Black violence and the disparities that result from anti-Black discrimination.

Anti-Black violence is an unfortunately consistent reminder of the precarious status of Black life, which can be taken in an instant by the sanctioned arm of violence by the state, law enforcement agencies, as well as citizens who feel emboldened to operate as though they were law enforcement. The number of Black people who have been killed at the hands of law enforcement on video has grown in recent years, due to the ability to livestream one’s police experiences to social media as well as an increased use of body cameras by law enforcement. Such Black people have become hashtags and rallying cries, mourned in cyberspace

and across the country, with examples of police violence including the murders of Rayshard Brooks, Walter Scott, Sandra Bland, Daniel Prude, George Floyd, Breonna Taylor, Atatiana Jefferson, Stephon Clark, Alton Sterling, Freddie Gray, Eric Garner, and Michael Brown.

The destruction of Greenwood, Oklahoma, in the 1920s and the MOVE bombing in Philadelphia, Pennsylvania in the 1980s stand as examples of how vicious anti-Black violence can be *en masse*, with sexual assaults and lynching as notable examples of the depravity of anti-Black violence inflicted on individual Black Americans for generations. During the summer of 2020, we witnessed the ability to commit anti-Black violence manifest beyond police violence. Amy Cooper, a white woman, operated as an exemplar of a history of threatening to call the police on Black Americans (particularly Black men) as an explicit acknowledgment and weaponizing of the “mark of the felon” that Black Americans wear, as echoed through the work of Michelle Alexander (Alexander 2010). The same can be said of weaponizing the “mark of the felon” with fatal consequences in the murder of Ahmaud Arbery by two white men who felt justified in operating as though they were vigilantes, without any evidence to suggest that Arbery was a suspicious individual. Without video evidence to respond to their fallacious claims made of self-defense from violent Black men, those individuals would have been believed. The sentiment to do harm to Black people in specific ways *because* they are Black while knowing that there is a probability of being believed to have been doing the morally and legally appropriate thing serves as a breeding ground for the enduring injustice of anti-Black violence to continue.

Anti-Black discrimination within nearly every level of society has been shown to exist through a variety of social scientific studies. Voter suppression is still active against Black communities, the prison industrial complex and mass incarceration have wreaked havoc on the Black community, and Black Americans and their contributions are frequently devalued throughout all levels of society. From being denied access to the Homestead Act in 1863 to being denied access to the G. I. Bill in 1944, to the existence of sundown towns, Jim Crow laws, and the Black Codes, there are countless examples of Black Americans being discriminated against after Emancipation by federal, state, and local governments and failing to have their rights protected. This discrimination does not stop with legal institutions but includes nearly all of the institutions in society.

Contemporary forms of anti-Black discrimination include the following:

- Black students are more harshly punished than white students (Cook 2015).
- Black communities receive excessive policing, and Black criminals receive stiffer sentencing than white criminals for the same crimes (Wagner 2012).

- The persistence of the racial wealth gap is exacerbated by a wage gap for Black Americans, in particular Black women, who earn less money than their white counterparts for the same job.
- The racial wage gap itself is made worse by a racial unemployment gap, in part due to Black people being discriminated against in hiring practices and job evaluations (Cohen 2015; Reeves 2015; White 2015).
- Perhaps most galling, even Black children are viewed as dangerous by white Americans (Todd, Thiem, and Neel 2016).

Even those who manage to overcome the odds and participate in wealth building through homeownership find themselves being discriminated against, as seen with an interracial couple having their home appraised in 2020. Their initial appraisal was less than the average for the mostly white neighborhood. After all traces of Blackness were removed from display in the home, it was appraised for over an additional \$100,000 (Linly 2020).

In very tangible ways, anti-Black injustice plays a pervasive role in both the day-to-day operations as well as the future life prospects of Black Americans, and it has for quite some time. Regardless of its form, systemic anti-Black injustice has affected Black Americans since their enslavement. This is ultimately the basis for what I call the common argument for Black reparations: The inexcusable, horrendous, and unjustly harmful actions and policies that prevented Black Americans from exercising their rights require rectification, and reparations is the means by which these harms should be resolved.

