



## Reparations, Recognition, and the Restoration of Relational Equality

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I argue for the relational egalitarian theory of reparations for historical injustice, which holds that 1) reparations are owed to persons who are public social inferiors in part because they are members of a group that has been subject to injustice in the past, and 2) reparations are to be such that a) they ameliorate and undo positions of public inferiority and b) members of the relevant group are assured of their recognition as moral equals. That argument proceeds by laying out two basic desiderata of theories of reparations, explaining the notions of social inferiority and assurance of recognition, and showing that the relational egalitarian view satisfies the two desiderata. In the course of that argument, I consider alternative grounds for reparations based in considerations of harm or inheritance, and the implications of the relational egalitarian view for the supersession of reparative claims.

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## I. INTRODUCTION

The history of contemporary political societies is marred by frequent abuse, exploitation, domination, and wrongdoing. All contemporary societies have contained, if not perpetrated, injustice against some groups of subjects. Even when the injustice has occurred in the relatively distant past, its legacy seems to sometimes linger in the present. What difference does past injustice make, if any, to what we owe to fellow subjects now? One answer is that past injustice calls for reparations. This paper considers whether laws and policies meant to provide reparations for injustice done in the relatively distant past should be instituted and will provide an argument to the affirmative. By “relatively distant past” I have in mind a time long enough ago that persons alive today did not stand in any direct social relationship with the victims or perpetrators of the wrong in question.<sup>1</sup> The first problem facing this subject is that of explaining how reparative duties concerning past injustice obtain. Ordinary cases of reparations concern recent wrongdoing, recent enough that both the victim and perpetrator are alive. In such ordinary cases, there is no question about whether reparations are owed, who owes them, or to whom they are owed: the wrongdoer owes reparation to the victim because the wrongdoer has violated a moral duty to the victim. When perpetrators and victims are no longer alive, we are left with no ready candidates for who should bear the burden of providing reparations nor for who should receive them.

I argue for the relational egalitarian theory of reparations for historical injustice, which holds that 1) reparations are owed to persons who are public social inferiors in part because they are members of a group that has been subject to injustice in the past, and 2) reparations are to be such that a) they ameliorate and undo position of public inferiority and b) members of the relevant group are assured of their recognition as moral equals. I start by discussing obstacles that face the institutionalization of reparative laws and policies that are justified by considerations of harm or inheritance (Section II). I then lay out two basic desiderata for a theory of reparations, which are burden justification and sensitivity to wrongdoing (Section III). That discussion is followed by an exposition of the central notions in the relational egalitarian view, which are public inferiority and assurance of recognition (Section IV). Then, I argue that the relational egalitarian view satisfies the two desiderata of a theory of reparations (Section V). That argument introduces the notion of salience of facts about the past, and I conclude by further discussing salience in connection with the supersession of reparative obligations (Section VI).

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<sup>1</sup> So, for example, as of the early 21<sup>st</sup> century in the United States, the wrong of slavery falls within the temporal scope that I am concerned with, whereas the wrong of Japanese internment camps does not. Unless stated otherwise, all further mentions of reparations take for granted this temporal scope.

## II. INSTITUTIONALIZING REPARATIONS

### II.A. Harm and Inheritance

In the philosophical literature, two grounds for reparations for historical injustice have been the subject of extensive discussion. According to *harm views*, descendants of victims of injustice are harmed today because of the past injustice and so are entitled to compensation for that harm.<sup>2</sup> According to *inheritance views*, persons have natural rights the violation of which grounds a claim-right to reparation and if such a right is not fulfilled, then the descendants of victims inherit it.<sup>3</sup> There is no statute of limitations on natural rights, so reparative claim rights are inherited by descendants of victims in perpetuity until they are fulfilled.

Harm and inheritance accounts of reparations are morally individualistic; they are based in principles that govern reparative duties within small-scale interpersonal relations. Interpersonal moral requirements are standards that we can often hold persons accountable to through our institutions. Paradigmatically, the institution of criminal law is meant (among other things) to hold persons accountable for complying with their duties to others. So, given that we have interpersonal reparative duties on harm or inheritance grounds, it appears that we may use institutions to hold person accountable for fulfilling these duties.

As appealing as these views may be, I believe that relying on them for a justification of reparative law and policy for injustice in the relatively distant past faces insurmountable epistemic obstacles. The basic difficulty is that in order to determine whether a person is a reparative claimholder on either of these accounts we need a great deal of information that we lack and that in all likelihood we will never have.

These epistemic difficulties arise because, on harm and inheritance views, reparative claims are grounded in part in facts about individuals. This is a general feature of individualistic moral principles; their requirements are sensitive to the details of an individual's life. On harm views, it must be assessed whether a candidate claimholder is harmed by virtue of past injustice, or by virtue of a more contemporaneous cause, or perhaps is worse off only because of her own decision-making.<sup>4</sup> Only in the first case

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<sup>2</sup> For an exemplary instance of this view, see George Sher, "Ancient Wrongs and Modern Rights," *Philosophy & Public Affairs* 10, no. 1 (1981): 3–17.

<sup>3</sup> Bernard R. Boxill, "A Lockean Argument for Black Reparations," *The Journal of Ethics* 7, no. 1 (2003): 63–91, <https://doi.org/10.1023/A:1022826929393>; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), 152–53; A. John Simmons, *Boundaries of Authority* (Oxford: Oxford University Press, 2016), 164, <https://doi.org/10.1093/acprof:oso/9780190603489.001.0001>.

<sup>4</sup> See Janna Thompson, "Historical Injustice and Reparations," *Ethics* 112, no. 1 (2001): 117–19, <https://doi.org/10.1086/339139>; Sher, "Ancient Wrongs."

will a harm view ground a reparative claim. Similarly, on an inheritance view it must be assessed whether one's ancestors might have renounced their reparative claims, whether they received some partial compensation, and whether the claims would have been squandered or wasted in such a way that prevents the reparative compensation from reaching later descendants.<sup>5</sup>

It is unlikely that members of a political community will ever be able to access the requisite information on either view. Consider inheritance first. Persons will have a claim to reparations on inheritance views only when they are the latest link in an unbroken chain of inheritance. Any break in the chain will preempt reparative claims from reaching contemporaries. To see whether the chain is broken, we must trace the lineage of each candidate reparative claim holder and assess whether they or any of their ancestors acted in ways that would undercut their reparative claim. This requires detailed biographical and historical knowledge about one's family and each member of it.

Harm views are even more epistemically demanding; they require that we trace all causal contributions of past wrongdoing. Anyone harmed by virtue of past wrongdoing holds a claim to reparative compensation. This includes persons who are not members of the groups to whom past injustice was done. Suppose, for instance, that some group G was treated unjustly, and Alfie is the adolescent great-grandson of a person who suffered the initial injustice. Suppose further that because of that past injustice, Alfie is raised in social conditions that make him angry and impulsive. Alfie robs a store, harming the shopkeeper in the process. If suffering harm because of past injustice is the ground for holding reparative compensation, then the shopkeeper would have a claim to reparations because of the injustice done to G, and this would be the case regardless of whether the shopkeeper herself is a member of G.<sup>6</sup> On harm views, determining whether one holds reparative claims will require tracing such complex causal channels back to past wrongdoing.

These epistemic difficulties will only be exacerbated when we take into account the dynamic nature of political society. In intervening years between past wrongdoing and today, the population will have changed through immigration and emigration, territory and subjects may have been added or lost, family lines will have ended or

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<sup>5</sup> A. John Simmons, "Rights and Territories: A Reply to Nine, Miller, and Stilz," *Politics, Philosophy, and Economics* 18, no. 4 (2019): xx, <https://doi.org/10.1177/1470594X19889419>.

<sup>6</sup> Thompson, "Historical Injustice," 118. Thompson takes these kinds of examples to show the "collapse of demands for reparation for harm done by historical injustice to demands for reparation for present or recent injustice seems inevitable," *ibid.*, p. 119. I believe that Thompson is correct with respect to harm views, but as I discuss below, reparations for historical injustice based in distinctly political principles can avoid such collapse.

mixed, among other events that will influence whether reparative claims obtain on morally individualistic views.

Two objections to harm and inheritance views arise because of these epistemic limitations. First, morally individualistic views cannot be relied on to assess what kinds of reparative laws or policies we have reason to institute. In lieu of information about the chain of inheritance over generations or the causal channels by which persons alive today are harmed because of past injustice, the reasons provided by harm and inheritance views will be indeterminate with respect to how reparations should be institutionalized.

Is this an objection, or merely an observation of a general feature of law and policy in large-scale, complex societies? Incomplete possession of morally significant information is hardly unique to reparations. We face such epistemic limitations in almost all law and policy, and this does not undermine the passage of law or policy as such. If we may justifiably pass policy on such significant matters as economics, environment, or individual rights while being limited in our possession of morally significant information, why should we not be justified in relying on our incomplete but best available evidence regarding reparations?

