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Apologies, Regrets, and Reparations

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The concept of reparations-payments made for damages inflicted by one individual upon another have long been regarded as appropriate social policy. It has only been in the 20th century that the concept has been broadened to deal with evils committed in earlier generations for which payments have been requested, the most discussed of these being the request for reparations for today's blacks for suffering attributable to slavery that ended over one hundred years ago. Other examples include payments by Germany and other European nations for crimes committed in the Second World War. Starting about 1990, there have been frequent apologies for past and present crimes, which acknowledge wrongs committed but without any financial payment. Many nations, churches, and private groups have recently made such apologies, which have seemed to come politically acceptable.

The apologies, regrets, and issues to be discussed in this paper relate to recent demands for reparations (payments) or apologies (with or without payments) for slavery and other crimes committed by one individual or group against another. It is not intended to be a thorough study; rather, I would like to raise certain important issues. These crimes have included economic exploitation as well as physical/psychological damages, in the past or at present. The reparations or apologies may be going to those still living who suffered the damage or else intended to compensate descendants of those who suffered from such episodes in the past. The episodes discussed are of many types, varying from long-term enslavement to relatively short-term episodes causing injury or death. In earlier times, the payment of reparations was believed to be the responsibility only of the particular originators of actions, but, more recently, claims for compensation have been made to come from a third party, not necessarily those directly committing the crimes. There are, for example, several recent cases; Guam has asked for compensation from the US, for damages committed by Japan in the Second World War[1] and, more widely discussed and debated, is the compensation

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paid to families of victims of 9/11 in New York, with payments made by the US government and not by those committing the crime. There are also cases where victims of crime with no guilty party known or found are given special payments by a government to compensate for their losses.

Compensation and payments for property losses have a long history, with legal cases in Britain going back at least to Anglo-Saxon times, with payments made for damages imposed on owners of assets, such as livestock and material goods, as well as slaves when these were a legally accepted form of property.

There are many historical cases of compensation for injuries to specific individuals: compensation (reparations) has been central to the development of the law (some date the concept back to Aristotle's distinction between corrective justice and revenge) with third-party payment of compensation for damages made to the lord or the kin of a murdered person.[2] These often were based on a scale, with a proportional scale of payments to be paid for forms of injury short of homicide. The immediate kin were defined as the following near relatives: surviving husband, wife, parent, grandparent, stepparent, child, grand-child, and stepchild. It was argued that the payment of compensation was to avoid blood feuds and to offset the desire for revenge. At times there was a fixed scale of payment, depending on status, at other times payments were negotiated. The forms of damages that have come to be covered now include physical damage to the person, his reputation, his property, his economic interests (including loss of money or earning capacity), mental impairment, reduction of intellectual capacity, and mental pain and suffering. The payments were to be paid by the individuals inflicting the damage, although in feudal England there was the possibility of enslavement to plaintiffs of the guilty party if they did not pay. Payment was generally limited to the specific individual harmed, or to his immediate family, and seldom passed further along generational lines.

Thus, the distinctions between the current arguments for reparations and the payments of compensation for damages are: (1) what can be included as damages with legal backing; (2) how many generations beyond the immediate kin can one go to find appropriate recipients; and (3) can we acceptably define groups (including geographic residents or races) to receive funds from past actions? Presumably, the argument that damages existed should be easy to make, given measures of past discrimination, but debate still exists on the timing and causes of the damages, and how to determine the specific recipients of the compensation.

The laws regarding damages set the responsibility for who is to pay and also who can receive payments, as well as, at times, some statement of the amounts to be paid. Payments were not only intra-national, but, as wartime or foreign trade required, international payments, then called indemnities, were often dictated by international law and enforced by superior military power. Another type of compensation, with distinct legal provisions, has been the settling of payments

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for work-related physical injuries, made under workmen's compensation legislation, with workers damages paid for by the government. This policy generally began in the late 19th century, but by now it has been introduced to most countries. Their aim has been to offset losses to workers without a need for prolonged court cases, thus avoiding the complications of legislation and questions of fellow servant contributory negligence.

There have been other payments, for services or losses, made to individuals and their families. Most noteworthy, after US slave emancipation there were the Civil War Pensions, first paid for those northern soldiers injured in the war, but ultimately paid to all northerners who participated in the military.[3] These had been preceded, in the antebellum period, by other forms of benefits to veterans meant to be seen either as a deferred part of their wage payment or else as reward for past service. After the American Revolution, veterans could receive benefits, of cash or land, followed by the use of warrants to be used for land purchases, or, more frequently, to be sold by recipients to those who then used them to purchase land.[4] Following the First World War, some benefits were provided to veterans, and after the Second World War, the government provided educational and other benefits to veterans via the GI Bill of Rights, which played an important role in the expansion of college education in the US.[5]

Payments to US slave-owners for damages to their slaves, including compensation if transported or killed for criminal activity, were frequent. The costs of slave runaways in war were recognized by the British, who compensated individual US slave-owners after the War of 1812. Earlier, the US did not compensate Loyalists (including slave-owners) after the American Revolution, but the British did.[6]

Governments have provided compensation based on various grounds to individuals who have lost income as a result of specific policy actions. Recent tariff reduction legislation in the US, for example, has included compensation for losses for workers suffering declines in income or employment due to reduced tariffs and increased imports, by making available grants for job training and re-employment and relocation assistance, as well as credits for healthcare payments.[7]

