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HEIRS OF OPPRESSION

In *Heirs of Oppression*, J. Angelo Corlett conducts a deep and wide philosophical investigation into the irrefutable right to reparations for African Americans, based on the historical experience of slavery and subsequent decades of political subjugation, and for Native Americans, based on the experience of genocide and land theft. Corlett argues that issues of compensatory justice must not only consider what victim “heirs of oppression” are due in relation to unrectified rights violations, but generates the arguments needed to demonstrate how oppressor “heirs of oppression” are also legitimately and necessarily held responsible to rectify these unpaid collective debts.

By way of summary, I will attempt to capture the main arguments that constitute this exhaustive and outstanding work (though I will note that by way of making each of these arguments Corlett engages in a rigorous review of relevant scholarship, and relentless constructive analysis such that any one of these arguments could be subject to their own summary).

The primary theoretical framework Corlett builds in order to make the case for a right to reparations is one that clarifies the difference between a past-oriented understanding of justice that insists on compensatory justice as a right, versus future-oriented visions of justice that consider social utility a relevant factor when making normative claims about rights (an orientation he disavows).

Corlett repudiates several working assumptions and concerns in utilitarian discussions of justice in order to make the following claims:

- if the facts of guilt, fault and identity are clear, statutes of limitations are morally arbitrary (28);
- to secure equality or equal opportunity is not the same as realizing the right to justice and might lead to a kind of cultural imperialism—moreover, visions of such represent a kind of unjust utopianism (cosmopolitanism) (ch. 2);
- to subsume the right to compensation to some future vision of social stability or social utility is indefensible (something done in both cosmopolitanism and restorative justice scholarship) (ch. 2, 3);
- that responsibility and repair are about rights, not about relationships and reconciliation (66);
- that any attempt to maximize social utility by eschewing the right compensatory justice is, at best, incomplete and, at worst, simply fails to take rights seriously at all.

In short, the right to reparations is rooted in a straight-forward (backward-looking) recognition that unrectified evil is evil still.

Corlett's subsequent constructive argument for reparations then begins.

First, contravening utilitarian notions of justice, Corlett makes the case that the right to compensatory justice is a human right. If there are human rights simply by virtue of the fact we are human, he says, then compensatory justice deserves attention that it has not been given in scholarship on human rights (84). Whether in regard to rights currently named in international law or rights that exist even though they go unrecognized, other human rights simply cannot be secured without a right to compensatory justice. Corlett argues that a world without the right to reparations is a world with no security, a world in which bullies can threaten and harm innocents with impunity (107). It's worth noting here, as it is one of several points at which Corlett masterfully shifts notions of justice from placing moral burdens on victims to placing them on oppressors, that in respecting the right to compensatory justice as a valid human rights claim, the holder of said right is granted a certain level of self-respect of dignity (yet another reason rights cannot be overridden by social utility—the consequence of which is to subsume the dignity of a victimized group to the social “good”) (89).

Next, Corlett carefully builds the argument for the viability of insisting on collective responsibility—which is central in being able to make the case for reparations today. He argues that intentionality, voluntariness and knowledge are the conditions necessary for collective liability (115). Even though not all U.S. citizens or U.S.-based institutions supported the oppression of Native Americans and African Americans, an honest reading of U.S. history (which Corlett provides) easily demonstrates the presence of all three of these conditions in the U.S. government's dealings with Indians and Blacks. And, the endurance of the U.S. government (not to mention state and local governments, as well as certain businesses) means the conditions for collective liability exist (129).

An honest reading of U.S. history easily dispels some of the more common arguments against reparations to each of these groups:

- the false claim that because Native Americans had no concept of moral rights to the land, that no reparations are due;
- the disingenuous claim that reparations have been paid to Native Americans;
- the category mistake that Affirmative Action (which is not only merit based, but includes other groups besides Blacks) is somehow reparations.

The basic principles are clear and a reading of history demonstrates the relevance of these principles in the case of Blacks and Indians:

- as much as humanly possible, clear and substantial rights violations ought to be rectified;
- the U.S. government has committed such violations;
- therefore these historic rights violations of the government ought to be rectified as much as humanly possible (134, 165).