Responding to Injustice—What Do We Mean by Reparations?

Reparations authentically is a foregone promise to the ex-slaves and their descendants. The phrase ‘forty acres and a mule’ somehow has been cloaked in the mists of African-American folklore, but it is a phrase that has a clear foundation in the facts of the conditions of the expected compensation to be delivered to the newly freed slaves at the close of the Civil War. ‘Forty acres and a mule’ is no mere mythological claim on the part of African Americans. (Darity 2008, 660)

The claim for “forty acres and a mule” originates with General William Sherman’s Field Notes #15 (Darity 2008, 660) but more recently can be traced to Queen Mother Audley Moore. An activist for decades, Moore spent the majority of her career fighting for reparations. Her view was that “the Middle Passage, slavery, and Jim Crow destroyed the culture, heritage, and rights of Africans and their descendants and that these atrocities could only be remedied through extensive economic restitution distributed by way of grassroots networks” (Farmer 2018, 109). Her work helped to lay the foundation for organizations such as the National Coalition of Blacks for Reparations in America (N’COBRA) and the

National African American Reparations Commission (NAARC) to argue for the implementation of reparations for Black Americans.

Scholars including Boris Bittker, Randall Robinson, Lisa Jewell, Ta-Nehisi Coates, William Darity, and Joseph Feagin, for example, approach their work on reparations from a position of lost economic standing and highlight the importance of economic restitution, whether through gaining or widening access to property, providing additional wages, or giving access to other forms of building wealth. Bittker's *The Case for Black Reparations* reexamined the legal nature of reparations claims through the lens of a post-Civil Rights America (Bittker 2003). Robinson and Jewell's *The Debt: What America Owes to Blacks* furthered the discussion into a twenty-first-century context (Robinson and Jewell 2001). Feagin continued from this work, arguing on moral and political grounds that Black Americans are owed reparations (Feagin 2004). Coates, in "The Case for Reparations," reignited contemporary discussion on reparations when he offered an account of government-supported anti-Black discrimination in homeownership, largely focusing on its effects on Black Americans from the middle of the twentieth century. That, he argues, is grounds for reparations claims without requiring an appeal to reparations specifically for being enslaved (Coates 2014). William Darity, an economist, has researched the economic viability and political conditions required for reparations, arguing for its suitability to redress harms done to Black Americans (Darity 2008). Importantly, he notes that the amount of money required to close the racial wealth gap is \$14 trillion (Mullen and Darity 2021). Congressman John Conyers began annually introducing a bill in 1989, H. R. 40, about addressing and analyzing claims for Black reparations, which Congresswoman Sheila Jackson-Lee continued to do following Conyers's retirement. It remained largely ignored for over thirty years, resulting most recently in a 2019 House Judiciary Committee hearing with Coates and actor Danny Glover serving as two of the lead defenders of the case for reparations (that there were no historians or philosophers as panelists is mind-boggling considering the nature of the discussion).

The solution that these scholars suggest is to address the poor economic conditions for Black Americans. Darity's work in particular has focused on this understanding of reparations, offering four different ways of financially paying a steep moral debt:

Economics also leads us to contemplate a reparations program taking a number of forms, none mutually exclusive. One approach would be lump-sum payments to eligible individual African-Americans. A second approach would be the establishment of a trust fund to which eligible blacks could apply for grants for various asset-building projects, including home ownership, additional education, or start-up funds for self-employment. A third option would be the provision of vouchers that could be used for asset-building purposes, including the purchase

of financial assets. A fourth approach would be reparations in kind—for example, guaranteed schooling beyond the high school level or medical insurance. (Darity and Frank 2005, 336)³