I agree that incomplete morally relevant information does not undermine the justification of instituting law or policy as such. When it comes to reparations for injustice done in the relatively distant past, the difference is one of degree, rather than kind. We are profoundly ignorant of morally relevant information, and this makes acting on reasons provided by harm and inheritance views morally hazardous, by which I mean that acting on those reasons carries a significant likelihood of wrongdoing.

Specifically, we are liable to commit two kinds of wrongs. Both turn on the fact that by relying on harm or inheritance views under a severe deficit of information, we are likely to provide reparative compensation to many persons who have no claim on grounds of harm or inheritance, and we are likely to fail to provide compensation to those who do have such claims. The first kind of wrong is done to those who bear the burden of contributing resources for reparative law and policy. To be forced to give resources by the coercive apparatus of law and state when one has no duty to do so is wrongful extraction. The second kind of wrong is done to those who have genuine reparative claims on grounds of harm or inheritance but do not receive compensation. Being denied compensation as a legitimate claimant while others with no claim receive compensation is wrong. These facts weigh against the justificatory force of harm and inheritance reasons for instituting reparations. In general terms, I claim that if one lacks information that is pertinent to acting on some reason R, and insofar as that lack of information makes one liable to commit wrongdoing by acting on R, then R is

more easily overridden in one's deliberation in proportion to the number and severity of the wrongs that one is liable to commit out of ignorance. Our profound ignorance about information pertinent to harm or inheritance views therefore diminishes the justificatory force of those reasons significantly. While this does not weigh against the truth of harm or inheritance views, it greatly reduces their appeal as a practical guide to decision-making about reparative law and policy.

I turn now to the second objection based on epistemic limitation, which is that because of such limitation, harm and inheritance views fail to satisfy a necessary condition of interpersonal accountability, namely, publicity. Accountability is a reciprocal social practice in which we hold one another to common standards.<sup>7</sup> Standards are public when persons with typical cognitive capacities could, through reasonable effort in normal moral contexts,<sup>8</sup> identify the evidence needed for assessing whether the standard is satisfied.<sup>9</sup> Publicity is a requirement of social practices of interpersonal accountability among persons conceived of as moral equals.<sup>10</sup> The authority of an equal is reciprocal—I cannot view you as an equal while treating your demands as somehow privileged, as though you were a priest or sage with special insight into moral truth.<sup>11</sup> For there to be uptake of a demand in our accountability relations, the audience of the demand must be able to appreciate the reason for the demand. The epistemic obstacles to information pertinent to reparative obligations on morally individualistic views therefore make the demands of such obligations non-public.<sup>12</sup> Being non-public, they

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<sup>7</sup> Stephen L. Darwall, "Agreement Matters: Critical Notice of Derek Parfit, 'On What Matters,'" *Philosophical Review* 123, no. 1 (2014): 98, <https://doi.org/10.1215/00318108-2366495>.

<sup>8</sup> An abnormal moral context is one in which moral ignorance is deep and widespread in the population such that the language, rules, and methods of reasoning of members in the population fail to track the moral status of some behaviors. In normal contexts, the social practice of morality successfully tracks the real moral status of behaviors. Paradigm abnormal contexts are those in which ideological indoctrination is a deep feature of social life, e.g., the moral psychology of Huck Finn, who feels that freeing the enslaved Jim is inherently wrongful. See Chesire Calhoun, "Responsibility and Reproach," *Ethics* 99, no. 2 (1989): 394–96, 402–5, <https://doi.org/10.1086/293071>.

<sup>9</sup> Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008), 47–48, <https://doi.org/10.1093/acprof:oso/9780198297475.001.0001>.

<sup>10</sup> In addition to Darwall, see Elizabeth Anderson, "The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians," *Canadian Journal of Philosophy* 40 supplement (2010): 19–20, <https://doi.org/10.1080/00455091.2010.10717652>; Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy & Public Affairs* 43, no. 3 (2015): 244–46, <https://doi.org/10.1111/papa.12059>; Laura Valentini, *Morality and Socially Constructed Norms* (Oxford: Oxford University Press, 2023), 126–28, <https://doi.org/10.1093/9780191938115.001.0001>; Williams, "Equality, Incentives, and Publicity," *Philosophy & Public Affairs* 27, no. 3 (1998): 244–46, <https://doi.org/10.1111/j.1088-4963.1998.tb00069.x>.

<sup>11</sup> Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006), 76, <https://doi.org/10.2307/j.ctv1bzfzfpof>.

<sup>12</sup> Compare Williams, "Equality, Incentives, and Publicity," 244–46.



are not the kind of thing that we can hold one another accountable to. So, morally individualistic principles do not provide us with a justification for using our institutions to hold persons accountable for providing reparations; the reasons they offer are undercut because non-public.

Let me be clear that this challenge is not an objection to harm and inheritance views as such. The epistemic obstacles facing them is not a deep feature of all reparative contexts, so these views may provide justifications for reparations where such obstacles do not obtain, among which will be small-scale interpersonal contexts. My objections only cast doubt on relying on these views to guide practical decision-making when deliberating about reparative law and policy for injustice done in the relatively distant past. This challenges only the justificatory implications of reasons arising from harm or inheritance views as they concern the use of law and policy.

### ***II.B. Institutionalization and Political Principles***

Why does it matter that a theory of reparations provides a justification for reparative law and policy? Call a theory of reparations that does so “institutionalizable.”<sup>13</sup> A theory of reparations that is not institutionalizable would fail to address an important part of political debate about reparations. Reparations are thought to be an important element of achieving justice for members of historically oppressed groups, and political debate about reparations concerns whether there is a justification for using our institutions to redistribute benefits to contemporary members of such groups in part because of past injustice. Institutionalizability matters because the fulfillment of reparations is a collective action problem the resolution of which depends on the use of institutions. The kinds of injustice that call for repair generally occur at large scale and so implicate a great number of persons as prospective claimholders and duty-bearers. Organizing the contribution and distribution of benefits at this scale requires resolving numerous coordination and cooperation problems, which is the task of political institutions. A theory of reparations that can address political debate about reparative law and policy must therefore be institutionalizable.

The obstacles facing the institutionalization of morally individualistic views gives us reason to consider whether there are other principles that are institutionalizable.

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<sup>13</sup> It is important to make explicit the social and political context in which we aim to institutionalize some law or policy. Otherwise, a given law or policy could be shown to satisfy, or fail to satisfy, institutionalizability on trivial grounds by stipulating contexts in which any, or no, law or policy could be instituted. The context that I have in mind is a constitutional democracy where law and policy is made by legal officials and elected political officials, or roughly those circumstances that obtain in Western political societies in which reparations are a matter of public debate.

I propose that the right kind of principle is political, or a principle that concerns the organization of shared social and political structures, as opposed to individualistic principles which concern the appropriate way to act with respect to other individuals. I believe that reparations are justified on grounds of relational equality. The basic thought behind any account of reparations is that persons alive today are in some significant way connected to injustice in the past. The question is in what way are persons alive today connected to the past injustice, and why is it that this connection grounds a claim to reparations. On the relational egalitarian theory of reparations, the connection is that persons alive today stand in social relations that are unjustly hierarchical at least in part because of past injustice.

The relational egalitarian view of reparations will be institutionalizable because its core principle, the anti-inferiority principle,<sup>14</sup> applies, in the first instance, to social positions within a particular kind of social structure (hierarchy), and so applies to individuals by virtue of their occupying such positions. A familiar example of structural principles is John Rawls's two principles of justice. To apply the two principles on Rawls's view is to take "the position of certain representative individuals and consider how the social system looks to them."<sup>15</sup> We identify relevant positions by taking a macro view of the social structure and then considering the kinds of relations that systematically obtain and constrain the conduct of members of that structure.<sup>16</sup> So, for example, Rawls's difference principle applies not to the specific individuals who are worst off in a given society, but to the position of the least advantaged, understood as those persons, whoever they may be, who are, roughly, worst off with respect to income and wealth.<sup>17</sup>

On the relational egalitarian view, persons hold a claim to reparations by virtue of occupying the social position of public inferior. This ground for reparative claims is not concerned, in the first instance, with individuals, and so does not require knowledge about the histories of particular individuals or their family lines in order to assess whether they hold reparative claims. Since political principles take our social structures as the primary object of evaluation, we do not face the deep epistemic barriers that arise when our primary evaluative subject matter is individuals and all pertinent facts about them.<sup>18</sup>

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<sup>14</sup> See Section IV.A.

<sup>15</sup> John Rawls, *A Theory of Justice*, Revised Edition, (Cambridge: Harvard University Press, 1999), 81, <https://doi.org/10.2307/j.ctvkjb25m>.

<sup>16</sup> Iris Marion Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), 56–57, <https://doi.org/10.1093/acprof:oso/9780195392388.001.0001>.

<sup>17</sup> Rawls, *A Theory of Justice*, 83.