Before suggesting what appropriate reparations policies might be, Corlett addresses another concept that figures prominently in philosophy, impeding conceptual clarity about and arguments for compensatory justice: that is “forgiveness.” Corlett makes several claims in regard to forgiveness. One is that forgiveness is never the obligation of the victim of oppression (another point at which he shifts the moral burden from victims to oppressors). Another is that forgiveness (and “reconciliation,” a concern with usually come upon the heels of forgiveness) is not the goal of rectification.

Corlett’s central argument, however, is that scholarship on forgiveness has confused “the subjective recognition of a person’s being the recipient of a forgiving expression with the relational state of forgiveness” (200). Forgiving is one directional—a victim might express or act in forgiving ways (and for any number of reasons). But forgiveness is relational state. That state can only be reached by way of a genuine apology. By definition a genuine apology includes acceptance of responsibility for harm done and an indication of how a perpetrator is actively and concretely rectifying the harm done. Thus, forgiveness in the case of Blacks and Indians requires reparations!

I note here, however, that Corlett suggests that in the case of Blacks and Indians the full realization of forgiveness cannot be attained because forgiving and apologizing have to be done by that actual victims and perpetrators. However, he discusses the conditions under which apologies and forgiveness can be vicariously expressed and argues that for the purposes of the need for positive public administration a vicarious apology *expression* and forgiveness *expression* by the heirs of oppression are legitimate (he calls this a conventional allowance that must be made, otherwise reconciliation between Black and Indians, and the U.S. government and general [white] citizenry will remain impossible).

Corlett concludes his constructive argument for reparations with a proposal intended to demonstrate the viability of reparations, as well as the possibility of creating conditions under which the U.S. can be brought to justice if it refuses to pay (213). The proposal has several important parts:

- Using a genealogical analysis of ethnicity members of these two groups would select reparations committees comprised solely of members of those groups (218). Such committees would have discretion over the form that reparations would take.
- A conservative estimate that takes into account the severity of oppression, lives lost and population figures leads to a case for a 5% reparations tax on the gross annual income of each adult U.S. citizen in the case of Native peoples and a 3% tax in the case of African Americans.
- Disruption of the myths that the U.S. tells about itself, including an honest reading of history, as well as the rejection of the many oppressor social symbols and historic figures that are valorized in our public narratives (41) would help to address “the sociopsychological issues among the oppressed” (245).

- Compensatory justice would also mandate the return of all Indian remains (243), and the attempt to bring justice persons responsible for the terrorism against Blacks in this century (particularly during the 1950s and 60s) (244).

In short *Heirs of Oppression* successfully argues the following (taken from the authors own text): "... the U.S. government, some of its business and social groups, and some of their leaders are co-responsible for racist harmful wrongdoing and constitute offender heirs of oppression and thus owe compensatory reparations to the victim heirs of oppression in proportion to the harms caused by the oppression. Such reparations are a necessary condition of an apology by the responsible, though not necessarily guilty, parties. And since an apology is a necessary condition of forgiveness, this makes reparations in this case necessary for forgiveness, which in turn is necessary for the possibility of genuine reconciliation between the respective heirs of oppression" (293). "To genuinely respect someone is to give them justice. . . And no form of redefined 'reparations' absent compensation will disguise the moral and legal facts that compensation is due..." (293).

I come to this conversation as something of an outsider. I'm not a philosopher. But, for this reason am especially grateful for the opportunity to discuss this important book. My training is in Christian social ethics and most of my work investigates the problem of whiteness.

The basic trajectory of my research has been relatively straightforward. In matters of racial justice the experience and struggles of communities of colors are of first importance. However, a major assumption that fuels my work is this: because those people categorized as "white" have been most responsible for the maintenance and persistence of racism, scholarly and/or political work committed to racial justice cannot achieve what it intends if it fails to address whiteness and white moral agency. By whiteness I generally refer to the hydra-headed phenomenon intrinsically related to white supremacy that pervades the U.S. landscape normalizing the collective dominance of persons racialized as "white." By white moral agency I mean the active participation in and perpetration of racial injustice by white people.