In this brief summary of the general patterns of compensation and reparations, the general characteristics of payments for damages have been: (1) the individual known to have experienced harm was still alive or there were kin only one generation removed; (2) mostly all payments were for physical harm, with little provided for mental and financial damage, and even less for cultural injury. In regard to discussions of reparations, a number of new issues have emerged in recent years. The present call for reparations that would go forward several generations and also beyond the immediate family for damages has been based on a range of factors, such as losses of income, reductions in education, denial of culture, loss of confidence in ability to function in society, etc, which has kept the future generations of these ethnic or other groups in a position inferior to that of

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the majority. Thus, the reparations are advocated for a different set of individuals and for a different type of damage than has been the traditionally legal in the past.

The term 'reparation' has become applied to two quite specific cases, in addition to its more general use to describe compensation for injuries suffered. First are the reparations asked to be paid to ex-slaves and other victims by the perpetrators of evil deeds. This is a rather recent usage, basically following its use in arguing for reparations to be paid by Germany to Jews after the Second World War. Second, another use was the reparations required to be paid by wartime losers to those winners who suffered damages while winning the war. The meaning of reparations was based on the conception of both restitution of physical objects taken, and compensation for injuries done. These were justified, in part, by claims of war guilt. The use of the term 'reparations' was intended to avoid an earlier term, 'indemnity', for some unclear political reasons. Wartime indemnities were paid in Europe by losing countries in the 16th and 17th centuries and in the 19th century there were indemnities paid to countries' own citizens for property losses suffered at the hands of the enemy, by France in 1816, by Austria in 1866, and by Germany (to Alsace-Loraine) in 1871. Payments, however, sometimes went internally to political departments, not to specific individuals. After the Franco-Prussian War of 1871, the French were required to, and did, make payments to the victorious Germans for a sum, estimated for the two years of payment, at about 10% of its GNP.[8] After the Boxer Rebellion of 1900–1901, the Chinese were required to express regrets and to pay money to several European nations.[9] The political significance of reparations became critical after the First World War, with the payment of reparations by the Germans to the Allied powers for the costs of the European warfare. These payments (the annual burden of which came to about 2.5% of German GNP) lasted from 1924 to 1932, when the worldwide economic difficulties of the Depression brought them to an end.[10] So dramatic were the economic and political consequences of these First World War reparations that there was no major imposition of reparations after the Second World War, although small sums were paid by Japan and Germany and their wartime allies, to their foes, and payments made in kind by Germany, mainly to Russia, and also some of the other wartime combatants.

Calls for reparations and apologies to individual victims represent a rather recent innovation. In the past there seemed no call to repay ex-slaves and ex-serfs. With the one major exception of the US after the Civil War, in almost all 19th century cases of freeing slaves in the Americas or freeing serfs in Europe, compensation of some form was paid, but to owners not to the previously coerced workers. Some compensation was paid by governments via cash payment and some via allowances of land, but most frequently, in the case of slaves, by the law of the 'free womb' requiring nominally free offspring to work for up to 15–30 years for the owner of the mother. Thus, in effect, the slaves were

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required to pay for their own freedom, with only minimal costs to the taxpayers and slaveowners.[11] A few suggested payments to slaves to cover reimbursement for theft and exploitation, but this did not become a major political demand in ending the ownership of slaves relative to the government's respect for property rights. Few suggested that the slaves be compensated at the time of emancipation. William Lloyd Garrison was one major exception, arguing that those stealing people were not entitled to anything; but 'the slaves, and the slaves only, are entitled to remuneration; but the wealth of the world cannot balance the account between them and their task-masters.'[12] More generally, even when slavery was held to be theft, the basic argument was for freeing slaves with no compensation for owners but also with none for the slaves. Further, the slave-owners and serf-owners were permitted to keep their land, and landowners could hire labor to work the land or else rent the land to others. Augustin Cochin, a French abolitionist claimed that any indemnity should go the slaves, 'in return for their gratuitous labor,' but in practice he accepted a payment to masters in a 'design to defray the expenses of transition', with some money to be paid by the ex-slaves by owing a certain number of days of labor.[13] In a strange twist, about two decades after independence, even Haiti was required to pay (and did pay at a reduced total of 60 million francs, payment completed in 1883) what was considered compensation to the French for the loss of their slaves, as a precondition for opening trade between Haiti and France.[14]

It has only been in the 20th century, and particularly after the Second World War, that changing attitudes toward human rights and social justice have led to the demand for restitution, reparations, and/or apologies as a necessary requirement for moral justice. The call for compensation to slave-owners and those who we now perceive as evil-doers, as in the 19th century, has been replaced by the perceived need to compensate the descendants of those who have been injured. A rather curious claim 'of full restitution' for 'unfounded repression' of the tsar's family is currently taking place in Russia (see the *New York Times*, October 3, 2008).

