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Peace and Justice in the United States: Reparations for a National Reckoning

When an issue reappears throughout history, its persistence signifies that it has never been adequately dealt with; the experiences of African Americans in the United States exemplifies this reality. African Americans have faced injustice and inequity since the first Africans were captured from their homeland and enslaved in the U.S. in 1619. Following the abolition of slavery in 1865, the injuries sustained by African Americans from the institution of slavery were left unrepaired and as a result, injustice and inequality has persisted and accumulated over time. The racial inequality that persists today demonstrates how past injustices don’t disappear with time and, “left unaddressed, they fuel the kind of division, shame, and resentment that, as America knows well, can divide a nation” (Reiter). To end this cycle of injustice, reparations need to be made. Reparations involve a “process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights” (National Coalition of Blacks for Reparations in America). They aim to repair people and relationships through “cash payments, health services, and the like, which are geared toward alleviating or compensating victims for the harm they have suffered, both physical and mental” (Philpott, “Reconciliation: An Ethic for Peacebuilding”,108).

Slavery is the original sin of the U.S., which the country has yet to atone for. As a result, injury and injustice has been passed down through generations to fuel the racial inequality that continues today across the nation. Reparations are not simply a way to atone for and repair an issue of past injustice, they are a remedy for current and—if unaddressed—future issues as well. African Americans in the U.S. should be provided reparations for the injuries they sustained through the institution of slavery and the persistent racial injustice that continued after emancipation and into the present. Reparations can be modeled after programs developed in other contexts internationally and within the U.S. A public national reparations program would build peace and promote justice by facilitating reconciliation and a national reckoning to redefine the American identity, fortify our ethics, and improve the humanity of society both present and future.

***I. The Case for Reparations: Injuries and Inequities Born from Slavery***

The institution of slavery in the U.S. brought decades of extreme injustice for African Americans, the effects of which are still experienced today. Slavery was, and is, a crime against humanity. Through the Trans-Atlantic Slave Trade and chattel slavery, millions of African Americans were brutalized, murdered, raped and tortured. Individuals were separated from their families and cultures in Africa and were “denied the right to maintain their language, spiritual practices and normal family relations” (National Coalition of Blacks for Reparations in America). Officially, chattel slavery persisted from 1619 to 1865 and was followed by a century of unequal and inhumane treatment of African Americans supported by the government through convict leasing, sharecropping, Jim Crow practices, and more that contributed to the denial of self-determination, inheritance, and full political participation. In the U.S. today, African Americans continue to be treated in a manner reflective of slavery through laws and practices that maintain “dual systems in virtually every area of life including punishment, health care, education and wealth, maintaining the myths of White superiority” (National Coalition of Blacks for Reparations in America).

The inequities that African Americans experience today stem from the institution of slavery. The National Coalition of Blacks for Reparations in America (N’COBRA) has identified five “injury areas” suffered by African Americans during and after enslavement: (1) peoplehood/nationhood, (2) education, (3) health, (4) criminal punishment, and (5) wealth/poverty. The injury to peoplehood/nationhood encompasses the destruction of African peoples’ culture; through Jim Crow and persistent discrimination, African Americans have experienced the denial of their right to openly express their culture, appropriation of their culture, and “denial of the right and resources necessary to be a self-determining people” (National Coalition of Blacks for Reparations in America). African Americans have been expected to adapt to Euro-American standards, which has led to disadvantage in many parts of life. For example, Black students consistently score lower on The Scholastic Aptitude Test (SAT), which is culturally geared towards Euro-American culture. Flemming-Hunter explains that, “instead of intelligence the test measures cultural distance. That is, the scores on the SAT represent the ‘distance blacks have to go in order to become as culturally competent as whites in what has now become a shared culture’” (Flemming-Hunter, 111). Denial of personhood/nationhood is manifested in the suppression of any models that refute claims of white superiority and the denial of self-determination through unequal access to voting, representation in government, employment, and education (National Coalition of Blacks for Reparations in America).

The injuries in the area of education were first experienced with the denial of the right to education through criminal sanctions and were maintained through separate and unequal systems that still exist today and lead to inferior education for African American students (National Coalition of Blacks for Reparations in America). Schools serving more African American students receive less funding and those students consistently score lower on standardized tests and are less likely to earn a college degree than their white classmates (de Bray, et al.). The injuries in the area of health began with the appropriation of the health knowledge of enslaved Africans and their function as unpaid health care providers for whites. African Americans were also used as subjects for inhumane health experiments and have been denied quality health care during and after slavery (National Coalition of Blacks for Reparations in America).