This trajectory has led me unavoidably into work on reparations (thus my presence on this panel). I see reparations as a moral imperative that emerges from the historical relations established among Europeans, people of African descent and Native peoples in the formation of what became the United States and as the most appropriate ethical lens through which to view the material relationship that constitutes this social construct we call "race."

Corlett and I arrive at reparations by different routes. However, what *Heirs of Oppression* accomplishes is the construction of powerful analytical scaffolding on which the case for reparations might be built by folks in a variety of scholarly and political arenas. His ever-critical eye and relentless logic are particularly needed by those of us most tempted to lollygag in the "mire of quasi-religious presumption" (a phrase I can't wait to use at the Society of Christian Ethics).

There are numerous arguments I would love to affirm and discuss further. (As I read found myself repeatedly uttering a now-more-philosophically-informed “amen.”) Time constraints require me to be painfully selective, however, so I look forward to a much more wide-ranging discussion. The framework for my response, then, will be the context of my own work on whiteness in Christian social ethics. And, I want respond by offering two appreciations, one set of critical questions and one collective challenge.

Appreciation

1) Corlett’s distinction between forgiving and forgiveness is a deceptively simple, but brilliant, conceptual clarification. I have been working on the issue of “reconciliation,” which is the dominant paradigm for thinking about racial justice both in Christian faith communities as well as in my field. At present, restorative justice in particular has quite the cache. Captivated by the South African Truth and Reconciliation Commission, restorative justice has unfortunately become the preferred terrain of the few white Christian ethicists who make race central in their scholarship. Of course, within such scholarship “reconciliation” and “forgiveness” both loom large.

My own critiques of restorative justice revolve around its obsession with reconciliation and from my sense that it woefully underestimates the power of white narcissism and myopia, and overestimates white people’s willingness to take seriously the grip white supremacy has on our social lives. Restorative justice scholarship also seems far too ready to negotiate reparations as a requirement if such might have deleterious effects in regards to future so-called racial harmony (something Corlett directly addresses). I have long thought it unlikely that the dominance of white ethicists in restorative justice scholarship was a coincidence. Corlett’s assessment of utilitarian approaches to justice as suffering from “unacknowledged whiteness” (77) confirmed this and helped me better understand why it is so.

I have also argued that approaches to race have prioritized an abstract and universalistic reconciliation ethic where a material and particularist reparative ethic is needed. By embracing a universalist “reconciliation” we become unequipped to parse in a serious way the radically different relationships, responsibilities and roles that differently racialized parties have in any reconciliation process. Moreover, womanist ethicist Marcia Riggs has argued that when we make such abstract and utopic notions our end-goal we inevitably run roughshod over the concrete, messy realities of peoples’ actual lives and obliterate the very differences to which ethicists need to be attentive. Her remedy is not to call for deontological approaches to ethical decision-making, however. Instead, she proposes the need for a “mediating ethic”—a kind of process-oriented commitment in which we ever-acknowledge the real tensions in and paradoxes of human life and—even when these tensions are contradictory—root ourselves in them fully as the basis from which to engage in ethical decision-making (her

concern is the contradictory tension between separatism and integration, both of which, she argues, are needed in Black life).

Reconciliation is used in Christian ethics in precisely the manner against which Riggs warns: elevated as a lovely vision, it is meanwhile a meaningless category utterly disconnected from the hard material realities of current racial relations. (And, when I say racial relations here, I do not mean friendships or the lack thereof across racial lines, I mean that *race is a material relation*. Our racial differences are signifiers for the actual material conditions through which we are in relation. And, the nature of this relation at present is that of being structural enemies.) This abstraction (reconciliation) as a motivating end goal does further violence to the very communities for whom justice has already been denied.

While Corlett gets at the problem I am describe here in his analysis of future-oriented utilitarian notions of justice, I am more taken with how his work on forgiveness contributes to understanding problems in my field.