The purpose behind reparations, apologies, and regrets is to force an acknowledgement of guilt about past or present actions and to provide some recognition of misdeeds on the part of the perpetrators of the crimes or, given the length of time between the crime and the current day, their predecessors. 'Restitutions' refers to the return of specific articles that were stolen or confiscated, and were most frequently implemented in the case of Europe after the Second World War. Reparations mean actual payments in money or land or other assets. Apologies mean an acceptance of responsibility for committing an evil action, but this need not result in any payment of reparations. Indeed, often the terms of the apology made, as in the recent cases of US states apologizing for slavery and Jim Crow discrimination in New Jersey, Florida, Alabama, Virginia, Maryland, North Carolina, Georgia, Texas, and Missouri, include a provision that this does

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not imply that any payment should ever be made. Regret seems to imply an acceptance that an evil had been done, but those regretting do not accept responsibility for, or necessarily feel guilty about, whatever their role was in what had happened. Thus, in 1998, the US expressed regrets for slavery, with the statement that 'we were wrong,' while the Pope and the British have apologized for slavery and the slave trade.[15] Those acceptances of past events obviously differ in their costs, financial and emotional, to the perpetrators and also differ in the nature of the benefits to the victims. Whether the victims regard each of these actions as morally equivalent or rather see regrets and apologies only as a crucial first step to the payment of some reparations is not always clear, but this distinction does underlie some current debates and explains an unwillingness to take the initial step of apology.

The crimes that lead to apologies and reparations have come to cover a wide range of events: enslavement, land displacement, violation of earlier treaties, wartime deaths, abuses of human rights (such as comfort women and sex slaves), ethnic discrimination, kidnapping and forced geographic relocation, cultural disruptions, political seizures, child abuse by church leaders and other figures, and various related other affronts to human rights. All of these have recently been the basis for claims that some responsibility is to be accepted by the perpetrator, to presumably correct or reduce the sense of suffering by the victims. Thus, for example, Libya has agreed to pay compensation to recent victims of both a terrorist attack on a French airliner as well as the bombing of a US airliner, though more recently Libya had been seeking exemption of the requirement to pay compensation for these and other actions.[16]

The start of the modern concept of reparations was a talk by Konrad Adenauer in 1951, acknowledging the responsibility of the German people towards the Jews, and stating their duty of moral and material reparations. Payments by Germany to the state of Israel were a step intended to implement this policy. Since then payments to Second World War holocaust survivors, to wartime slave and forced laborers, sufferers of related crimes, and owners of dormant bank accounts, have been made by the Germans, Swiss, and Austrians. In addition, there have been payments made by French banks and by European insurance companies. Subsequently, European gypsies began actions to receive some compensation for slave labor and the policy of imposed sterilization.[17]

In 1965, to re-establish diplomatic relations, Japan paid compensation and lent money to South Korea for its 1910 to 1945 occupation; followed by several apologies. Few of the funds going to South Korea went to the individual victims of forced labor, most being used for national economic development projects. This has still left open the possibility of suits by individual Koreans against the South Korean government.[18]

It was only after 1990, however, that the idea of apologies and reparations became widely applied and, of course, became a major source of controversy.

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A rough, but not complete, listing of the expanding nature of claims, by nation and by crime, provides some basic description of the current commentary.

Britain – Tony Blair provided what many take to be apologies for slavery and the transatlantic slave trade, as a crime against humanity (although critics noted the absence of the words 'sorry' or 'apology'), and also for the Irish famine. An apology for the violation of treaties with the Maoris in New Zealand was made by the Queen. Britain has apparently not yet apologized for the Boer War or the bombing of Dresden.[19]

Ireland – Compensation has been paid to victims of child abuse, defined to include medical trials without parental input.

Australia – 'Deep and sincere regrets' to the aborigine 'Stolen Generation' for removal of school children from their families, as well as a mass general 'apology' made to aborigines in February 2008. There has also been the granting of favorable land settlements to aborigines, based on legal decisions that do provide a more general form of compensation.[20]

Canada – Apologies for taking school children from their families, for treating people with tainted blood, and for a US military Agent Orange Program in the 1960s, In addition, compensation has been granted to Native-Americans via distributions of public lands.[21]

The Pope and the Catholic Church – Apologies have been made for many things, including the Crusades, the counter-Reformation, witch hunting, Mary Tudor, the St. Bartholomew's Day Massacre, the Inquisition, the persecution of the Jews, and the treatment of Galileo. They asked for forgiveness from Africans for the slavery that moved people to Europe and America. And, in 2007, there was a series of apologies to victims of sexual abuse, by clerics, generally with payment of compensation. Most recently there has been an apology by Pope Bendict for the victims of child abuse.[22]

Papua New Guinea – Apology to Fiji for killing and cannibalizing four missionaries in 1878. Parenthetically, Papua New Guinea has recently been the recipient of an apology from a British MP, Boris Johnson, now mayor of London, for describing the 'Papua New Guinea-style of orgies of cannibalism and chief-killing, habits he now attributed to the Labour Party'.[23]

Argentina and *El Salvador* have paid compensation to victims and their families of internal policies, including disappearances and torture.[24]

Ghana and Benin have apologized to the descendants of Africa slaves for their role in the international slave trade. Nigeria, on the other hand, has been arguing for reparations from the West. Mauritania has recently provided funds to reduce the poverty suffered by its former slaves.[25]

Japan – has recently expressed 'contrition and regret' for warfare atrocities in China and Korea, but the controversial treatment of funds for comfort women remains unresolved, in part because the funds offered by Japan were to be

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provided by private, not governmental, money, and this was considered unacceptable. Japan has issued 'a heartfelt apology,' however, for the suffering of Dutch POWs in Indonesia in the Second World War caused by the Japanese military.[26] And more recently the South Korean president has apologized for what seems to be only a small fraction of deaths, by cold-blooded slaughter, in the Korean War.