All of these approaches are what I will call reparations-as-compensation policies. These are reasonable to take given the dire economic circumstances Black Americans face in the aftermath of slavery; Jim Crow; and unyielding discrimination in the housing, employment, and banking institutions, among others. Considering the role that economic stability plays in becoming upwardly mobile within American society, Black Americans live without many genuine opportunities because of how widely the racial wealth gap spans. In no uncertain terms, money matters in America and Black people do not have it, largely by no fault of their own. It stands to reason that a way to rectify the history of injustice that has yielded this grave inequality would be to provide financial compensation to Black Americans in some form or fashion. It is important to remember that there is no sum of money, whether through direct payments or subsidies, that will fairly compensate Black Americans for the set of historical and ongoing harms that they have endured. This is not to undermine the importance of compensation as part of what it means to rectify anti-Black injustice, but to encourage a reframing in our discourse about reparations-as-compensation to think of reparations as a meaningful symbolic action, not a salve to racial discrimination. What it would mean to provide economic restitution of any kind to an oppressed minority within a capitalist country should not be understated. Black Americans gaining power through a collectively improved economic standing would have significant social effects. That said, if compensation is considered the gold standard for rectifying anti-Black injustice, it suggests that a symbolic payment of whatever kind does the lion's share of the work to resolve the moral and financial debts owed to Black Americans.

To be sure, regardless of how reparations are offered, financial compensation should be considered a necessary condition of a successful reparations program because of the economic chasm between white and Black Americans as a result of systemic racial injustice.

Rectificatory Justice and Reparations

Although Darity and Frank's four methods are not mutually exclusive, they center the goal of reparations on solely financial compensation. Without widening the goal of a reparations package beyond the financial, we lose the opportunity to address the entirety of the situation. On this issue, I concur with the thoughts of Margaret Urban Walker on moral repair with regards to responding to injustice as though one approach is all that is needed:

We should not think of moral repair as something for which there could be such a thing as the-one-beautiful theory that specifies always when

and whether to punish or pardon or forgive or forget. What serves better are detailed understandings—practical, historical, political, and moral—of the many facets of moral repair as they apply to concrete situations. We need to understand kinds of moral repair as such within a common perspective that links them to the basic task of replenishing the trust and hope on which moral relations depend. (Walker 2001, 124)

Her work on moral repair offers an initial framework for how we can ultimately understand reparations for Black Americans, in particular her insistence about the requirements and goals of moral repair. There is no doubt that reparations, whether economic or otherwise, can be understood as an attempt at moral repair. Although innumerable means of offering repair exist, Walker argues that they all share these features in common: “They are all ways of responding to wrongs. . . . These responses address wrongs as wrongs, that is, as something that should not have happened, and for which someone is, more or less, responsible” (Walker 2001, 115). Additionally, the two main goals of moral repair are to (1) “fix” the damage done to victims in an appropriate manner and (2) place responsibility on the appropriate actors. To put it succinctly, moral repair should “set things right” (Walker 2001, 115).

We can imagine a world where financial reparations (e.g., one of the four methods from (Darity and Frank mentioned earlier) gained enough moral and political steam to be enacted while knowing a good chunk of that money will go back to the state in the form of paying fines, fees, bail bonds, and tickets. There will be reparations sales by businesses of all stripes (invoking images of a 2003 *Chappelle’s Show* skit), including those that did not previously desire Black consumers but desire reparations-based income for their businesses. More to the heart of the matter, Black life will still likely be hampered by the systemic problems that plague Black Americans—rampant discrimination across various institutions. It is the same sort of discrimination that helps drive Black Americans into poverty and underemployment, lacking educational resources and public goods, and that punishes them mercilessly for attempting to survive these conditions. Providing cash reparations without enacting systemic changes is to live with the same injustices that caused such vicious harms that required a reparations program to begin with. Walker offers a perspective that may help explain why financial compensation alone will not set it right. “Moral repair requires more than reviving capacities for trust and hope in wronged and seared souls: it requires good reasons to think that a society is once again worthy of trust and hope. This takes social and political transformations, with important symbolic aspects as well” (Walker 2001, 124).