Corlett argues against work that has conflated forgiveness and forgiving (calling forgiveness that which is actually forgiving). Forgiving, he says, is a one-way process. A victim might forgive for any number of reasons (193).¹ But forgiving does not necessarily entail the realization of forgiveness, which is bi-directional. Forgiveness requires action on the part of the oppressor; otherwise the *state* of forgiveness cannot be achieved. This state simply cannot accrue, argues Corlett, without the action of a genuine apology (190). A *genuine* apology by definition requires adequate rectification (201).

This distinction between forgiveness and forgiving accomplishes several things. I will name two. First, it makes forgiveness oppressor-centered. The moral work, if you will, becomes the apology and the rectification apology requires. This account of forgiveness begins to provide me additional language for what is so dissatisfying about restorative justice work in Christian ethics. Like the scholarship Corlett critiques, in calling forgiveness what is actually forgiving *rj* promotes a victim-centered process (placing the “moral burden on victims” not only to forgive but to be willing to reconcile (197)). Second, forgiveness so understood becomes recognizable as a relationship (it is, as Corlett puts it, “is a relational state” (201)). This is not a relationship the significance of which pertains to how reconciled to groups are with one another. It is a relationship, the significance of which is its constitution by transactions of apology, rectification, and assurance that harm will not be committed again.

Each of these accomplishments results in bringing whiteness and the role of white agency unavoidably to the surface. This distinction between forgiveness and forgiveness is a major scholarly and political contribution, because forgiveness is such a powerful category in Christian ethics, which in turn has a prominent role in work and self-understanding of the real live people in religious communities. I have focused so much on reparations in my work because it similarly renders whiteness visible, but Corlett has essentially decreased the conceptual terrain in which

1 Including one's own mental health or for religious commitments.

whiteness can remain hidden. He conceptualizes forgiveness in such a way that it becomes impossible to obfuscate the role, power and responsibility of white people.

The imperative of reparations does not stand or fall on whether a state of forgiveness is achieved. Corlett rightly argues that victims are not obligated to engage in the activity of forgiving. So, I'm not sure, in fact, he needed to take on forgiveness for the sake of his argument. But, I am exceedingly glad he did. This is precisely the kind of scaffolding sorely needed in the various places where racial justice is being given attention.

2) In "Objections to Reparations and Replies," Corlett provides a differentialist treatment of affirmative action. He challenges the inclusion of white women in affirmative action both on the grounds of the relative depth and degree of oppression, and on the grounds that no one should be able to benefit from their oppressive behavior. Being co-responsible for racial oppression, to include white women in affirmative action is to provide us precisely that benefit.

In my field it has become axiomatic that "oppressions cannot be ranked." Oppression is oppression and no experience of human-inflicted suffering is worse than any other.² Corlett calls this simplistic thinking. I would add that it is a kind of ahistorical relativism. This dogma has made progress on reparations difficult. To provide an anecdotal example, several years ago I organized a major conference on reparations, conceived to focus on Black and Native American communities. During the planning, the charge that we were "ranking oppressions" made it impossible to maintain such an exclusive focus. Ultimately, the Japanese-American, Pacific Islander, and German experiences were included as well. On top of this, I became the recipient of severe, targeted criticism during the planning because the conference was to end with a panel focusing on the Black experience. This participant was irate that the Black oppression was being privileged over the Japanese-American experience. To my mind this is a concrete example of why the "oppressions cannot be ranked" dogma is deeply problematic.

To some extent this thinking is the result of a misapplication of the important concept of "intersectionality" for which Black feminists in particular are responsible (Patricia Hill Collins, Kimberlé Crenshaw). Intersectionality insists, for example, that racial and gender oppression are simultaneous, rendering the experience of Black women is unique to both the Black male and white female experience and that one identification should not be subsumed to another. Intersectionality is the reason that Corlett can argue that Black and Native women should proportionately receive the greatest attention in matters of affirmative action.