The United States has frequently expressed regrets and apologies. Curiously, in the early 18th century, the Massachusetts colony provided payments to the victims, those charged and those condemned, of the Salem witch-trials, but it was a long time before similar actions were again taken, there or elsewhere.[27] More recently, Connecticut has debated a resolution denouncing the colonial witch trials, and freeing from any stigma those accused of witchcraft (as Massachusetts did in 1957).[28]

The payment to Japanese-Americans of a flat sum of money was the first major payment by the US to a victimized group, with payments of a fixed amount of $25,000, made on an individual or family basis.[29] The US also paid some reparations in 2004 for soldiers looting gold and other valuables from 'elderly Hungarian Jews' at the end of the Second World War.[30] There are two cases of compensation paid to black Americans for various government crimes. In 1999, the Department of Agriculture was held liable to black farmers for discrimination on government loans between 1981 and 1996. The payment per black farmer was more than twice the amount paid to Japanese internees.[31] In 1994, the survivors of the massacre and their descendants in Rosewood, Florida were granted funds of about $150,000 each from the State of Florida. The number killed in the 1923 massacre is uncertain, being at least six blacks, with probably somewhat more. Blacks also suffered because their homes were burned down.[32] In 1997 a movie entitled, appropriately, *Rosewood*, was made based on this episode.

Apologies have also been made for the US involvement in the overthrow of Hawaiian sovereignty in 1893.[33] Apologies for lynchings, and, as noted, regrets for slavery and the slave trade, were expressed in 1998. Apologies and compensation were paid to victims of radiation tests, exposure to poison gases, as well as participants in the Tuskegee medical experiments.[34] States have also been involved with regrets and apologies. In addition to the nine states that have issued apologies for slavery, the state of Illinois has recently expressed 'official regret' for the 1846 expulsion of Mormons.[35] The Mormons, in turn, have expressed 'profound regret' for the Mountain Meadow Massacre in 1857.[36] Several states have apologized to those involved with forced sterilization in the early 20th century.[37]

There are other recent examples of compensation, including that paid by South Africa to apartheid victims who testified before the Truth and Reconciliation Commission. Earlier there were German payments (in kind) to Russia as part of

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the settlement at the Potsdam Conference after the Second World War, and more recently compensation has been paid to victims of Bhopal in India by the companies involved.[38]

There are other examples of reparations, generally related to military measures, or forms of peacetime destruction, and also demands for apologies reflecting international pressures, but given their number of these I shall mention only one recent example. A UN Panel recently urged the Chinese government' to apologize to victims of its crackdown in Tiananmen Square in 1979 (*Rochester Democrat and Chronicle*, November 22, 2008).

At present there have been no direct reparations or apologies from Europeans to African nations, but Namibia has sought an apology from the Germans for brutality (roughly 65,000 to 75,000 killed) early in the 20th century. In 2004, after Germany initially accepted 'our historic and moral responsibility,' the calls from the Namibian population for apologies led to a statement of apology. Negotiations about the form and magnitude of any reparations are ongoing.[39] Discussions about the moral and financial equivalence of the extensive foreign aid provided to Africa by western nations compared with what might be deemed appropriate reparations have long continued.

Central to the idea of reparations and apologies is the concept of historical memory and its transmission over time. The memory may be that of an individual who was alive at the time of the crimes, but most frequently the point refers to the group memory of the descendants of the initial group of victims or of the perpetrators of the crimes. The question of the accuracy of a memory gives rise to various problems, for example in its timing across generations, relating individuals for whom there has been a long lag between the occurrence of the crime and the present day. This problem of accuracy of memory has become clear from the analysis of the WPA ex-slave narratives in the 1930s. The WPA materials were based on interviews some 70 years after individuals had lived in slavery, at a time of economic hardship, and referring to a time period – childhood – when slave conditions were probably less harsh. The more frequent cases arguing for reparation described involve a collective, or group, memory, where no individuals had been alive when the crime was committed, but where it is believed that a legacy might still be imposing costs due to social behavior or to individual psychology. These costs might be the continuing impact of old conditions or they may reflect the presence of new costs related to older crimes. It is this memory that keeps alive the desire for corrections. Recently, an extended use for memory has been considered, arguing that it is important that the descendants of the perpetrators be reminded of what they had done in the past in order to force them to accept the responsibility for past actions done by themselves and/or their ancestors. This often means the correction of past memory, not just the addition of a new memory of past events. This reawakened shared memory of things

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presumably forgotten by all groups is what makes reparations and/or apologies possible. This leads to the advocated use of various proclamations and textbook discussions to keep memories of crimes ever present. It is believed, or hoped, that the desired memories of the perpetrator and of the victim are the same or fit together. Nevertheless, this is not necessarily the case, given that desired ends may differ and a focus may be placed on different aspects of the past.