As a result of these injustices, many health disparities exist between African Americans and Caucasians. Flemming-Hunter explains that, “each year since 1984, while the health status of the general population has increased, black health status has actually declined. This decline is not in one or two health categories; it is across the board” (Flemming-Hunter, 114). Persistent discrimination in health care is evidenced by disproportionately higher rates of hospital closures in Black communities, unequal access to health insurance, the lack of validation of health care protocols for African Americans, and the inappropriate medical treatment of African Americans for critical symptoms, which has led to higher mortality rates compared to Caucasians with the same symptoms (National Coalition of Blacks for Reparations in America).

In the area of criminal punishment, African Americans experience injustice from discriminatory practices throughout the criminal justice system. Black people in the U.S. are punished more harshly than white people for the same conduct. They also experience racial profiling and the unequal imposition of the death penalty. All of these practices have led to the mass incarceration of African Americans (National Coalition of Blacks for Reparations in America). While all are significant, one of the largest and most evident injuries is in the area of wealth/poverty. A wealth gap between African Americans and Caucasians was created during slavery and has been sustained through various unjust practices. Flemming-Hunter explains that, “black poverty in America had its beginning in unpaid Black labor which created the conditions for the transfer of black wealth to whites” (Flemming-Hunter, 108). African Americans “were forced into poverty through enslavement, Jim Crow and continuing discrimination in employment, housing and other economic areas” (National Coalition of Blacks for Reparations in America).

The unpaid labor of African American slaves built the economic foundation of the U.S., which is now one of the most powerful countries in the world. Economist Richard America has estimated that “the present value of the wrongful benefits from slavery and discrimination is in the conservative range of $5 to $10 trillion” (Flemming-Hunter, 106). Their unpaid labor created vast wealth that African Americans have consistently been barred from sharing and as a result, a racial wealth gap persists in the U.S.; “for every dollar a typical white household holds, a black one has 10 cents” (Cohen). This racial wealth gap is “the consequence of many decades of racial inequality that imposed barriers to wealth accumulation either through explicit prohibition during slavery or unequal treatment after emancipation” (Aliprantis and Carroll).

The historical injustices in the U.S. have handicapped African Americans’ ability to create and accumulate wealth and gain access to jobs, housing, education and health care. Coates explains how African Americas were blocked from accessing many wealth building opportunities through discriminatory practices such as redlining and blockbusting (Coates). Senator Cory Booker reiterated this by explaining how, “many of our bedrock domestic policies that have ushered millions of Americans into the middle class have systematically excluded blacks” (“Booker Announces Introduction of Bill to Form Commission for Study of Reparation Proposals for African-Americans”). This systemic exclusion has maintained the racial wealth gap and created a cycle of inequality and oppression for African Americans resulting in structural inequality.

Throughout the U.S., Black communities are not just poor, they are “ecologically distinct” due to the compounded inequalities they face (Coates, 60). The experience of African Americans proves the inaccuracy of the “American Dream”; millions of descendants of African slaves in the U.S. are trapped in a cycle of poverty and oppression due to the legacy of injustice in our nation. Craemer explains that, “the wealth effects of historical injustices do not disappear but compound exponentially” and this is exemplified by the persistent racial disparities in the U.S. (Craemer, 300). Although these disparities are “remote in time from the period of enslavement…[they] are directly attributable to the damaging legacy of slavery and racial discrimination” (Jackson-Lee). Therefore, reparations should be considered a way of addressing a current problem that is rooted in past injustices, rather than a way to address an issue of the past (Flemming-Hunter).

***II. Whose Responsibility? The Inheritance of Inequality and Privilege***

The institution of slavery benefited the entire country—directly and indirectly—and its legacy continues to provide benefits for the nation today. Flemming-Hunter explains that, “with Blacks performing the mainly unskilled labor, it freed whites to gain skills and at the same time slavery created ‘the infrastructure that was needed to support development and expansion in all activities’” (Flemming-Hunter, 107). Through this development and expansion, the exploitation of African Americans produced large systemic benefits, even for those that never came into contact with slaves at all. Among those who indirectly benefitted from the institution of slavery were individuals that immigrated to the United States, and their families, who may have never been actively exposed to or engaged with the institution of slavery. Slavery “made it possible for large numbers of immigrants to come to this country even after slavery who ‘were able to enter a growing economy-owing to the foundation that slavery built’” (Flemming-Hunter, 107). The economic foundation, development and expansion that was made possible by the enslavement of African Americans provided benefits for individuals that lived in and moved to the U.S. that continued long after emancipation, and still persists today.