But intersectionality is often wrongly deployed, or perhaps has not yet been theorized in a manner that enables it to deal adequately with dominant identifications. I am not really white because I can also point to my femaleness. I am not really white because I am also gay. We can see this in scholarship, for

2 (He footnotes theologian Ada María Isasi-Díaz here: "there is no kind of oppression that is worse than another, no one face of oppression that is more oppressive than another." (300, footnote 8), though she is one among legion who make the same claim.)

example, when white feminists do name the existence of white privilege, but then proceed with analysis that looks no different than it otherwise would have. Intersectionality becomes an escape hatch—white women are less responsible for white supremacy and our whiteness never really gets attention. We saw this politically, for example, when white lgbt people vented their rage at Black communities over Proposition 8 and called it “righteous lgbt anger” rather than what it really was, which was white anger.

Corlett argues that criteria for considering oppression include analysis of “degrees of strength, its level of embeddedness in U.S. society, and its kinds, as well as its duration in time” (9). These criteria lead him to conclude Blacks and Native peoples should be prioritized among cases of unrectified injustice in the U.S.; two groups oppressed “first and worst” (9, 17, chapters 6 and 7). I would add here that the unique role European-Indian-and African relations played in the formation of the United States and in U.S.-national identity is another reason.

Besides being intellectually defensible, I consider it an act of intellectual courage in the current scholarly climate to insist there are standards by which we can give some situations of oppression primacy. This is yet another piece of analytical scaffolding that contributes not only to reparations-talk, but to larger, vexing issues in justice work generally.

Questions

In refuting utilitarian approaches to justice, Corlett argues that utilitarian approaches to justice subsume rights to the so-called goods of “morally stable relations” (66) and future equality. Corlett makes the case that the right to justice has little to do with matters of social inequality (44). Why, for example, should compensatory justice be eschewed for the sake of future equitable economic relations (50)? Arguing for a past-oriented, deontological justice, Corlett claims utilitarian visions of equality (such as that conceptualized by cosmopolitanism) might even represent a kind of cultural imperialism (he draws on Boxill here (35)). Namely, securing racial justice means securing the opportunity for Indians and Blacks to become “equal” to whites (46). “Lucky you, you get to be integrated with us!”

In contrast, compensatory justice supports autonomy and sovereignty (46). In fact, asserting the right to reparations is also the moment a group begins to insist on its right to be respected (24).

I am agreement with this line of argument. But my questions have to do with a reluctance to concede the right to speak about the future. In particular, I am interested in being able to envision a future the realization (or not) of which is a legitimate means by which to assess the adequacy of any reparations ultimately secured. Cosmpolitanism may indeed wrongly conflate equal opportunity and justice. But, does this really mean we can say nothing about what a future society should look like? And, are the values and goals of cosmopolitanism utterly mutually exclusive with that of compensatory justice?

I want to repeat the caveat here that I am not a philosopher so I understand just enough about the disagreement Corlett is having with cosmopolitanism to a) be get myself into real trouble and b) to be unable to get myself out of it.

My desire to be able to weigh in on the future has two dimensions.

First, while the historic and ongoing human rights violations and crimes against humanity committed against Black and Native communities should indeed be subjected to non-need based compensatory justice, the ongoing experience of oppression of Black and Native communities is not exclusively about the past. As I'm sure Corlett would agree, the phenomenon of white supremacy is alive and well, and frighteningly new and creative in its ways of subjugating.

I worry that if we completely eschew the need to build scaffolding on which we might also engage in a future-oriented approach to justice, we might find ourselves stymied if equality *of a sort* (even if it's the equal opportunity of separatism!) does not result from compensatory justice. One of the few critiques against reparations I have found myself most able to take seriously is the concern that we might grant reparations without seriously reducing the deleterious effects of white supremacy, while meanwhile the (white) nation-state becomes able to legitimately say "but, we did reparations."