Moral repair offers a conceptual groundwork for understanding the requirements to rectify anti-Black injustice; specifically it requires multiple measures that, when taken together, have the ability to transform the social and political order such that victims of anti-Black injustice have reason to trust

the institutions of society to protect and respect them. Where I will expand on Walker's notion is by connecting it to a theory of justice that provides concrete prescriptions for what is required in the service of moral repair. Rectificatory justice "calls for addressing both the wrong of the injustice and any unjust losses resulting therefrom" (Roberts 2001, 358). Rodney Roberts is a contemporary scholar of rectificatory justice who argues that in a society where rights establish the nature of justice, there are two kinds of justice: distributive and rectificatory (Roberts 2002, 8). Distributive justice deals with the distribution of the rights and duties of society by its institutions. Rectificatory justice, however, is designed to exist when the system of distributive justice fails to perform its duties.

Rectificatory justice can be understood as having four distinct conditions: (1) restoration, (2) compensation, (3) an apology, and (4) punishment (Roberts 2001). Aside from an apology, the rest of these are not required to satisfy rectificatory justice demands, as not all injustices require the same measures to repair the whole of the injustice (in some instances, compensation is needed; in others, restoration is needed). Restoration returns resources or assets to their rightful owners, such as bringing back a prized family heirloom that was stolen. Where restoration cannot happen—for example, if that prized heirloom was destroyed or is otherwise irretrievable—then compensation is a required condition, and one must compensate the rightful owner for the value of the item. I will note that compensation may also be required when restoration is available, similar to awarding damages in a civil lawsuit. Compensation, in this sense, is analogous to the notion of reparations-as-compensation. Regardless of whether compensation, restoration, or punishment is required, a necessary condition of rectificatory justice is a just apology, because it forces the perpetrator of injustice to acknowledge and recognize the disrespect that is shown to a person when one violates their rights (Roberts 2017). Restoration, compensation, and apologies address what is due to the victims of injustice, but setting unjust situations right requires addressing both parties involved in the transgression of rights. Punishment addresses what is due to the transgressors of rights—paying their debt of justice.

Based on this theory of justice, the common argument for Black reparations should become the common argument for Black rectificatory justice. This broader framework for understanding what it means for rectification to take place is useful to the Black reparations debate because it considers reparations as an integral part of rectification while avoiding the concerns posed earlier about reparations-as-compensation. It also provides a method of evaluating if actions taken toward Black Americans can be considered rectificatory, a necessary step to ensure that the unjust situation is set right.

Two Current Attempts at Reparations

The case for reparations based on the wrongs of Jim Crow establishes strong parallels with the terms and content of the Civil Liberties Act of 1988, the federal legislation that enabled reparations for Japanese Americans who had been subjected to incarceration during World War II. (Darity 2008, 658)

Although there is ample reason for granting reparations to Black Americans, there remains little support for it nationally. When asked if there should be cash reparations to Black Americans for slavery, nearly 70 percent of the country responded no, including around 80 percent of white Americans (NORC 2019). When asked if there should be an apology, the majority of the country again responded no, including around 65 percent of white Americans (NORC 2019). The two questions are analogues to two of the demands of rectificatory justice: compensation and a just apology. This reflects the lack of will toward resolving these injustices at a national level, let alone acknowledging the historical context in which Black Americans have survived. This national lack of support has not, however, stopped one state and a few municipalities from beginning to establish reparations for their Black citizens.

The importance of reparations coming from a legislative body rather than private citizens cannot be understated. This is not because private citizens cannot participate in providing for Black communities across the country, but because the accusations of harm done to Black Americans regard systemic injustices across generations. These are the kinds of injustices that are committed primarily not by private citizens but through systems of power, such as legislative bodies, sanctioning policies that harmed and deprived Black people for generations.