<sup>18</sup> As mentioned above, I believe that the truth of the relational egalitarian view is compatible with the truth of morally individualistic accounts of reparation. So, the present account is not a comprehensive view of reparations. Since the focus of the relational egalitarian view is certain social relations among persons,



In addition to avoiding the difficulties facing harm and inheritance views discussed above, the political character of the relational egalitarian view carries implications concerning important details about reparative obligations. Such egalitarian reparative obligations are owed to persons in part because of their occupying the social position of inferior, rather than because of facts about their family line or the harms caused by past injustice. The latter considerations do not influence whether relational egalitarian reparative claims obtain. This results in two general categories of persons being included among reparative claim holders on the relational egalitarian view that are often excluded on individualistic views. First, members of groups that were subject to past injustice who are not descendants of victims of that injustice can come to hold reparative claims. For example, a recent migrant to the United States who is regarded as a social inferior in virtue of being Black could, on this view, hold a claim to reparations for such things as slavery or Jim Crow, despite her ancestors not suffering those injustices. Second, members of groups not defined by shared lineage can hold reparative claims because of past injustice done to members of their group. This means that members of groups such as women or the working class are candidate reparative claim holders.

Readers with intuitions that lead them to find harm or inheritance views appealing will likely find these implications puzzling, if not outright objectionable. I submit that when dealing with injustice of relatively greater temporal and social scale (compared to small-scale interpersonal interaction), these intuitions will be misleading. Reckoning with injustice in the relatively distant past requires that we turn our attention to structural social phenomena consideration of which will lead to judgments that do not align perfectly with judgments arrived at based on morally individualistic considerations.<sup>19</sup> Those considerations become intractable when we turn to a greater social and temporal scale. I do not deny that morally individualistic principles such as those that ground harm or inheritance views are intuitively appealing, nor do I challenge their ability to serve as an account of reparations in small-scale interpersonal contexts. I maintain only that when dealing with injustice in the relatively distant past, our practical reasoning on these matters will be best served by relying on political principles whose primary

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this account is partial in another way: it says nothing of duties of reparations that concern non-persons, such as nation-states. For some discussion of how I take historical injustice to impinge on political obligation within and between communities, see Alexander Motchoulski, "Justice, Reciprocity, and the Boundaries of State Authority," *Journal of Political Philosophy* 30, no. 1: 65–69, <https://doi.org/10.1111/jopp.12248>.

<sup>19</sup> For defense of a similar point in the context of structural injustice, see Kirun Sankaran, "Structural Injustice and the Tyranny of Scales," *Journal of Moral Philosophy* 18, no. 5 (2021): 445–72, <https://doi.org/10.1163/17455243-20213383>.

object are social and political structures, rather than individuals. Reasoning on such political considerations will not fully accord with intuitions that are attuned to small-scale interpersonal settings.

These are only preliminaries that concern the form of the relational egalitarian view. To better understand its reparative implications, we must turn to substantive matters. Before proceeding, let me address what makes for a successful theory of reparations.

### III. DESIDERATA OF A THEORY OF REPARATIONS

Reparative duties are a proper subset of duties of justice distinguished by the fact that only reparative compensation must be made in a way that appropriately addresses past injustice, e.g., by commemorating victims.<sup>20</sup> So, some duty D to provide compensation to contemporary members of group G is a reparative duty if, and only if, a necessary condition of discharging D is that the subject of the duty acknowledge past injustice done to G. This constitutive condition of reparations leads to two basic desiderata of theories of reparation. The first is *sensitivity to wrongdoing*: the explanation of why compensation is owed to contemporary members of some group G must depend on the fact that past members of G were subject to injustice.

The importance of sensitivity to wrongdoing can be seen by contrasting reparative duties with what I will call requirements of *bare justice*. Duties of bare justice, first, specify how the shared terms of social life are to be organized, which includes requirements regarding the distribution of advantages or the structure and organization of various relationships, where, secondly, discharging those requirements does not require backward-looking acknowledgement of past injustice. Skeptics about reparations argue that the notion is a spare wheel because all obligations to redistribute benefits can be understood in terms of bare justice.<sup>21</sup>

In the absence of past injustice, duties that would be reparative are instead merely duties of bare justice. This suggests the following counterfactual test for sensitivity to wrongdoing:

*bare justice test*: take some group G that has been subject to past injustice with a candidate reparative claim R. Consider counterfactual group G\* which is

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<sup>20</sup> Boxill, "A Lockean Argument," 118.

<sup>21</sup> Alasia Nuti, *Injustice and the Reproduction of History: Structural Inequalities, Gender, and Redress* (Cambridge, Cambridge University Press, 2019), 17, <https://doi.org/10.1017/9781108325592>; Megan Blomfield, "Reparations and Egalitarianism," *Ethical Theory and Moral Practice* 24, no. 5 (2021): 1177–95, <https://doi.org/10.1007/s10677-021-10201-8>. Compare Leif Wenar, "Reparations for the Future," *Journal of Social Philosophy* 37, no. 3 (2006): 396–405, <https://doi.org/10.1111/j.1467-9833.2006.00344.x>.

disadvantaged in the same way and extent as G except that G\*'s disadvantage is not a consequence of historical injustice, such that G\* holds claim R\* only on account of G\*'s disadvantage. R is a bona fide reparative claim just when R includes an obligation to acknowledge past injustice to G, and R\* contains no such obligation with respect to G\*.

The difference between reparative duties and duties of bare justice is that only the former has a backward-looking temporal orientation—only reparative duties necessarily require that one take into consideration facts about the past in fulfilling one's obligation. Furthermore, it is a difference only in temporal orientation, and so not of temporal magnitude, by which I mean the amount of time between events. The bare justice test sets no requirements on how far in the past the relevant injustice occurred. My focus throughout is primarily on injustice in the relatively distant past because a significant part of the appeal of the relational egalitarian account lies in its ability to explain when and why reparations for historical injustice obtains. While this lends appeal to the view, the relational egalitarian account is not confined to only relatively temporally distant injustice. Indeed, there is no condition of sufficient temporal magnitude on reparative duties in general. One is subject to reparative obligations in the moment following one's wrongdoing. Similarly, institutions can come to be subject to reparative obligations on relational egalitarian grounds for relatively recent injustice.

The second basic desideratum for a theory of reparations is *burden justification*: a theory of reparations must justify placing the burdens of providing reparations on persons alive today. In the ordinary case of reparations, where the victim and perpetrator are both alive, the burden of reparations is distributed on grounds of responsibility for wrongdoing. This ground for distributing the burden of reparations is unavailable because persons alive today cannot be responsible for a wrong done in the past. An adequate theory of reparations must provide some alternative justification for persons alive today to bear the burden of providing reparation.

A theory that jointly satisfies burden justification and sensitivity to wrongdoing will be a genuine theory of reparations. Such a view grounds a duty for persons alive today to take on some burden to compensate other persons alive today while acknowledging past injustice.

#### IV. RELATIONAL EQUALITY AND RECOGNITION

The main line of thought behind the account of reparations that I defend is that i) when persons occupy the position of public social inferior in contemporary hierarchies that ii) exist in part because of past injustice, iii) those persons have reason to be insecure about their recognition as moral equals by the public and political institutions and so

iv) they are owed reparations that will remove them from the position of social inferior and provide assurance of their recognition as equals. Two ideas are central here: the injustice of social inferiority and the good of assurance of recognition as a moral equal.

#### **IV.A. Inferiority**

According to the

*Anti-inferiority principle:* it is unjust for members of society to be publicly regarded as inferiors.

I appeal to the anti-inferiority principle for two reasons. First, it is based on a claim shared among relational egalitarian views, namely, that public distinctions of inferior or superior social worth among persons and accompanying disparities of treatment are a paradigm violation of relational equality.<sup>22</sup> Secondly, whereas relational egalitarians view inferiority as intrinsically unjust, the anti-inferiority principle allows for the injustice of inferiority to be extrinsic. Public inferiority may be found objectionable because of its harmful or unfair effects. Decades of empirical work in sociology have revealed that “status beliefs create inequalities in assertive versus deferential behavior, actual task performance, attributions of ability, influence, and situational rewards between otherwise equal men and women, whites and non-whites, and middle-class and working-class people.”<sup>23</sup> Allowing for public inferiority to be extrinsically objectionable makes the relational egalitarian view of reparations more appealing, as it can be relied on by views that do not share fundamental moral commitments with relational egalitarianism.

The anti-inferiority principle has been a source of justification for the institutionalization of morally important legal reform. A prominent example is the American Supreme Court’s reasoning for undoing the racial hierarchy imposed by Jim Crow laws. Those laws were notoriously defended in *Plessy v. Ferguson*, where the “separate but equal” doctrine was established, and even as of that ruling, the anti-inferiority principle was raised as a source of criticism. Justice John Marshall Harlan, in his dissenting opinion, contended that the

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<sup>22</sup> Elizabeth Anderson, “What is the Point of Equality?” *Ethics* 109, no. 2 (1999): 287–337, <https://doi.org/10.1086/233897>; Niko Kolodny, *The Pecking Order: Social Hierarchy as a Philosophical Problem* (Cambridge, MA: Harvard University Press, 2023), 90–91, <https://doi.org/10.2307/jj.890692>; Samuel Scheffler, “What is Egalitarianism?” *Philosophy & Public Affairs* 31, no. 1 (2003): 5–39.

