

**Philos 117AC, Fall 2017**

Setting the Stage:

Conference report on H.R. 442

Ronald Takaki, *A Different Mirror*,

Ch. 14, section, “Japanese Americans: ‘A Tremendous Hole’ in the Constitution”

Main text:

Janna Thompson, “Historical Injustice and Reparation: Justifying Claims of Descendants”

*Exclusion Principle*: “individuals or collectives are entitled to reparation only if they were the ones to whom the injustice was done.” So how can descendants be entitled to reparation?

1. Because they suffer from its effects? (Boxill’s counterfactual argument)
  - a. Non-identity problem
  - b. The effects are connected to the injustice by a long chain of causes...
  - c. ...including choices of intervening people.
2. Because they inherit rights to what was wrongfully expropriated from their ancestors? (Boxill’s inheritance argument)
  - a. Claims must be confined to “rectification”: restoring appropriated possessions.  
“Descendants can claim nothing in reparation for the murder, torture, abduction, or maltreatment of their forebears, for the disrespect shown to them as person, however large these injustices may loom in their thoughts about the past”
  - b. Indeed, “makes no distinction between dispossession caused by injustice and dispossession that results from a mistake.” But “the demand for acknowledgement of injustice or apology that is so central to many demands for reparation cannot be justified by an appeal to rectification.”
  - c. Also a dilemma:
    - i. If property rights are completely stable, then claims of descendants undermined, since their forebears probably had some of what they did from injustice.
    - ii. If not stable, then this undermines reparative claims in another way (Lyons).

A different approach:

- As descendants of victims of injustice, they are in a special relation to those to whom the wrong was done.
- Family relationships matter. The promotion of such relationships is a relevant concern of social policy.
- In general, we permit inheritance in order to permit the “expression of values or attitudes that are intrinsic to relationships that a society ought to protect or even promote.”
- Similarly, we should make it “possible for descendants of victims of injustice to claim their inheritance—even if their society is now just in all other respects.”
- What matters is not that descendants are worse off as a result of the loss of their inheritance, but instead the “loss of a meaningful connection to their family’s heritage.”
- Even setting inheritance aside, there may be injustices done to family lines, that “seek to wipe out family lines, keep them in perpetual slavery or submission, or attempt to prevent individuals of certain kinds from maintaining family relations, carrying out family obligations, or receiving entitlements as members of a family.”
- Descendants affected by their families’ narratives.
- It matters whether the narratives involve reconciliation, renewal, apology
- “The most appropriate way for people of a society to make reparation for such injustice may be to acknowledge that the deed or policy was a serious injustice and to make an apology.”
- The reparations may be purely symbolic.
- It “does not entitle disadvantaged descendants to more social resources than members of any other group of disadvantaged people.”