An issue that is connected to reparations coming from a legislative body is convincing that body's constituents to support reparations policies. My position is that for any policy of reparations for Black Americans to have success requires cultural change in support of both acknowledging the enduring nature of anti-Black injustice in their communities (whether city, state, or nation) and desiring to take meaningful action to address that injustice. Consider the aforementioned poll regarding reparations—this suggests that there have not been substantial cultural shifts with regard to how the American public views the experiences of Black Americans and if those experiences deserve recompense and acknowledgment. In the aftermath of George Floyd's murder (see endnote 1) and the killing of Breonna Taylor in 2020, there was a national uprising against racial injustice that helped shift some cultural norms with regard to understanding how injustice permeates the Black experience in such a way that some measures have been advanced through a few legislative bodies across the country.

Two current examples of attempts at reparations are a 2020 resolution in Asheville, North Carolina, supporting reparations for Black Asheville and

California's 2020 state bill AB 3121 to convene a task force to inform Californians about slavery and explore ways to provide reparations. It is important to note that while these measures vary in terms of what they purport to do, neither can be considered to have accomplished rectificatory justice, because the form of reparations is lacking or limited in crucial ways. This shows not just the difficulty of resolving such a long history of atrocities but also how different measures have different aims, goals, and scopes based on the political spaces they are formed in. In other words, all measures are limited in their overall scope because of the limits of the political will of their constituents. It is commendable that these attempts have been made to set an unjust situation right, even if I believe they fall short of the mark for achieving rectificatory justice.

AB 3121 and Asheville's resolution are laudable for their purposeful backward-looking orientation to anti-Black injustice, with each noting their respective communities' legacies regarding racial discrimination. In particular, both policies endeavor to address the specific injustices committed as their rationale for proposing and ratifying these task forces. AB 3121 is detailed in its commitment to acknowledge the depths of anti-Black injustice in America, linking slavery and its effects to ongoing discrimination described as "debilitating economic, educational, and health hardships," including the Black unemployment rate, significantly disproportionate incarceration levels, and worsening wealth disparities (Assembly Bill 3121, 2020). Asheville's resolution made it known that its gentrification practices, which they described as "urban renewal," contributed to the economic decline of its Black citizens and that this harm is a contemporary one that adds to the justification for a reparations program (Davis 2020). In each instance, the harms committed against Black Americans are made specific; the legislative bodies acknowledged their participation as governments in the enduring nature of anti-Black injustice; and they offer approaches to responding to anti-Black injustice in their respective communities.

Asheville's resolution establishes a commission to make short-, medium-, and long-term recommendations to address systemic racism in their community. First, the resolution requires that the city manager "establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community" (Resolution Supporting Community Reparations 2020). Second, the resolution states that solutions may "include but not be limited to increasing minority homeownership and access to other affordable housing, increasing minority business ownership and career opportunities, strategies to grow equity and generational wealth, closing the gaps in health care, education, employment and pay, neighborhood safety and fairness within criminal justice" (Resolution Supporting Community Reparations 2020). Crucially, the potential solutions do not include direct payments to Black Ashevilleans. The solutions offered, however, focus on improving access to homeownership and to

educational and employment opportunities, with the aim of repairing the racial wealth gap in Asheville. Considering the economic chasm between Black and white Americans, closing the gaps in access to public goods (education, health care, neighborhood safety, and criminal justice fairness) as well as improving homeownership and employment access seem to be the kind of measures that can improve the economic well-being of Black Ashevilleans. In short, Asheville's resolution appears to try to set the unjust situation of racial discrimination right in some genuine manner.