<sup>23</sup> Cecilia L. Ridgeway, “Why Status Matters for Inequality,” *American Sociological Review* 79, no. 1 (2014): 6, <https://doi.org/10.1177/0003122413515997>. References to findings are omitted in the quoted text.

arbitrary separation of citizens on the basis of race while they are on a public highway is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution.<sup>24</sup>

Justice Harlan's opinion proved prescient of the eventual ruling made in *Brown v. Board of Education of Topeka*, where the unanimous opinion held that

Considerations [of social inferiority] apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.<sup>25</sup>

The relational egalitarian view of reparations maintains that reasoning on these grounds will also justify reparative law and policy.

Among the grounds of the injustice of the racial hierarchy imposed by Jim Crow is that certain persons were publicly regarded as inferiors. To be a public social inferior is to occupy a lesser position in a social hierarchy of which most members of a given society are also a part. By "social hierarchy," I mean a particular kind of social phenomenon, namely, a stratified social structure. A social structure consists of interconnected relations among a set of persons and institutions, with a paradigmatic constituent being social norms.<sup>26</sup> Positions are isomorphic sets of relations within a structure. So, for example, if person A is my boss, and person B yours, then you and I occupy the same kind of position, namely, that of professional subordinate within the structure of the workplace. A social structure is stratified when individuals within it come to widely share beliefs and attitudes about the relative value of persons within the structure.<sup>27</sup> Here, "valuing" is used in the descriptive sense to refer to interconnected positive attitudes and beliefs that persons hold about some entity. Sociologists refer to the phenomenon of relative valuing of persons as social status, and I follow that use here. "[S]ocial status" in other words, is "the prestige, respect, and esteem that a party has in the eyes of others...[s]tatus is an index of the social worth that observers

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<sup>24</sup> *Plessy v. Ferguson*, 163 U.S. 537 (1896), 562.

<sup>25</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 494.

<sup>26</sup> Sally Haslanger, "What is (Social) Structural Explanation?" *Philosophical Studies* 173, no. 1 (2016): 113–30, <http://dx.doi.org/10.1007/s11098-014-0434-5>.

<sup>27</sup> Han van Wietmarchen, "What is Social Hierarchy?" *Nous* 56, no. 4 (2022): 925–7, <https://doi.org/10.1111/nous.12387>; Han van Wietmarchen, "Moral Equality and Social Hierarchy," *Philosophy and Phenomenological Research* 110, no. 1 (2025): 102–8, <https://doi.org/10.1111/phpr.13093>; Alexander Motchoulski, "Relational Egalitarianism and Democracy," *Journal of Moral Philosophy* 18, no. 6 (2021): 628–31, <https://doi.org/10.1163/17455243-20213471>.

ascribe to an individual.”<sup>28</sup> The basis on which some individual is seen as having greater worth than another is a function of the context of the social structure in question. A wide range of social structures are hierarchical, with professional athletes being seen as having greater or lesser worth within a sport on a different ground compared to the basis on which a philosopher is seen as having greater or lesser worth within academic philosophy. A hierarchy is public when most members of a given society occupy a position in it. The distinctive features of public hierarchies are that, first, the characteristics of individuals that make them more or less valuable in the eyes of others are things that most members of society can discern and identify, and second, most members of society share the beliefs and attitudes in virtue of which some persons are seen as having greater or lesser worth. Common examples of characteristics on the basis of which such widely shared beliefs and attitudes are formed are such things as race, gender, education, income, and wealth, among others. Public hierarchy is distinctive, then, in that it is not bound to a specific context, and the features in virtue of which persons are evaluated as being better or worse members of society are not based in competence or performance in specific tasks or skills, such as the quality of one’s tennis game or how convincing one’s arguments are. Bringing this together, we have:

*Public inferiority*: some person A is a public social inferior in society S when members of S converge on stable, shared beliefs and attitudes which hold A to have lesser value than some significant share of S.

Two further points are worth clarifying. First, the condition of stability is meant to capture that in order for hierarchy to organize social life over time, the evaluations and attitudes of persons that constitute it must be in equilibrium.<sup>29</sup> Second, the open-ended term “some significant share” captures that there are varying extents to which a person can be a social inferior, where the extent to which one is an inferior is proportionate to the number of people who are represented as being more valuable than one.

The role that hierarchy and public inferiority play in the relational egalitarian theory of reparations is that of explaining how contemporary social life is connected to

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<sup>28</sup> Steven L. Blader and Ya-Ru Chen, “What’s in a Name? Status, Power, and Other Forms of Social Hierarchy,” in *The Psychology of Social Status*, eds. Joey T. Cheng, Jessica L. Tracy, and Cameron Anderson (New York: Springer, 2014), 74, [https://doi.org/10.1007/978-1-4939-0867-7\\_4](https://doi.org/10.1007/978-1-4939-0867-7_4). Compare: Roger V. Gould, “The Origin of Status Hierarchy,” *American Journal of Sociology* 107, no. 5 (2002): 1143–78, <https://doi.org/10.1086/341744>; Cecilia Ridgeway, “The Social Construction of Status Value: Gender and Other Nominal Characteristics,” *Social Forces* 70, no. 2 (1991): 367–86, <https://doi.org/10.1093/sf/70.2.367>; Murray Webster Jr. and Stuart J. Hysom, “Creating Status Characteristics,” *American Sociological Review* 63, no. 3 (1998): 351–78, <https://doi.org/10.2307/2657554>.

<sup>29</sup> Gould, “Status Hierarchies.”



injustice in the past such that there are duties of reparation. That connection obtains when past injustice brought about, exacerbated, or maintained public social status hierarchies which persist to the present day.

Importantly, public hierarchies can exist and persist in light of changes to legal and political institutions. While legal and political institutions have historically contributed to the stability of public social hierarchy, they are not themselves essential constituents of public inferiority. We can imagine, for instance, a society that gave equal political and legal status to all citizens, say by instituting democracy with rule of law, while it still being the case that citizens maintained the status relations that constitute public inferiority.

This is precisely the situation of contemporary India. Though caste discrimination was legally banned as of India's independence in the middle 20<sup>th</sup> century, and though several decades of affirmative action policy for members of lower castes have been in place, caste continues to be a significant influence on Indians' lives. There remain pervasive inequalities in access to labor markets, choice of marriage partner, rates of child mortality, access to education, and income that obtain between descendants of different castes because of that difference in caste.<sup>30</sup> This shows that public inferiority can outlive the legal and political institutions that may at one time have been an important source of support for, if not outright cause of it. This detail is important, as it explains why reparative duties can obtain despite significant changes in legal and political institutions.

#### **IV.B. Recognition and Assurance**

In addition to the anti-inferiority principle, the idea of recognition respect, and assurance of recognition in particular, is central to the relational egalitarian view of reparations.

To treat something with recognition respect is to view it as a source of *sui generis* constraint on one's practical reasoning.<sup>31</sup> The kind of recognition respect that matters

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<sup>30</sup> Sonalde Desai and Amaresh Dubey, "Caste in 21st Century India: Competing Narratives," *Economic and Political Weekly* 46, no. 11 (2011): 40–49; Premchand Dommaraju, Victor Agadjanian, and Scott Yabiku, "The Pervasive and Persistent Influence of Caste on Child Mortality in India," *Population Research and Policy Review* 27 (2008): 477–95, <https://doi.org/10.1007/s11113-008-9070-0>; Srinivas Goli, Deepti Singh, and T. V. Sekher, "Exploring the Myth of Mixed Marriages in India," *Journal of Comparative Family Studies* 44, no. 2 (2013): 193–206, <https://doi.org/10.3138/jcfs.44.2.193>; Divya Vaid, "Caste in Contemporary India: Flexibility and Persistence," *Annual Review of Sociology* 40 (2014): 391–410, <https://doi.org/10.1146/annurev-soc-071913-043303>.

<sup>31</sup> Stephen L. Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977): 36–49, <https://doi.org/10.1086/292054>. Darwall, *Second-Person Standpoint*, 122–23.

here is recognition respect for persons. To accord a person recognition respect is to view that person as having equal fundamental moral standing, which involves recognition of the person as counting, morally speaking, for their own sake, taking this fact into account in one's deliberation, and constraining one's conduct accordingly.

Recognition respect is related to the anti-inferiority principle in that it is taken to be the ground of relational egalitarian principles. Many accounts of relational equality share the foundational claim that "relations of social inferiority and superiority are inappropriate among moral equals."<sup>32</sup> To say that persons are moral equals is to make a claim about status, but of a kind that is fundamentally different from what I called social status above. "Status" in general refers to the relative worth of entities on the basis of some standard. Having equal moral status means that, *ceteris paribus*, persons count the same in terms of basic moral considerations (whether this is understood in terms of their interests, desires, rights, or whatever moral notions are taken to be basic). As discussed above, social status refers to a kind of social fact, rather than a normative one. Whereas moral equality is a fact inherent in persons, social equality is a contingent circumstance to be brought about which obtains when there is widespread convergence on those beliefs and attitudes that constitute valuing (in the descriptive sense) such that all members of a given society are equally valued qua members of society. The contingent nature of social equality makes recognition of one as a social equal distinct from recognition of one's moral equality. Firstly, I view you as a public social equal just when I have those beliefs and attitudes in virtue of which I value you as a member of our shared social world to the same extent as I value myself as a member of the social world. Secondly, I can recognize your social status by assessing what the convergent evaluation of you in comparison to others in our society is, which, if you are valued equally relative to me, is recognition of our social equality. To bring these different notions of recognition together, I can, for example, appreciate that an unhoused person is my moral equal, value her equally as a member of society, believe that others ought to recognize her as an equally valuable member of society, but appreciate that other members of society do not do so, and that she is in fact valued less than most other members of society. Details about how we can bring about those beliefs and attitudes in virtue of which persons would be widely valued as equals will be taken up at the start of the next section. For now, I return to the importance of recognition respect (for moral equals), and the value of its assurance.