While one might think that apologies for behavior in the distant past are rather cheap and easy to make, the extensive debates on the issue certainly suggest that people on both sides of the question have strong feelings about what this means. Whether it is an unwillingness, on one side, to acknowledge a national or a group sin, or the need to find an explanation for present-day difficulties, on the other, the desire even for a financially costless apology or expression of regret remains difficult to achieve in many cases.

As difficult is the discussion of apologies and regrets on principles, the debates on the payment of reparations, given the financial burdens and benefits involved, are both more heated and more complex. The legal and moral basis for payments can be based on various principles, and different past events, and these could point to different procedures for calculation and payment. Thus, the discussion of reparations for blacks in the United States has been based on a number of different elements. Some arguments pertain to the slave trade, to the period of slavery, and to labor exploitation, and to the postbellum patterns of racism, and can focus on the magnitude of economic exploitation and to the cultural and psychological costs. Nevertheless, the two major cases thus far where blacks received compensation were payments made for the murders and arson committed at Rosewood, Florida in 1923, and for discrimination in agricultural loans between 1981 and 1996. A related case, similar to that of Rosewood, attempting to obtain reparations for a race riot in 1921 has, however, remained unsuccessful, being ended by the Supreme Court in 2007 under the statute of limitations. Under a 'Tulsa Race Riot Contrition Act' in 2001, however, the Oklahoma State legislature did provide 300 college scholarships to residents of Greenwood, Oklahoma, where the riots took place, in addition to seeking payments for those died in the riot, and a commitment to promote economic development.[40] Both Rosewood and Tulsa were state actions, not by the Federal government. There were, after the Civil War, same payments to compensate free blacks for losses of assets, but there were many, many more payments to whites, by the federally-introduced Southern Claims Commission.[41]

There were some eighteenth and early nineteenth century cases of calls for reparations to be paid to US slaves. Prior to slave emancipation, among the first, but not the only, were claims made by a freed slave named Belinda in a Civil Lawsuit in Massachusetts, in 1783, arguing for payments to be made for work done for her master for which she did not receive any 'morsel of wealth.' As a

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result of the lawsuit, however, she did receive some partial payment.[42] Scholars have pointed to some other ex-slave petitions for funds based on what had been produced for their masters, as well as cases where Quakers and other owners freed slaves with some land or funds for their time in slavery. But these were infrequent and not very generally advocated.

After the Civil War there were several late 19th century cases arguing for reparations. Pennsylvania Senator Thaddeus Stevens, in 1867, advocated in the Senate, the giving of cash plus land to slaves: 40 acres and a mule. Stevens contrasted US policy with that of the Russians, where ex-serfs (freed in 1861) were, in Stevens' words, given land. Actually, Stevens erred since serfs had to purchase land, apparently at above market value. Ex-serfs also had more restricted geographic mobility, so they actually faced more constraints than did US ex-slaves.[43]

Bishop Turner (1883) is generally considered to have presented the first systematic argument by a black leader for compensation, to be used to pay for migration to Africa. The sum requested was $40 billion, based on 200 years service, at $100 per person per year, for 2 million people. In 1899 he advocated obtaining $100 million from the government. Based on a transport charge to migrants of $5–10 each, this would provide for the return to Africa of about 8 million people.[44]

Callie House, was an ex-slave and member of the National Ex-Slave Mutual Relief, Bounty and Pension Association, founded in 1898. In 1915 she filed suit for payment, based on the North's wartime cotton tax on cotton confiscated by federal troops between 1862–1868. The funds were in the Treasury Dept, and totaled $68,073,388.99. She wished this paid to ex-slaves, as an analogue to the old-age pensions received by whites and other northern veterans, and because 'we deserve for the government to pay us a indemnity for the work we and our foreparents was rob[bed] of from the Declaration of Independ [ence] down to the Emancipation.'[45]

To jump ahead, the modern-day start of the call for reparations was made by James Forman in 1969 at Riverside Church, New York.[46] Forman's call was for payment to a group, not individuals. The sum suggested was $500 million, or about $15 per black person, to be spent as follows:

$200 million	Southern land bank
$40 million	Four publishing and printing houses
$40 million	Four TV networks
$30 million	Research skills center for research or problems of black people
$10 million	Skills training for communication and community organization
$10 million	Organize welfare recipients
$20 million	National Black Labor Strike and Defense Fund

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$20 million	Black Cooperative Businesses
$130 million	Black Universities
$500 million	

For rhetorical reasons, the post-bellum claim of 'forty acres and a mule' has been advocated as a way to set reparations. This was developed in a 1994 article by the leading group in the US advocating reparations, N' Cobra (National Coalition of Blacks for Reparations in America), which itself does not set a specific amount or procedure. *The Economist* computes the present value in today's dollars of the 'promised' 40 acres and a mule, which would have provided almost $100,000 today for every slave descendant.[47] To keep the '40 acres and a mule' in mind, the bills introduced by representative John Conyers every session since 1989, recently called a 'Commission to Study Reparation Proposals for African-American Act,' is called HR40, although this, too, does not specify an anticipated amount, but clearly includes a call for reparations.[48]

Brown University appointed The Committee on Slavery and Justice in 2003, and the 2006 report called for the building of a memorial, providing for a center for the study of slavery and injustice, and more recruiting of minority students and (in a difference from other cases) including blacks from Africa and the West Indies as well as the United States. Also called for were broader acknowledgement of the role of slavery in the development of the university, but there was not a specific claim for reparations.[49]