The racial inequities and injustices that exist in the U.S. demonstrate how privilege and inequality have been passed down through generations since the first people were captured from Africa and forced into enslavement. Flemming-Hunter explains that, “just as white Americans have benefited from the education, life experiences and wealth that was handed down to them by their ancestors, so too have African Americans been harmed by the institution of slavery” (Flemming-Hunter, 103-104). Coates highlights the inheritance of injustice by referencing John Locke when he writes, “there is commonly injury done to some person or other, and some other man receives damage by his transgression: in which case he who hath received any damage, has, besides the right of punishment common to him with other men, a particular right to seek reparation” (Coates). Even if an injury wasn’t directly inflicted on someone, they can still inherit and experience its damaging effects. Therefore, they are entitled to reparations for that injury.

Not only is injury and its damaging effects inherited, but unrepaired injury has an accumulating effect that results in compounded injustice and cycles of inequality. Historical injustices and the damage they cause are often not simply “one-time events that leave their victims and their victims’ children free to proceed on their randomized historical pathways” (Philpott, “Four Practices”, 195); these injustices create harmful legacies that continue through generations. In the U.S., the injuries and injustices inflicted on African Americans through the institution of slavery, and the consistent racial inequality that followed emancipation, have never been repaired and the effects of this unrepaired injury manifest in persistent racial inequity. Coates explains that, “it is as though we have run up a credit-card bill and, having pledged to charge no more, remain befuddled that the balance does not disappear. The effects of that balance, interest accruing daily, are all around us” (Coates, 61-62). The passage of time since the period of enslavement “should not be taken as an extenuating circumstance but as an aggravating factor” (Craemer, 300). For African Americans, injustice has been passed down through generations and injury has accumulated that must be repaired.

N’COBRA explains that after an injury has been inflicted, “those groups that have been injured have the right to obtain from the government, corporation, institution or family responsible for the injuries that which they need to repair and heal themselves” (National Coalition of Blacks for Reparations in America). Since injustice and injury has been passed down to descendants of African American slaves, they are entitled to reparations. There have been many strategies suggested to determine who is eligible to receive reparations. One economist and leading scholar on reparations, William A. Darity Jr, “suggests two qualifying conditions: having at least one ancestor who was enslaved in the United States, and having identified oneself as African-American on a legal document for at least a decade before the approval of any reparations” (Cohen). However, it is difficult to trace genealogy back to the era of slavery because the only sources include the 1870 census when freed slaves were counted by name for the first time, military service and pension records, slave-ship manifests, and inheritance documents.

N’COBRA asserts that, “within the broadest definition, all Black people of African descent in the United States should receive reparations” because they are victims of the vestiges of slavery due to the color of their skin (National Coalition of Blacks for Reparations in America). This means that, based on the latest census, “nearly 47 million Americans [who] identified themselves as black or African American” would be entitled to reparations (Cohen). In the U.S., all African Americans experience the accumulated effects of the unrepaired injury and injustices that began with the institution of slavery, therefore they are all entitled to reparation for that injury. Since the entire nation has experienced—directly and indirectly—the benefits produced by the enslavement of African Americans, all Americans share the collective responsibility to provide reparation.

***III. Types of Reparations: Beyond Blood Money***

The purpose of reparations is to “improve the lives of African descendants in the United States for future generations to come; foster economic, social and political parity; and allow for full rights of self-determination” (National Coalition of Blacks for Reparations in America). The forms that reparations take must complete these objectives and can come in material or symbolic form. The injuries created by the institution of slavery and the inequities that resulted from it are broad and systemic, “the remedy, therefore, is not individual, but rather broad and systemic” (Flemming-Hunter, 107). Philpott discusses the different types of reparations including restitution, compensation, rehabilitation, and satisfaction, all of which provide different forms of repair. Restitution involves “restoration, to the degree that is possible, of liberty, human rights, citizenship, property, and employment” (Philpott, “Four Practices”, 191). Compensation occurs “in the form of financial payments” to victims or their families (Philpott, “Four Practices”, 191). Rehabilitation may include “medical care and psychological, legal and social services” (Philpott, “Four Practices”, 191). These are among the most effective because “they are designed to nurture the group’s self-empowerment and community-building” (Brooks). Satisfaction includes “guarantees against recurrence of the human rights violations, the exposure of truth, and public apology” (Philpott, “Four Practices”, 191).