There are derivative moral considerations that bear on the goodness or badness of practices of recognition respect, by which I mean the pattern of actual experiences and

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<sup>32</sup> Niko Kolodny, "Rule Over None II: Social Equality and the Justification of Democracy," *Philosophy & Public Affairs* 42, no. 4 (2014): 299–300, <https://doi.org/10.1111/papa.12037>. Compare Anderson "What is the Point of Equality?" 312; Scheffler, "What is Egalitarianism?" 22; T. M. Scanlon, *Why Does Inequality Matter?* (New York: Oxford University Press, 2018): 26–30, <https://doi.org/10.1093/oso/9780198812692.001.0001>.

expressions of recognition respect in a given society. One important consideration is publicity, which holds that individuals ought to be accorded recognition respect in such a way that they are in a position to appreciate the fact that they are recognized as a moral equal.<sup>33</sup> In addition to being a condition of interpersonal accountability relations, as discussed in Section II.A, publicity is also a good-making feature of practices of recognition respect.

A practice of recognition respect is better in one respect when it satisfies publicity because publicity is instrumental to providing persons with assurance of their recognition as moral equals, and such assurance is instrumentally valuable for securing stable cooperative social relations.<sup>34</sup> In the absence of assurance of recognition, beneficial cooperative social relations can fray. When a person lacks assurance of their recognition as a moral equal, she may come to worry that she is exposed to some risk of wrongdoing. Others may neglect her moral equality and engage in opportunistic wrongdoing for their own advantage. If a person has reason to worry about such risk, she may withdraw from social relations or keep her engagement limited. She might even engage in opportunistic or preemptive defensive wrongdoing herself. When a practice of recognition respect satisfies publicity, it will be a source of assurance of one's recognition as a moral equal, and so a source of assurance that one will not be taken advantage of or made to suffer opportunistic wrongdoing.

Importantly, assurance offered to moral equals must be addressed to their reasoning. One's need for assurance arises by virtue of a reason that one has to believe that others will act in ways that may result in threat or insecurity to something that one finds important. To appropriately provide assurance to one who needs it, you must address the reason by virtue of which one takes oneself to be insecure.<sup>35</sup> The provision of assurance should occur in such a way that one is able to appreciate new reasons that outweigh or silence the reasons by virtue of which one initially took oneself to be insecure.

Since the provision of assurance requires addressing the reasoning of those who need it, there are ways of removing the threat or insecurity against which assurance is needed that will fall short of an appropriate provision of assurance. Namely, one might compensate for the threat in question without addressing the reason by virtue of which the insecure party needs assurance. If I were to break a promise that I made to you, it would not suffice if I simply opened my wallet and asked what the damages were. Breaking a promise is not merely a material inconvenience that warrants some kind of compensation; it is a

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<sup>33</sup> Christiano, *Constitution of Equality*, 47–63.

<sup>34</sup> On assurance of recognition and trust in contexts of past injustice, see Margaret Urban Walker, *Moral Repair: Reconstructing Moral Relations after Wrongdoing* (New York: Cambridge University Press, 2006): 106–7, 128–31, <https://doi.org/10.1017/CBO9780511618024>.

<sup>35</sup> Darwall, *Second-Person Standpoint*, 205–7.

failure to abide by an especially weighty reason that making a promise establishes. My promises to you are not tentative appointments that I need only to pay the right price to cancel. If I treated my promises to you in this way, you would have reason to doubt that I respect your status as promisee. My giving you cash compensation, even if it is equal to the material cost that you took on in planning around my unkept promise, will fail to address the reason that you have to doubt that I will recognize the obligation that I had to you. If the good of assurance of recognition as an equal is to obtain, then assurance must be provided in a way that addresses the reason by virtue of which assurance is needed. In this case, sincere recognition of the wrong in the form of apology is owed.

In sum, practices of recognition respect are better in one respect when they satisfy publicity by virtue of the assurance of recognition as a moral equal that such publicity provides. The relevant kind of assurance will only obtain when public expressions of recognition respect are made in a way that addresses the reasons that are the source of the need for assurance. With the ideas of the anti-inferiority principle and assurance of recognition in hand, I now turn to the defense of the relational egalitarian view of reparations.

## V. THE RELATIONAL EGALITARIAN THEORY OF REPARATIONS

### V.A. *Reforming Status Relations*

The relational egalitarian theory of reparations, recall, holds that 1) reparations are owed to persons who are public social inferiors in part because they are members of a group that has been subject to injustice in the past, and 2) reparations are to be such that a) they ameliorate and undo positions of public inferiority and b) members of the relevant group are assured of their recognition as moral equals.

A basic assumption of this view is that there are some means for reforming status relations and positions of public inferiority. The prevailing theory of social status in sociology is status construction theory, according to which some feature of persons becomes a status characteristic when it is correlated with things that are perceived as valuable.<sup>36</sup> When persons in some group G with some characteristic C, a particular skin color say, tend to have a greater share of some good, then members of G will come to

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<sup>36</sup> This presentation simplifies, as the construction of status characteristics also depends on certain patterns of association. See Ridgeway, "Status Value"; Webster Jr. and Hysom, "Creating Status Characteristics." For corroborating laboratory findings, see Cecilia L. Ridgeway and Kristan Glasgow Erickson, "Creating and Spreading Status Beliefs," *American Journal of Sociology* 106, no. 3 (2000): 579–615, <https://doi.org/10.1086/318966>; Cecilia L. Ridgeway, Elizabeth Heger Boyle, Kathy J. Kuipers, and Dawn T. Robinson, "How Do Status Beliefs Develop? The Role of Resources and Interactional Experience," *American Sociological Review* 63 (1998): 331–50, <https://doi.org/10.2307/2657553>.

conceive of C as itself being a good-making property of individuals. The value attached to the greater possession of goods “diffuses” and confers value on other features of persons who possess those goods.<sup>37</sup> This suggests that there is at least one way to transform status relations to be more equal, which is to provide greater access to things widely recognized as goods to those with low status such that the characteristics by virtue of which persons are appraised as being low status are no longer correlated with possession of a lesser share of goods.<sup>38</sup> So, throughout this section I will speak of reparative claims in terms of entitlements to some kinds of goods, though those entitlements are held on instrumental grounds because the receipt of goods by the relevant persons contributes to undoing positions of public inferiority.

The benefits owed are those that are most effective at providing, in an enduring way, the various advantages that are viewed as sources of social status and security against unjust treatment. This suggests two general claims about the kind of reparative benefits that the relational egalitarian account gives us reason to provide. First, guarantees of political power will be an appealing means of reparation. The specific form of such guarantees should be sensitive to the particular political institutions in a given society, some examples of which would be guaranteed political representatives, or special legislative committees, among other arrangements. Political power is both a means for and source of greater public social status and is a safeguard against unjust treatment such that it is especially effective as a means of assurance of recognition. Secondly, it is doubtful that reparations should be provided as one-off cash transfers. While resources are status-conferring in most every human social group, the problem with cash-transfer policy is that the contribution to ameliorating public inferiority will run out once the money is spent. More enduring sources of status may instead be found in conferral of benefits such as education, e.g., affirmative action policies, or opportunities for the cultivation of skilled labor and capital, e.g., business subsidies.<sup>39</sup>

### **V.B. Burden Justification**

The reason why persons alive today who are not responsible for past wrongdoing ought to bear the burden of providing reparations is because the anti-inferiority principle is a principle of justice and persons have a duty to do their fair share in promoting

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<sup>37</sup> Joseph Berger and M. Hamit Fisek, “Diffuse Status Characteristics and the Spread of Status Value: A Formal Theory,” *American Journal of Sociology* 111, no. 4 (2006): 1038–79, <https://doi.org/10.1086/498633>.

<sup>38</sup> Sarah K. Harkness, “Spread of Status Value: Rewards and the Creation of Status Characteristics,” *Social Science Research* 61 (2017): 98–111, <https://doi.org/10.1016/j.ssresearch.2016.06.004>.

<sup>39</sup> On the importance of constructing empowering social structures for the sake of reparations, Olúfémí O. Táíwò, *Reconsidering Reparations* (New York: Oxford University Press, 2022): Ch. 3, <https://doi.org/10.1093/oso/9780197508893.001.0001>.

justice.<sup>40</sup> When sufficiently just political institutions exist, this duty takes the form of a duty to comply with the demands of those institutions at least when they promote justice. Accordingly, citizens have a duty to do their fair share in supporting the institutionalization of laws and policies that ameliorate and undo positions of public inferiority, which involves taking on a fair share of the costs of those laws and policies.