In some argued-for cases there is, in effect, a fixed limit on the amounts of compensation estimated to be paid. This includes work, the case most often discussed by economists, being the exploitation of wage income from slaves who were provided less in the form of consumption than their marginal value productivity. The price of slaves measures the extent of expected exploitation over the slave's lifetime and the amount, conceptually, can be easily calculated. Complications exist, of course, and estimates do vary, but, since the amounts are carried forward by about a century-and-a-half at an interest rate at least twice the growth of income, the sums turn out to be rather staggering and not easily paid under present tax procedures. Several economists have provided estimates on this basis, including Larry Neal, David H., Swinton, James Marketti, and Robert Fogel, all with rather high estimates for required reparations – although each is based on some different procedures and asking about different time periods.[50]

In addition to claims for reparations based on the period of slavery there have been arguments for claims related to the discrimination in the post-emancipation period. This, too, could be based on losses of income or else on other psychological factors. The first systematic legal argument for black reparations in the US, by the Yale law professor Boris Bittker, was based on discrimination after slavery. He argued that since slavery had not been illegal in the US during its period of existence (whatever the moral consideration), there was no legal basis for reparations in that period.[51]

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More generally, this distinction raises the question of whether reparations are to cover the evils of the past or rather our important contemporary problems, which may be taking place more than one century after the ending of slavery. To attribute all current conditions to the distant past may lead to an incorrect statement of historical developments, and may also be quite misleading for evaluating our present-day policies. Alternatively, changes since the ending of slavery can also present complications, since there has been a narrowing of black-white gaps in wages, life expectation, educational levels, etc, in recent years. Are these changes to be netted out from the earlier differentials under slavery and post-slave racism, or else regarded as a separate set of events not reducing the basic amounts demanded for slave compensation?

It may also be unclear as to what the source of payments should be. It is most often claimed that it should be the descendants of slave-owners or those groups directly having done the damage. Clearly most of the original perpetrators are long dead and buried, as are their early offspring, so that generally others resident in the US (including immigrants) are also held responsible. Yet the nature of slavery as a productive system and its widespread existence can pose problems of attribution if not for determining actual policies. The transatlantic slave trade began with the capture of slaves within Africa, generally in periods of warfare, and their sale on the coast to Europeans, as well as within Africa and the areas of North Africa and the Middle East. Several areas of West Africa have recently recognized their role in the slave trade, and have issued apologies for their behavior. Another set of beneficiaries, the consumers of slave-grown products, have recently been mentioned, but not given much attention. In regard to the payment source, whether as a moral or practical issue, most attention is given as of necessity to the national government and its ability to raise funds via taxation.

The government would consist of all present residents, including immigrants, not just those with a direct tie to the past.[52] Should it go to all regarded as blacks in today's society (a difficult issue of definition), with all to receive individual cash payments, as did the Japanese interned during the Second World War? Or, as Charles Ogletree Jr., suggested should benefit, go only to the very poor.[53] Should it go, as proposed in the initial discussion by James Foreman in the 1960s, to collective expenditures for blacks (again, however defined) on education, health, etc, and not to individuals, thus controlling the nature of the expenditures from reparations. Collective expenditures would limit the ability of consumers to decide what to spend on, and reduce the possible need for repeat payments to keep individuals out of poverty.

It is for the reparations based on cultural and psychological costs that the determination of the amount of reparations becomes open-ended and indeterminate in amount. These costs are not usually based on some measurable grounds (indeed people advocate this by denying money values are possible) and

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generally end up as the result of political bargaining, as indeed no doubt would also be the case for labor-exploitation-based reparations.

The determination of collective versus individual choice of expenditures returns us to the question of the nature of memory and belief regarding past events in the present day. Does the statement of apology or even the payment of funds mean that memory can be erased or does the memory remain even if reparations are paid? Can we be certain the psychological as well as financial costs of the past will be offset or reversed? Will achievement of equality in the future be enough to offset memory, and how will people respond to a corrected historical record? It is probably safest to conclude that there are many questions, and not yet enough answers.[54]

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Notes and References

1. See *New York Times* August 14, 2005; *Honolulu Star-Bulletin* June 10, 2004.
2. For a survey see A. Harding (1966) *A Social History of English Law* (Baltimore: Penguin Books), 13–17, 366–367, 404–408, 414–416. See the description in Blackstone (1979), W. Blackstone (1979) *Commentaries on the Laws of England, Volume III, Of Private Wrongs* (Chicago: University of Chicago Press) (first published 1768). The discussion by Aristotle is in his *Nicomachean Ethics*, Bk 5.
3. D. L. Costa (1998) *The Evolution of Retirement: An American Economic History, 1880–1990* (Chicago: University of Chicago Press), pp. 196–212.
4. J. W. Oberly (1990) *Sixty Million Acres: American Veterans and the Public Lands before the Civil War* (Kent: Kent State University Press).
5. C. Goldin and L. F. Katz (2008) *The Race Between Education and Technology* (Cambridge, MA: Harvard University Press), Chapter 7.
6. See for example, U. B. Phillips (1915) Slave crime in Virginia, *American Historical Review*; US State Papers (1828) Indemnity for Slaves Carried Away by Great Britain in 1815, No. 441: Claims of Indemnity for Slaves and other Property Under the First Article of the Ghent Treaty (1828), No. 474: Opinion of the Attorney General on the Award of the Emperor of Russia under the Treaty of Ghent (1828), No. 486. In 1828 (No. 426) the US Attorney General asked 'what is a just indemnification for a wrong? Is it the reparations or the one-half or two-thirds of the wrong? Is it anything less than reparation of the whole wrong?' W. Brown (1965) *The King's*

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Friends: The Composition and Motives of the American Loyalist Claimants (Providence: Brown University Press).