I think Riggs' argument that pure, unfettered categories are often an inadequate basis on which to make good ethical decisions in the context of complex, messy, concrete human lives seems relevant here. On paper, a pure claim to compensatory justice works. And, Corlett offers a viable, defensible approach in figuring out monetary amounts (5% and 3%, for example, given to a representative committee). He suggests further that justice clearly legitimates the right of an international coalition to sanction and even wage war against the U.S. if it refuses.

This is a clear and logical line of argument in the abstract. But does it equip us for the inevitably less clear, more messy and complex realities of both oppression and reparations?

So, one question: Without subsuming the demands of justice to a *white* vision of social stability, can we not, should we not, attempt articulate theories for thinking about compensatory justice that include within them the possibility of insisting on the realization of an *anti-white* (in terms of how whiteness is currently constituted—which is different than saying *anti-light-skinned people*) vision of the future?

Second, the pure demands of justice also mean there exists no moral imperative for white involvement in a reparations process (other than, of course, as participants in rectification). Yet, I find myself wanting to argue, to give just one example, for the important role public hearings might play in a reparative process; hearings in which heirs of oppression (including not just Blacks and Indians, but whites too) testified.³ This interest is future-oriented because it assumes white people have a stake in a reparations process.

3 On its face, this interest might look like it is inappropriately prioritizing relationships over rights, something Corlett rightly condemns (66). This is not what I mean.

I am deeply invested in reparations that are most likely to radically transform power relations among Black, white, and Native communities. (While Corlett seems optimistic that the sums of money he lays out would be enough to secure this, I am less convinced. Even if groups do have rights to autonomy and sovereignty, the power of the nation-state and the realities of political and social and economic interconnectedness, make autonomy and sovereignty somewhat utopic notions.)

I am uncertain this power relations can be radically altered without a moral transformation of a significant proportion of the white population; a transformation in understanding, consciousness and commitments. Compensatory justice should not be subsumed to the realization of this transformation among whites, nor should such a transformation of white people come on the backs (again) of Blacks and Indians and their justice claims. But I am unwilling to concede that such concerns should not inform a reparations process.

In addition, and this is where Riggs insistence on being grounded in messy realities comes in again, whites, Blacks and Indians will be in relationship on the other side of compensation. This future most-likely reality should inform a reparative process. There's a contradictory paradox here—one that Riggs would argue we should not run away from or ignore. That reparations must not be "about white people" in any significant way. And, yet, any meaningful reparations process must include white people.

So, another question: Though Corlett's pure compensatory justice principle in the abstract does not require white participation can room be made for white participation that does not, however, coerce or constrain the realization of justice come for Blacks and Indians?

Let me be clear, I am not arguing that victimized groups do not have a right to utter autonomy or sovereignty. Nor am I arguing that the right to reparations should be subsumed to future visions of social solidarity (66). I might be more invested than is Corlett in a hope that a meaningful byproduct of reparations would be a kind of reconciliation across racial lines. But I agree that must not be the organizing logic or goal of any argument for reparations.

Instead, what I am arguing—against those I have encountered in restorative justice work who fear what reparations might do to social stability—is my sense that reparations done well *could* in fact lead to greater social solidarity and stability by making serious inroads against whiteness. Whether or not they do, however, I think it is risky to so thoroughly refute the appropriate role of future-oriented visions of justice such that those of us who are unequivocally committed to the existence of a right to past-oriented compensatory justice become unable to weigh in on questions of what the future might, could or should look like.

As a social ethicist who must go beyond the conceptually clear philosophical analysis that Corlett has provided and inquire into the messy realities of peoples' lives and how we might get from here to there, these are the questions I must ask.

Collective Challenge

This text is a major achievement. In my reading, we have at this time profound and powerful scholarly works on reparations. The challenge I think—a challenge that sometimes those of us who are academics really struggle with—is how to we can now move outside and beyond our books to activate and agitate for real political progress on reparations. My passion for these urgent moral issues was re-activated when I read this work. And I have to really start to ask myself, and we who are committed to these issues in our scholarship, must begin to think concretely about how we get ourselves engaged now beyond the written page. Thank you so much Angelo for this thorough, passionate, outstanding book.