This account has the following implications for the distribution of reparative compensation and the burdens of providing that compensation. First, relational egalitarian reparative claims are owed to the relatively least advantaged among relevant groups, which, as discussed in Section II.B, need not be defined by any shared lineage. To see why the relatively least advantaged among such groups are owed compensation, consider the position of an especially advantaged member of a relevant kind of group. Given that this person already occupies a relatively advantageous social position, conferral of additional benefits will do little to change social status relations, whereas the conferral of benefits to the relatively disadvantaged member of the relevant group will make a greater contribution to undoing the social conditions that bring about positions of public inferiority. Since the content of reparative duties on this account is to undo relations of public inferiority (rather than provide benefits as such), the reparative claim of a relatively advantaged member of a relevant group is thus a claim to the provision of benefits for relatively disadvantaged members of that group.

Second, the burden of providing reparations should not be shared with members of the group to whom reparations are owed for two reasons. First, given that possession of wealth is, in just about every human society, a contributing factor of one's public social status, requiring contributions from members of the groups to whom reparations are owed will often be self-defeating. The second reason turns on a general claim about duties to promote justice, which is that victims of injustice do not, in the first instance, bear the duty to undo the injustice from which they suffer. There can, however, be circumstances where the most advantaged members of groups that were subject to past injustice can come to have an obligation to contribute to reparations. This will be the case when, i) the individuals in question have such a great relative share of wealth and resources that making a contribution to reparations does not setback the undoing of relations of public inferiority that members of this group stand in, and ii) other members of the society who bear the duty to undo the positions of public inferiority in the first instance either neglect their duty or lack the means to provide adequate reparations.

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<sup>40</sup> Rawls, *A Theory of Justice*, 98–100.



Third, membership in historically dominant groups is not as such a basis for bearing a greater share of the burdens of providing reparations. There may be contingent reason to distribute a greater share of the burdens to members of such groups—for example, if members of historically dominant groups tend to have greater shares of resources, then their fair share of the costs of advancing justice may be greater for that reason. Moreover, insofar as members of those groups come to hold goods with particular symbolic connections to past injustice, they may have obligations to contribute or surrender those goods as part of assurance-conferring expressions of recognition. An inheritor of a plantation in the Southern United States, or an owner of historical artifacts used for enslavement, may on this basis, be required to relinquish or sell that property.

### ***V.C. Sensitivity to Wrongdoing***

The ease with which the relational egalitarian view satisfies burden justification appears to come at the steep cost of satisfying sensitivity to wrongdoing. Persons, on this view, are taken to have an obligation to bear the burden of providing reparations because it is a requirement of justice, and the provision of bare justice is not reparation.

I deny that the relational egalitarian view is unable to satisfy sensitivity to wrongdoing on grounds of the following argument:

1. When facts about past injustice to some group G are salient to contemporary members of G, members of G will have reason to regard their recognition as insecure.
2. Such insecurity warrants assurance, and assurance addressed to moral equals must speak to the reason by virtue of which such assurance is needed.
3. Two relevant reasons held by members of G are: a) a reason to distrust political institutions, and b) a reason to anticipate being, and continuing to be, neglected as a subject of justice.
4. To appropriately address (a), political institutions will need to make public expressions of recognition of the moral status of members of G.
5. Such public expressions are at risk of being cheap talk—they must be made credible as well.
6. Cheap talk is made credible by having the party making the expression act, at some cost to itself, on those considerations that warrant the expression in question.
7. The relevant considerations are (b), such that the sincere expression of recognition must be accompanied by acting to promote justice with respect to contemporary members of G.

The general idea behind this argument is that when contemporary members of G have reason to believe that their recognition as moral equals is insecure, public assurance of recognition must be provided to them and sensitivity to wrongdoing will obtain for this reason.

Premise 1 introduces the notion of salience to explain how contemporary members of G can come to be insecure of their recognition because of past injustice. Salience is a complex idea that concerns the numerous ways in which facts about the past of some society influence the way in which contemporary members of that society act.<sup>41</sup> Attempting to provide a comprehensive account of how past injustices, or facts about a society's history more generally, are salient in ongoing social relationships would take the present discussion too far off course. As such, I hope to explicate the idea by examining a series of examples.

First, facts about past injustice may be part of the best available explanations that persons rely on to understand why it is that members of some group are regularly disadvantaged. Many explanations of the relative disadvantage of Black Americans, for example, draw on evidence about past discrimination in order to explain disadvantages in housing, wealth, education, and health.<sup>42</sup> Second, expressions and symbols that have the effect of humiliating or demeaning members of groups that were subject to past injustice (e.g., slurs) often have that effect because the meaning of such expressions or symbols is informed by facts about the relevant society's past. Imagine a school principal who, solely for reasons of aesthetic preference, organizes a school photo such that Black students sit on the left and white students on the right.<sup>43</sup> Even if the intention of the principal is innocent, within the context of the United States and its history of segregation, her behavior is demeaning. Third, facts of past injustice can be salient because they are relied on as a hermeneutical tool by those who suffer contemporary injustice or those who seek to understand it. Injustice sometimes has the property of obscuring the fact that there is injustice. In such cases, the disadvantaged are subject to a hermeneutic injustice,<sup>44</sup> and drawing on facts about the past injustice can be a valuable tool for undoing that hermeneutic injustice. For example, prison reformers

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<sup>41</sup> This complexity arises, I think, by virtue of the human ingenuity for novel forms of cultural practice and expression, and by virtue of the various interdependencies between the structure of persons' relationships and the changing background social and technological conditions.

<sup>42</sup> Derrick Darby, "Reparations and Racial Inequality," *Philosophy Compass* 5, no. 1 (2010): 60, <https://doi.org/10.1111/j.1747-9991.2009.00268.x>.

<sup>43</sup> Deborah Hellman, *When Is Discrimination Wrong?* (Cambridge, MA: Harvard University Press, 2011): 25–27, <https://doi.org/10.2307/j.ctv22d4zp9>.

<sup>44</sup> Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press, 2010): Ch. 7, <https://doi.org/10.1093/acprof:oso/9780198237907.001.0001>.

and prison abolitionists in the United States rely on the history of slavery to understand the ways in which Black persons are oppressed by prison practices.<sup>45</sup> In sum, we can see the salience of facts about past injustice at least when such facts are relied on to explain disadvantage to some groups, when such facts explain why certain forms of expression are demeaning or humiliating, or when such facts are relied on as a hermeneutic resource for understanding injustice.

Premise 2 states the requirements of appropriate provision of assurance discussed in Section IV.B. Premise 3 identifies two reasons that contemporary members of G may have for believing that their moral equality is not recognized, which are: a) a reason to distrust their political institutions, and b) a reason to expect being neglected as a subject of justice. These reasons will generally but not necessarily follow from the fact that there has been injustice in the past that remains salient. They do not necessarily follow because it is possible that despite the salience of past injustice to G, contemporary members of G are in a position where reasons that undercut or preempt their reason to be insecure obtain. This would occur when, for example, members of G have control of government, or access to a significant share of political power. So, there may be countervailing reasons that make moot the need for assurance on the part of G, in which case the claim to reparations will be weakened if not defeated (claims of bare justice may persist). When such countervailing reasons do not obtain, members of G have reasons to distrust their political institutions and anticipate being treated unjustly that are not defeated or undercut. (a) obtains because political institutions are the principal means of coordinating and effecting large-scale social structural change through collective action, such that occupants of offices within political institutions take on responsibilities of justice. These responsibilities include duties not to commit injustice against subjects and duties to protect subjects from injustice. Political institutions may thereby have been implicated in historical injustice when they were directly relied on to perpetrate the injustice (e.g., through legal enforcement) or when they tolerated pervasive wrongdoing against some subjects while possessing sufficient capacity to protect against such wrongdoing. When these institutional responsibilities are breached, contemporary members of G will have reason to distrust their political institutions.<sup>46</sup> (b) obtains because when past injustice to one's group is salient, and when one's group is subject to ongoing injustice, one has reason to believe that injustices against members of this group are at least regularly tolerated, if not deliberately inflicted.

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<sup>45</sup> For a survey see Tommie Shelby, *The Idea of Prison Abolition* (Princeton: Princeton University Press, 2022): 23–4, 67–76, <https://doi.org/10.2307/j.ctv2ks6t26>.

<sup>46</sup> Colleen Murphy, *A Moral Theory of Political Reconciliation* (New York: Cambridge University Press, 2012): 45–49, <https://doi.org/10.1017/cbo9780511761652>.