7. These payments, called adjustment assistance, have become a key provision in most recent tariff acts.
8. F. Machlup (1964) *International Payments, Debts, and Gold: Collected Essays by Fritz Machlup* (New York: Charles Scribner's Sons), pp. 378–381. See also C. P. Kindleberger (1984) *A Financial History of Western Europe* (Boston: Allen and Unwin), pp. 239–250, 297–300, 420–424.
9. See E. R. Dupuy and T. N. Dupuy (1970) *The Encyclopedia of Military History from 3500 B.C. to the Present* (New York: Harper and Row), pp. 1008–1009.
10. F. Machlup (1964) *International Payments, Debts, and Gold: Collected Essays by Fritz Machlup* (New York: Charles Scribner's Sons), pp. 381–386; C. P. Kindleberger (1984) *A Financial History of Western Europe* (Boston: Allen and Unwin), pp. 297–300, 420–421; G. Hardach (1977) *The First World War, 1914–1918* (Berkeley: University of California Press), pp. 246–248.
11. See S. L. Engerman (2008) Emancipation schemes: different ways of ending slavery. In: E. del Lago and C. Katsari (eds) *Slave Systems: Ancient and Modern* (Cambridge: Cambridge University Press), pp. 265–282. The Dutch had discussed requiring freed slaves to pay cash to reimburse their former owners, but this wasn't passed. Emmer comments that there were payments at times by the metropolis to their former colonies, at the end of colonial controls rather than the ending of slavery, which might be considered payment for colonial rule, if not slavery. The Dutch, when freeing Suriname in 1975, provided some cash payments. In addition the Dutch government expressed regrets and set up an institute to study slavery. P. C. Emmer (2006) *The Dutch Slave Trade, 1500-1850* (New York: Berghahn), p. 152.
12. See W. M. Merrill (1971) *The Letters of William Lloyd Garrison-Volume I, I Will be Heard!, 1822–1835* (Cambridge, MA: Harvard University Press), pp. 230–233; W. L. Garrison (1852) *Selections from the Writings and Speeches* (Boston: R. F. Wallcut), pp. 66–71.
13. A. Cochin (1863) *The Results of Slavery* (Boston: Walker, Wise), pp. 109–110.
14. *Wall Street Journal* January 2, 2004; R. I. Rotberg (1971) *Haiti: The Politics of Squalor* (Boston: Houghton Mifflin), pp. 66–67, 86.
15. *Gothamist* June 13, 2007; *New York Times* March 29 2008; *Huntersville Times*, May 26, 2007: *Rochester Democrat and Chronicle* February 25, 2007; *Kansas City Star*, January 2, 2008; *New York Times* March 19, 2007. For the US statement, see *New York Times* March 25, 1998. In the period from 1968–1980, the Israeli government paid almost $13 million to the US government for the claimed accidental sinking of the USS Liberty in 1967.
16. *New York Times* September 12, 2003; *New York Times* April 22, 2008.
17. *New York Times* March 6, 2003.

https://doi.org/10.1017/S1062798709000969 Published online by Cambridge University Press

18. For a concise summary see M. E. Manyin (2001) *North Korea-Japan Relations, the Normalization Talks, and the Compensation/Reparations Issue* (Washington, DC: Congressional Reference Service); *Japan Times* June 11, 2005.
19. *New Nation* November 27, 2006; *USA Today* June 16, 1997; *Guardian* January 17, 1999. *Guardian* January 7, 1998. In 2007 President Sarkozy of France denounced colonialism as 'profoundly unjust'. *New York Times* December 4, 2007.
20. *Times* October 13, 2007; *Sydney Morning Herald* February 18, 2008; *Rochester Democrat and Chronicle*, November 27, 2007.
21. *Rochester Democrat and Chronicle* August 14, 1985; *New York Times* December 27, 1997; *New York Times* March 7, 2004; *New York Times* May 21, 1993.
22. *Guardian* October 30, 1998; *Times* November 29, 1998; *New York Times* April 16, 2008; *New York Times* November 6, 2003; *Rochester Democrat and Chronicle* April 11, 2008.
23. *Fiji Times* October 16, 2003; BBC News July 17, 2007; *New York Times* October 15, 2003.
24. *New York Times* July 21, 2002.
25. AP June 26, 2003; *Rochester Democrat and Chronicle* August 1, 2003; *New York Times* December 24, 1996. See the essay by Appiah in the *New York Times* March 18, 2007.
26. *New York Times* November 24, 2007.
27. See C. Hansen (1969) *Witchcraft at Salem* (London: Hutchinson), pp. 218–219; M. L. Starkey (1949) *The Devil in Massachusetts: A Modern Enquiry into the Salem Witch Trials* (Garden City: Anchor Books), pp. 266–268.
28. *Daily News* March 20, 2008.
29. *New York Times* July 18, 1989; *Rochester Democrat and Chronicle* September 30, 1989.
30. *New York Times* July 27, 1997.
31. *Guardian* January 6, 1999; *New York Times* July 21, 2004. This was still regarded as an unsatisfactory payment.
32. K. A. Appiah and H. L. Gates, Jr. (2004) *Africana: Civil Rights: An A-to-Z Reference of the Movement that Changed America* (Philadelphia: Running Press), pp. 355–357.
33. *New York Times* December 11, 1999; *USA Today* May 16, 2008; K. A. Appiah and H. L. Gates, Jr. (2004) *Africana: Civil Rights: An A-to-Z Reference & the Movement that Changed America* (Philadelphia: Running Press), pp. 405–406.
34. *New York Times* July 17, 1995; *New York Times* January 7, 1993; *New York Times* December 24, 2003.
35. In 2008 the US House of Representatives passed a measure that 'apologizes to African-Americans on behalf of the US people for wrongs committed against them and their ancestors.' *Financial Times* August 1, 2008; *New York Times* April 8, 2004. Interestingly the advocates at the apology to the Mormons noted that they could not ask forgiveness for acts 'they had not personally committed.'.
36. *Rochester Democrat and Chronicle* November 12, 2007.