Although relatively ambitious given the lack of genuine attempts at reparations for Black Americans, this plan and others that are focused primarily on economic repair without direct payments made to Black Americans have significant problems in their limitations of who may be able to receive the compensation being offered. Where does that leave the Black Ashevilleans who do not want to be entrepreneurs or homeowners or those who have created businesses, received a quality education, or already own their home and dealt with anti-Black injustice on their upwardly mobile path?⁴ What does Asheville owe to the Black Ashevilleans who relocated because of the systemic racial injustices they experienced? There will be oft-forgotten and overlooked people—such as Black Ashevilleans with disabilities—who, through no fault of their own, are not able to take advantage of the increased opportunities for employment, homeownership, and educational gains. This appears to be a problem with focusing on increasing the participation of Black Americans in economic spaces that already ignore or do not desire their presence. Economic repair assists only a portion of those who participate in the traditional economy and seems to automatically disqualify either those who have already had success in the traditional economy or, worse still, those who were already being dismissed by the traditional economy. Without addressing the needs of those who do not endeavor to or cannot participate, or those who have been successful in the traditional economy, some Black Americans will be offered forms of compensation that they do not want or cannot use. This example problematizes the idea that economic repair policies that lack a direct payment aspect are enough to set this unjust situation right, because either (1) there are groups of Black people who will be disqualified from receiving whatever support is being offered or (2) the support being offered is far too limited in its scope. It is hard to think that, in this case, setting an unjust situation right includes ignoring accommodations for a larger group of Black citizens in order to provide for a smaller group of Black citizens.

California's AB 3121 appears to utilize a rectificatory-justice-based framework to respond to the systemic levels of anti-Black injustice in California and attempt to remedy and prevent these injustices from continuing. Section 1, Article 2, establishes a task force to address reparations proposals and includes the following language:

- That “the State of California will offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants”;
- “How California laws and policies that continue to disproportionately and negatively affect African Americans as a group and perpetuate the lingering material and psychosocial effects of slavery can be eliminated”; and importantly,
- “How to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries,” including the possibility of compensation in some form being calculated and provided (Assembly Bill 3121, 2020).

The core difference between the Asheville plan and AB 3121 is the latter’s insistence on preventing the continuation of the harms. AB 3121 endeavors to rectify the whole of the injustices at a systemic level, an economic level, a legal level, and a symbolic level.

Much like the Asheville resolution, a task force is not constitutive of achieving rectificatory justice. The task force has one year to provide recommendations to the governor, so it remains to be seen if anything meaningful will happen, including what forms of compensation it determines to be appropriate. It is, however, an example of a contemporary framework for apologizing for, acknowledging, and compensating for anti-Black injustice using some of the four methods mentioned by Darity and Frank earlier, while also attempting to prevent these problems from continuing. In its aim, it seems to fulfill the demands of rectificatory justice—a just apology, compensation, and perhaps restoration (depending on what the recommendations are), all without unnecessarily limiting the people who will receive compensation or benefit from systemic changes in its charge.⁵ Although I believe this is a stronger attempt at reparations, one done with a wider purpose than economic repair that also includes systemic change as a goal, a final concern is if reparations policies should even be done at the state or municipal level rather than the federal level.

Recall that closing the racial wealth gap for Black Americans would require \$14 trillion. Mullen and Darity offer a sobering reminder of the financial power needed by local and state governments to effectively address the wealth gap: “Collectively, the sum of the annual budgets of *all* state and local governments is \$3.1 trillion” (Mullen and Darity 2021). This reflects a logistical concern—states and municipalities are financially incapable of trying to provide economic restitution in full. That this is the case is rooted in who should bear the responsibility for the litany of harms done to Black Americans. Although states and municipalities certainly harmed Black Americans through policies such as redlining and actions like ignoring anti-Black police biases, all this was done with the backing

of the federal government—the real legislative body that should remedy these harms with, in my view, an approach similar to AB 3121 in its scope and aims.