Reparations for African Americans should be comprehensive and come in a variety of forms to address the lingering effects of slavery and racial injustice. They should involve the development and implementation of services and resources, and “the elimination of laws and practices that maintain dual systems in the major areas of life including health, education and the financial/economic system” (National Coalition of Blacks for Reparations in America). Along with material reparations, symbolic reparations should also be provided for African Americans. These should be created to acknowledge the injury and injustice that African Americans face as a result of the institution of slavery and its legacy. They could include the “development of historical monuments and museums [and] the return of artifacts and art to appropriate people or institutions” (National Coalition of Blacks for Reparations in America). Symbolic reparations should also involve a public apology on behalf of the U.S. for the injuries inflicted on African Americans.

Health reparations should include services for improving the mental and physical health of African Americans through increased access to and improved quality of health care. Educational reparations should improve the accessibility and quality of education for African Americans. They could include scholarship funds and “investment in ‘very high quality education, K-12-through graduate and professional school’” (Flemming-Hunter, 106). Access to higher education could be increased by providing “free tuition at community colleges for black Americans and reduced tuition at undergraduate schools and graduate programs” (Snodgrass). Educational reparations could include the development and implementation of “job training programs” and “case management and financial literacy programs” (Snodgrass). They could also involve the development of more culturally competent and equitable teaching strategies, and curriculums that involve “multi-media depictions of the history of Black people…and textbooks for educational institutions that tell the story from the African descendants’ perspective” (National Coalition of Blacks for Reparations in America).

Economic reparations could take the form of “cash payments, land, [and] economic development” resources (National Coalition of Blacks for Reparations in America). Flemming-Hunter argues that economic reparations should aim to make “black and white median income” and “the median Black and White family wealth” equal by the year 2050 (Flemming-Hunter, 106). To determine what the value of economic reparations should be, economist have suggested evaluating the “labor’s share of the slave system’s profits in cotton and tobacco” or “what slaves would have earned if they had been paid wages plus interest, after subtracting housing and food costs” (Cohen). Others have recommended analyzing 20th century statistics to estimate “how much less blacks earned because of decades of discrimination” (Cohen).

Economic reparations could come in the form of individual payments, through which “families could get a one-time check, receive vouchers for medical insurance or college, or have access to a trust fund to finance a business or a home” (Cohen). Since the institution of slavery enriched white Americans at the expense of Black Americans, some argue that this unjust enrichment must be returned “by using the progressive tax system to redistribute ‘a portion, about 10% of the income of those at the top 30%, which is overwhelmingly and disproportionately white... because it was not fairly earned’” (Flemming-Hunter, 106). Economic reparations could also be distributed by investing in predominately African American communities, utilizing the atonement model, which emphasizes “longer-term investments in education, housing and businesses that build up wealth” (Cohen). This community investment could involve the improvement of “housing assistance programs that help Black Americans move towards purchasing homes” or “bringing desperately needed services such as grocery stores that are affordable; urgent care centers; community centers for not only youth, but all ages; pharmacies; green spaces/community gardens” to help address structural disadvantage and inequity (Snodgrass).

***IV. Building Peace and Justice Through Reparations***

Peacebuilding is a process that “focuses on transforming inhumane social patterns, flawed structural conditions, and open violent conflict” (Lederach and Appleby, 22). The goal of peacebuilding is to achieve *just peace*, which is peace that “realizes a degree of justice” (Philpott, “Reconciliation: An Ethic for Peacebuilding”, 91). Just peace is “a dynamic state of affairs in which the reduction and management of violence and the achievement of social and economic justice are undertaken as mutual, reinforcing dimensions of constructive change” (Lederach and Appleby, 23). Reparations facilitate peacebuilding that achieves just peace by addressing structural inequities and transforming society. The role of reparations in peacebuilding is supported by many moral arguments that show how reparations help restore victims, achieve justice and transform societies.

The main principle of reparations is *restitution in integrum*, which refers to the restoration of a victim. Philpott explains that, “the loss of life and limb, along with trauma and other injuries, is not easily rectified, advocates realize, but where restoration is not possible, compensation may be” (Philpott, “Four Practices”, 193). It is impossible to undo the injuries caused by injustice, but reparations can symbolically restore victims and begin repairing some of the harm they experienced. At its core, reparations are meant to “repair that which has been broken” (Sutton). They go beyond monetary compensation and aim to “make whole again, and/or to restore; to offer atonement; to make amends; to reconcile for a wrong or injury” (Sutton).