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37. *New York Times* November 24, 2003.
38. *New York Times* November 30, 2004; *New York Times* April 16, 2003, on Bhopal, see *New York Times* November 30, 2004.
39. *New York Times* May 31, 1998; BBC News January 14, 2004. *Rochester Democrat and Chronicle* November 22, 2008.
40. *New York Times* March 16, 2003. See Note 33. See also A. L. Brophy (2002) *Reconstructing the Dreamland: The Tulsa Riot of 1921; Race, Reparations, and Reconciliation* (New York: Oxford University Press).
41. F. W. Klingberg (1955) *The Southern Claims Commission* (Berkeley: University of California Press).
42. R.E. Finkenbine (2007) Belinda's petition for reparations for slavery in revolutionary Massachusetts. *William and Mary Quarterly*, **64**(January), 95–104.
43. R. A. Winbush (2003) *Slavery and the Raging Debate on Reparations* (New York: Amistad), pp. 334–336; H. Trefouse (1997) *Thaddeus Stevens: Nineteenth-Century Egalitarian* (Chapel Hill: University of North Carolina Press). Stevens also sought compensation for the property damage due to the rowdy confederate troops. Winbush is an excellent collection of the writings on reparations and a good guide to sources.
44. E. S. Redkey (1969) *Black Exodus: Black Nationalist and Back-to-Africa Movements, 1890–1910* (New Haven: Yale University Press), pp. 38–39, 52–57; E. S. Redkey (1971) *Respect Black: The Writings and Speeches of Henry McNeal Turner* (New York: Arno Press), pp. 76–80, 182–183.
45. M. F. Berry (2005) *My Face is Black is True: Callie House and the Struggle for Ex-slave Reparations* (New York: Alfred A Knopf), pp. 76–181.
46. See the reprint of the full manuscript, B. I. Bittker (2003) *The Case for Black Reparations* (Boston: Beacon Press), pp. 159–175.
47. See R. A. Winbush (2003) *Slavery and the Raging Debate on Reparations* (New York: Amistad), pp. 209–225, on N'Cobra and the *Economist* August 13, 1994.
48. See R. A. Winbush (2003) *Slavery and the Raging Debate on Reparations* (New York: Amistad), pp. 14–21, 337–343.
49. *New York Times* March 13, 2004.
50. See the essays by Neal, Marketti, and Swinton in R. F. America (1990) *The Wealth of Races: The Present Value of Benefits from Past Injustices* (New York: Greenwood Press); for a discussion of Fogel's calculation, see *Economist* April 13, 2002.
51. B. I. Bittker (2003) *The Case for Black Reparations* (Boston: Beacon Press), pp. 8–29.
52. The arguments concerning whether later immigrants should (or should not) be required to pay reparations is complex, since it can be argued that US immigration restrictions lowered the income of potential immigrants and those who stayed behind.
53. *New York Times* March 31, 2002.
54. Recent book-length discussions of reparations and apologies include R. E. Howard-Hassman (2008) *Reparations to Africa* (Philadelphia: University of Pennsylvania Press); N. Smith (2008) *I Was Wrong: The*

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Meaning of Apologies (Cambridge: Cambridge University Press); A. L. Brophy (2006) *Reparations: Pro and Con* (New York: Oxford University Press); R. Robinson (2000) *The Debt: What America Owes to Blacks* (New York: Dutton); J. Torpey (2006) *Making Whole What Has Been Smashed: On Reparation Politics* (Cambridge, MA: Harvard University Press); R. L. Brooks (2004) *Atonement and Forgiveness: A New Model for Black Reparations* (Berkeley: University of California Press); M. Nobles (2005) *The Politics of Official Apologies* (Cambridge: Cambridge University Press); and J. Thompson (2002) *Taking Responsibility for the Past: Reparations and Historical Justice* (Cambridge: Polity Press), and for an earlier discussion, see A. Schuchter (1970) *Reparations: The Black Manifesto and Its Challenge to White America* (Philadelphia: J. B. Lippincott).

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