Virtually all states and municipalities in the United States share a role in the nation's sustained record of injustice, but none of them can meet the bill on their own to erase the gulf in Black and White wealth. The federal government established the legal and authority framework that enabled atrocities to occur at the state and local levels. States and localities certainly need to dismantle and address systemic racism, but reparations are and always will be a national imperative. Let's get on with it. (Mullen and Darity 2021)

Closing Remarks

The question of reparations for Black Americans is one that fits within the tradition of public philosophy—taking philosophical thought and expertise outside the confines of academia. Public philosophy is done in a number of ways, from blogging to precollege programs. It is also done when engaging political or social justice issues by using the tools of philosophy to offer responses to pressing problems in our world, such as responding to injustice against Black Americans. These arguments have drastic upshots about how Black Americans are viewed by their fellow citizens, what it means to rectify injustice and how we measure if that has happened, as well as how we understand the enduring nature of anti-Black injustice. These issues do not exist in a vacuum—the arguments offered in favor or against⁶ ultimately reflect on the level of respect we think ought to be afforded to Black Americans as victims of ongoing injustice while being members of our shared society.

Discussions about racial justice and reparations are far from new, but that they continue to be taken up by public-facing philosophers, many of whom are Black or people of color, should give us pause to recognize the power of public philosophy in the world as well as how many interconnected issues exist in this discussion. Rectifying anti-Black injustice is a matter of the application of justice and morality within a nonideal world. This prompts at least one logistical question for executing such an ambitious goal: What would it take to change the American cultural narrative such that the public at-large agrees that a national reparations program is the right thing to do?

Although changing the viewpoint of the American public is necessary for enacting a reparations program, the question of who should receive reparations remains a space with no clear consensus due to the nature of racial identity in the aftermath of colonialism, enslavement, and interracial unions; distinctions between Black people who are American descendants of enslaved people and Black people who immigrated to the United States from across the African diaspora; and people who claimed Blackness but had no such familial history, such as Rachel Dolezal and Jessica Krug. Should we rely on Ancestry.com-style DNA testing

as proof of one's Blackness? And if so, what percentage is sufficient to claim being substantively Black enough to qualify for reparations? Is it enough if one claims to have the lived experience of being Black in America? Or, as Darity and Frank suggest, should there be some proof of having had Black American ancestry? This is not simply a question of efficiency but one that reflects the power of the concept of race and its role in how discrimination persists in America. These questions, as well as other issues related to reparations, demonstrate the value of doing public-facing philosophical work because such work ultimately can help transform the world to address the problems that we see in it. I hope that more critical work continues in this vein and that this addition assists with clarifying and pushing the public discourse on reparations.

Endnotes

1. The 2020 murder of George Floyd by Officer Derek Chauvin—who pinned his knee on Mr. Floyd's neck for eight minutes—and the subsequent nationwide protests throughout the summer of 2020 significantly widened the discourse about responding to injustice against Black Americans. It is in that spirit that this project was born, with a hope for communicating the need to continue the discourse regarding how to resolve the injustices against Black Americans. Mr. Chauvin was convicted of Mr. Floyd's murder in June 2021.
2. Where I use "Black American," I am not intending to make a distinction between American Descendants of Slavery (ADOS) and Black Americans who have immigrated to the United States. Instead, I am referring to members of the African diaspora who reside in and/or are citizens of the United States.
3. They also mention a fifth approach to "build entirely new institutions to promote collective well-being in the black community" (Darity and Frank 2008, 336). It is unclear what the nature of those new institutions would be (would they replace old institutions that have been locations of systemic racism?), but it is the only option provided that is not explicitly financial in nature, which is why I do not engage it in this paper.
4. Although there is certainly a question of whether wealthy Black Americans should receive reparations payments of any kind, whether or not they should be recipients is not germane to the concern that there are groups of Black Americans who would be disqualified from receiving reparations even though they endured the same systemic harms as other Black Americans.
5. There is a specific mention of determining who should be eligible for compensation, although eligibility seems to be more of a concern about using an appropriate form of racial classification measures.
6. For arguments against reparations for Black Americans, see Williams 2003; and McWhorter 2016.

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