Premise 4 gives the appropriate way to address reason (a). Part of the insecurity of members of G arises because of their reasons to distrust political institutions. Accordingly, recognition must be publicly expressed by their political institutions in order to suitably address the reasons by virtue of which assurance of recognition is needed.<sup>47</sup> The content of such expressions can include: the fact that the compensation in question is warranted because of the past injustice; the fact that the occurrence of the past injustice is regrettable and worthy of public commemoration; or (inclusively) the fact that perpetrators of the injustice are contemptible and dishonorable. Assurance-conferring public expressions of recognition can take the form of public expression of regret that accompanies reparative compensation, or it may come in the form of monuments or memorials that commemorate the victims of past injustice, among other modes of expression.<sup>48</sup>

There is an important problem facing public expressions of recognition by political institutions, which is stated in premise 5. In order for one's expression to be assurance-conferring, it must be seen as credible by the intended recipient. Given that members of the relevant kinds of groups have reason to doubt that their moral equality is recognized, they will have reason to doubt the sincerity of public expressions of recognition. There is a risk that such expressions are taken to be cheap talk.

Problems of cheap talk are resolved by making the relevant signal costly. We arrive at premise 6, which states that expressions of recognition are shown to be credible when the party making the expression shows itself to be acting on the relevant considerations at some cost to itself, rather than for the sake of mere appearances. However, our concern here is not with mere credibility, but with credibility for the right reasons. The insecurity of recognition faced by some persons is not a mere inconvenience for which society must pay a price. For an assurance-conferring expression to be credible for the right reasons, it must address the reasons by virtue of which assurance is needed in the first place. Assurance is needed because of i) a salient history of injustice against G, and ii) the fact that the contemporary members of G continue to occupy unjust positions of public social inferiority. It is the failure to abide by requirements of justice in the past (assuming salience) and the failure to achieve justice in the social relations that persist into the present that provide contemporary

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<sup>47</sup> *Ibid.*, 128–31; Walker, *Moral Repair*, 92, 95–97.

<sup>48</sup> On the symbolic function of reparations, see Christopher Kutz, "Justice in Reparations: The Cost of Memory and the Value of Talk," *Philosophy & Public Affairs* 32, no. 3 (2004): 277–312, <https://doi.org/10.1111/j.1088-4963.2004.00015.x>; On the expressive role of monuments and memorials, see C. Thi Nguyen, "Monuments as Commitments: How Art Speaks to Groups and How Groups Think in Art," *Pacific Philosophical Quarterly* 100, no. 4 (2019): 971–994, <https://doi.org/10.1111/papq.12279>.

members of G with reason to be insecure about being recognized as moral equals. Sincerity of expression of recognition of moral equality is to be achieved, then, by having the party making the expression act, at some cost to itself, on considerations of justice with respect to those to whom the expression of recognition is meant to provide assurance. Those considerations of justice are given by the anti-inferiority principle. Therefore, the provision of various benefits meant to undo positions of public inferiority are related to assurance-conferring public expressions of recognition in that the costs of undertaking the former serve to make the expression of assurance sincere and therefore credible for the right reasons.

We can see now that the bare justice test is satisfied. Suppose past members of group G were subject to past injustice that remains salient, and contemporary members of G are public social inferiors. The public inferiority of G grounds claims to benefits that would undo that inferiority, and their insecurity of recognition grounds a claim to assurance of recognition, which needs to be rendered credible for the right reasons by taking on the costs of undoing the inferiority of G. Contemporary members of G are therefore owed inferiority-undoing compensation in tandem with assurance-conferring expressions of recognition. Necessarily, discharging this duty will require that the past injustice is appropriately acknowledged. Compare the counterfactual case of G\*, which is the same in all respects to G except that G\* has not been subject to past injustice. There are no salient historical facts to ground a claim to assurance-conferring recognition on the part of G\*. In this case, members of G\* have claims that their inferiority be undone and discharging the correlative duties does not necessarily require acknowledging past injustice. What was a reparative claim becomes a claim of bare justice in the absence of past injustice.<sup>49</sup> Hence, the relational egalitarian theory of reparations passes the bare justice test and therefore provides a ground for genuine reparative claims.

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<sup>49</sup> The preceding shows that relational egalitarian reparative claims differ from claims of bare justice to undo positions of inferiority in virtue of their content. We may further see the difference between such reparative claims and claims of bare justice by comparing two other distinguishing characteristics of claims. Reparative claims will be more stringent and more demanding than claims of bare justice. The stringency of a claim concerns how difficult the claim is to override with competing considerations, while the demandingness of a claim concerns the total burden that the correlative duty places on subjects. Greater stringency obtains because relational egalitarian reparative claims concern two urgent goods, that of undoing positions of inferiority and providing assurance of recognition, whereas the comparable claim of bare justice only concerns the former. Greater demandingness obtains because, in addition to taking on the cost of instituting and complying with those laws and policies that undo positions of inferiority, discharging relational egalitarian reparative duties will also require taking on the cost of providing assurance-conferring public expressions of recognition, which may involve costly endeavors such as the construction of public memorials.

#### ***V.D. Relational Egalitarian Reparative Justice***

In sum, relational egalitarian reparative claims obtain if, and only if, 1) there is some group G that has been subject to past injustice that remains salient, 2) contemporary members of G occupy positions of public inferiority, and 3) members of G have reason to distrust their political institutions as a consequence of (1) or (2) or both. In virtue of (1), members of G are owed assurance of recognition as moral equals; in virtue of (2), members of G are owed inferiority-undoing compensation; and, in virtue of (3), discharging duties to undo the inferiority of G serves as a cost that vindicates the credibility of assurance-conferring expressions of recognition for the right reasons. For the sake of illustration, let us consider some cases where the reparative demands of relational equality are unsuccessfully fulfilled or do not obtain.<sup>50</sup>

On the relational egalitarian view, the provision of reparative compensation to G serves two purposes: i) it undoes the public inferiority of members of G and ii) it serves as a cost that makes credible for the right reasons assurance-conferring expressions of recognition to G. Compensation that does neither (i) nor (ii) does not contribute to discharging relational egalitarian reparative obligations in any respect. For example, if the U.S. government provided cash payments to Black citizens (assuming they are owed reparations), but those payments were not accompanied by assurance-conferring expressions of recognition and the payments themselves did not ameliorate or undo the public inferiority of Black citizens because, say, of widespread recalcitrant racist attitudes and beliefs, then those cash payments would not contribute to discharging reparative duties to Black citizens whatsoever.<sup>51</sup> This case illustrates how acts which fail to discharge the duties arising from conditions (1) and (2) above thereby fail to contribute to fulfilling relational egalitarian reparative duties.

The general idea underlying (3) is that there must be an appropriate relationship between the duty to undo relations of inferiority and the duty to provide assurance of recognition in order for a relational egalitarian reparative duty to obtain. Not just any

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<sup>50</sup> My thanks to two anonymous reviewers for raising these cases.

<sup>51</sup> Accordingly, moral deficiencies on the part of persons or their conduct can bring about circumstances in which it is not feasible to discharge reparative duties. This reflects a general feature of obligations of social justice, namely, that their fulfillment depends on collective action which may be rendered infeasible by others' dispositions and behaviors. Compare the present case to societies where the state and other political institutions are totally captured by individuals whose sole concern is to extract as much value for themselves as possible by exploiting and dominating their subjects through the oppressive use of state power. Such a complete capture of the state by exploiters and dominators renders the collective action needed to effect social justice infeasible, and yet I maintain that duties of justice still stand, and that such oppressive states are unjust both with respect to what they do and what they neglect to do. Likewise, there remains a duty to provide reparations even in those cases where the beliefs and attitudes of others render discharging that duty infeasible.



conjunction of these two duties constitutes a reparative claim—the duties must be borne by the same party, and need for assurance of recognition must stem from having suffered, and continuing to suffer, injustice in which the party making the expression of assurance is implicated, such that discharging one's duties of justice grounded by the anti-inferiority principle renders expressions of assurance credible for the right reason. Consider a case of a group the members of which are both in need of assurance of recognition and regarded as public inferiors, but not for any reason to do with past injustice. Imagine that the unemployed are seen as public inferiors and that they are also disproportionately vulnerable to wrongdoing. This case appears to be a counterexample to the relational egalitarian view. It seems that the unemployed are owed benefits that will undo their inferiority in addition to assurance of their recognition, which means that they qualify for reparations on the relational egalitarian account. But this case seems to only be a matter of contemporary bare justice, which suggests that the present account is not distinctly about reparations.

Whether reparative obligations arise in this case will depend on political institutions' relationship to the injustice, and where those obligations do obtain the case is no counterexample. Let us first set aside one set of reparative duties that will obtain in a contemporaneous case, namely, those owed by perpetrators of wrongdoing to their victims. As mentioned throughout, the relational egalitarian account is not exhaustive of the grounds for reparative obligations, and in cases of small-scale interpersonal wrongdoing, reparations may obtain on other grounds.

The key question is: were political institutions perpetrators of, or complicit in, injustice suffered by the unemployed? If the answer is no, then the unemployed have no reason to distrust their political institutions because of this injustice, from which it follows that those institutions have no duty to provide assurance-conferring expressions of recognition to the unemployed.<sup>52</sup> Certainly, the unemployed are owed assurance of recognition from perpetrators of wrongdoing against them, for the same general reason that I owe you such assurance when I break a promise to you. Moreover, political institutions do bear an obligation of bare justice to undo the relations of public inferiority that the unemployed are subject to. But political institutions fulfilling their duty of justice cannot serve as a costly signal to vindicate the assurance-conferring expressions of recognition that perpetrators of wrongdoing owe to the unemployed. Consider a comparison to an interpersonal case. If I break my promise to you, such that you need assurance of recognition from me, and

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<sup>52</sup> In terms of the argument for sensitivity to wrongdoing, premise 3a does not obtain in this case, and so the inferences to premises 4 and 5 do not follow.

independently Alfie owed you some compensation (say, he bought something from you), this will not entail that you have a claim to reparations, for the two claims are not related in the right way.

If, on the other hand, political institutions were implicated in the wrongdoing, say by being delinquent in its duties of justice to the unemployed, then those institutions would owe assurance of recognition in tandem with duties to undo public inferiority. In this case, however, I do not think it is objectionable to say that there is a duty to provide reparations. As discussed in Section III, fundamental to reparative duties is a temporal orientation, not a temporal magnitude. The relational egalitarian view is particularly appealing because it provides a sound basis for instituting reparative law and policy for injustice in the relatively distant past, but this does not confine the view to only cases of relatively great temporal magnitudes. There may still be occasions where reparations on grounds of relational equality obtain for relatively recent injustice. Specifically, reparations for recent injustice will be justified on relational egalitarian grounds in just those cases where political institutions are at least complicit in, if not an outright perpetrator of, the enforcement and maintenance of relations of public inferiority. When the United States enforced the enslavement of Black persons, it was a perpetrator of the injustice of racial caste, and as a result of perpetrating that injustice owed reparations to its victims. It is the endurance of public hierarchy over time that connects those of us alive today to past injustice so as to ground reparative duties on the relational egalitarian account, and it does not follow from this that the view cannot ever justify reparations for relatively recent injustice. So, where the political institutions are at least complicit in the wrongdoing in virtue of which members of a group who are public inferiors need assurance, then reparations will obtain on grounds of relational equality, even for relatively recent wrongdoing.<sup>53</sup>

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<sup>53</sup> It does not follow that any instance in which there are public social inferiors reparative duties obtain. Political institutions will not always be implicated in the injustice of public social inferiority. Hierarchy can be an emergent social phenomenon, in that iterated individual decision-making in response to one another can bring about a social hierarchy without any party or institution intending to bring it about. Insofar as a public social hierarchy emerges through a series of innocent individual decisions, there will be claims of bare justice on the part of public inferiors to undo their position. This is a claim of bare justice because there is no reason for them to lack assurance of their recognition as moral equals because no person nor institution has neglected their moral status in bringing about the hierarchy. Of course, if political institutions neglect their duty to undo those positions of inferiority, then occupants of those positions can come to have reparative claims in virtue of their reason to believe that political institutions neglect their status as subjects of justice. This, however, is a reparative claim that arises not solely in virtue of one's public social inferiority, but also in virtue of political institutions' neglect of their responsibilities of justice to one. On the mechanisms for the self-organized emergence of hierarchy, see Gould, "Status Hierarchies," and Ridgeway and Erickson, "Creating and Spreading Status Beliefs."

## VI. SALIENCE AND SUPERSESSION

What will the status of our reparative duties be on this view when past injustice is no longer salient? In this case, reparative duties will be superseded. Claims to bare justice remain, in that persons who are public social inferiors will have a claim that they be restored to social equality. However, since the fact of past injustice is not salient in ongoing social relations, there is no need for public assurance of recognition for those who are public social inferiors.<sup>54</sup>

It follows that one may affect whether such obligations obtain by changing a collective's understanding of their history. Suppose, for example, that there was some injustice done to group G in the distant past knowledge of which had been lost to us. Historians then uncover evidence about this injustice, journalists write about it, and it becomes a prominent topic in public discourse, achieving salience.<sup>55</sup> If G persists and its contemporary members are public social inferiors, then the change in salience will have made it the case that there is a reparative obligation where previously it was a duty of bare justice.

This will, I suspect, strike some readers as odd. How could facts about present social relations change our obligations that concern past injustice? Are those obligations not based in the *facts* of past injustice, and not what we know or make of them? Let me first emphasize that I am only discussing a feature of the relational egalitarian view of reparations, and not suggesting that all reparative obligations are liable to supersession.

More substantively, salience is important to the relational egalitarian view because the view is based on a political principle and salience is a property of the claims that make up our history understood as a social practice. The relational egalitarian view

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<sup>54</sup> There is a second way in which reparative duties can be superseded on the relational egalitarian view. If the contemporary members of the group that has suffered injustice in the past are no longer public inferiors, then there will only be a duty of bare recognition. Duties of bare recognition are requirements to acknowledge past injustice that obtain independent of an obligation to provide compensation to the person to whom that recognition is owed. In this case, the duty is one of bare recognition because by stipulation, ongoing social relations are just. One of the crucial sources of insecurity is absent, and in its place is a countervailing reason that weighs in favor of the fact that members of the relevant group are recognized as subjects of justice. Other circumstances where duties of bare recognition obtain are communicative or artistic ones. When one is addressing the public about a historical injustice, or producing artwork that depicts it, one takes on responsibilities to appropriately acknowledge the past injustice. For example, an American filmmaker who deliberately obscures the scope and severity of the injustice of the Holocaust violates a duty of bare recognition.

<sup>55</sup> In doing so, historians and journalists do not themselves commit a wrong or injustice. They uncover and draw attention to a reason for members of G to be insecure about their recognition without bringing about that reason in the first instance. The ground of that reason is the past wrongdoing. The conduct of historians, journalists, etc. need not even be guided by a moral or political concern in the first instance—they may have been following epistemic norms which lead them to uncover truths which in turn give rise to reparative claims.

applies in the first instance to social structures, such that individuals gain claims to reparations by virtue of their occupying certain social positions. It stands to reason, then, that if the relevant social positions no longer obtain, then a necessary condition of individuals holding reparative claims on the present view will also no longer obtain.

As members of our society, we do not encounter our history as a totality of facts that explains how past events have led to the present. Understood as a social practice, our history is something that we are taught and internalize throughout our socialization and education. History qua social practice is as much a part of our social structure as our laws or institutions. It is spread variously across and integrated into our society, undertaken in the activity of schoolteachers, children, parents, historians, and journalists, among many others. Our social positions are in part comprised of how we understand and interpret our relations to one another, and our history qua practice plays a role in shaping that understanding and interpretation. Recall, for instance, the ways in which salient facts about our history can inform our explanations of group inequalities, ground the demeaning or humiliating character of various expressions, or play a reformatory hermeneutic role. One respect in which the social positions of persons may be changed, therefore, is by changing the practice of history. Making facts about past injustice salient is such a change.

Return to the case of uncovering a past injustice to members of G that was previously forgotten. To make their past injustice salient is to change their social position in the following way. Members of G can no longer regard themselves as being subject to bare injustice of the sort that might naturally arise in the ongoing social activity of a large-scale complex social order. For, having made the past injustice salient, those persons can now see not only that they suffer injustice, but that their mistreatment is the most recent in a legacy of injustice and inferiority. This makes a normative difference because the salient facts about past injustice are now a source of reasons available to members of G to regard their recognition as moral equals as insecure, and such insecurity grounds a claim to assurance.<sup>56</sup>

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<sup>56</sup> What does the relational egalitarian view entail when there are false beliefs about a society's history? Will the view require reparations for members of a group that did not in fact suffer historical injustice? It might, but this depends on the social position of members of the relevant group. Supposing that the best available evidence suggests that group G was subject to past injustice, despite this not being the case, then on the relational egalitarian view, contemporary members of G are at least owed bare recognition (see note 54). This is because the best available evidence provides members of G with reason to regard their recognition as insecure, and we owe assurance in response to such reasonable insecurity. Whether reparative *compensation* is owed depends on whether contemporary members of G occupy positions of social inferiority. If they do, then what would have been duties of bare justice will be reparative duties. So, reasonably mistaken false collective beliefs about past injustice as such cannot ground a claim to compensation, though the insecurity brought about by such false beliefs can ground a need for assurance of recognition which in conjunction with a claim to compensation can constitute a right to reparations.

Skepticism about the importance of salience will, I think, arise if one understands reparations in individualistic moral terms, as harm or inheritance views do. As discussed in Section II.B, a distinctive feature of morally individualistic principles is that they apply to persons in the first instance, and so the requirements that they ground depend on facts about the individual and their family lines. It was the importance of the facts as such that results in such individualistic views being unable to satisfy institutionalizability. The appeal of a political account of reparations lies in part in avoiding the insurmountable epistemic obstacles facing morally individualistic views for the purpose of justifying the institutionalization of reparative law and policy. By turning to a political principle, we turn from consideration of the facts as such to the way in which we encounter the facts in our social lives. On such a political account, what we are left to reckon with is not all that is caused by past injustice nor the inheritance of injustice, but the legacy of injustice.

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The author has no competing interests to declare.

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