The use of reparations as a way to peace is also supported by the *restitution principle*, which argues that “if a social group, nation, or a race, decided that past behavior was wrong and made that behavior illegal, ‘then it is wrong to receive and retain the benefits produced by those actions. And it is necessary to make restitution, giving back the wrongful benefit, by some redistributive action’” (Flemming-Hunter, 107). In the U.S., white Americans are still receiving and retaining the benefits produced by the institution of slavery through the inheritance of wealth and unequal opportunity that originated in the era of slavery, and was passed down through generations. They experience a wrongful benefit that Black Americans do not have, therefore, it is necessary to make restitution through reparations.

There is also theological grounding to support reparations due to the moral obligation faith communities have to repair communities. Many religious traditions “view reparations as a component of the restoration of right relationship following sin, crime, and injustice” (Philpott, “Four Practices”, 197). Reparations have been considered an integral role in peacebuilding by faith communities; “material restitution aimed at promoting *shalom*, the peace of restoration, was the core principle for dealing with injured parties in the law of Israel as set forth in the Torah” (Philpott, “Four Practices”, 197). They are also considered central to the process of reconciliation, an important step in any peacebuilding process. In the Jewish tradition, a “perpetrator’s restitution constitutes the first state in the performance of teshuva, or repentance” and “in the Christian tradition, reparations, paid by sinners to their victims as a penitential gesture toward the restoration of right relationship, date back to the earliest years of the church” (Philpott, “Four Practices”, 197). Faith communities are charged with an obligation to create a “beloved community” and promote justice because “there can be no love without justice, and there can be no justice without some form of repairing an injustice” (Sutton). Reparations are an important step in repairing injustice and creating a beloved community.

Reparations help achieve just peace by facilitating the transformation of society. To adequately address and repair injustice and build peace, change needs to occur at the systemic level. In the U.S., this has not occurred and we do not have just peace. Representative Jackson-Lee explains that although the civil rights movement challenged unjust practices and structures that impacted the African American community, “it was not followed by a commitment to truth and reconciliation. For that reason, the legacy of racial inequality has persisted and left the nation vulnerable to a range of problems that continue to yield division, racial disparities, and injustice” (Jackson-Lee). There needs to be systemic change to prevent the legacy of slavery from continuing to negatively impact future generations, and this change needs to have a commitment to truth and reconciliation. Reparations are a way to achieve this kind of change.

Effective and sustainable peacebuilding strategies recognize that “alleviation of immediate suffering must be built upon the concept of transformation, underscoring the goal of moving a given population from a condition of extreme vulnerability and dependency to one of self-sufficiency and well-being” (Lederach, 75). Reparations would help reduce dependency and inequality by enhancing equity. Emancipation did not transform society and as a result, vulnerability and injustice have transcended into new generations; reparations will help stop this cycle by promoting equity. The use of reparations is a way to work in the subsystem that Lederach proposes for sustainable peacebuilding by addressing “the deeper structural and systemic concerns” in addition to the immediate issues of racial inequality (Lederach, 57). Lederach explains that it is necessary to create an “opportunity for social and economic transformation”, and reparations provide this opportunity for the U.S. (Lederach, 59).

By helping transform society, reparations also help prevent future issues. Lederach and Appleby explain that, “when access to political and economic power is not at least somewhat equally available and distributed within a given society, conflicts are more likely to remain latent, generating hostilities as well as more complex problems with wider ramifications” (Lederach and Appleby, 34). Without reparations, the U.S. has seen how inequality and injustice have persisted through history. The problems associated with racial injustice that originated from the institution of slavery have not been solved. Reparations can help address those issues and prevent their continuation into future generations because unrepaired injury and lack of transformation will lead to a cycle of persistent inequality.

Reparations also facilitate reconciliation, which is integral to peacebuilding. Acknowledgement is central to the process of reconciliation. Through acknowledgment, “communities recognize victims’ suffering, the intrinsic injustice in this suffering, and the victims’ right of citizenship; they confer on victims empathy and knowledge of the circumstances of the injustice; and by calling an injustice an injustice they help defeat the standing victory of the perpetrator’s message” (Philpott, “Reconciliation: An Ethic for Peacebuilding”, 106). Without reparations and a national reckoning in the U.S., the standing victory is white supremacy and racial injustice. Reparations can be seen as “acknowledgement fortified materially” because they involve the recognition of victims’ suffering and restoration (Philpott, “Four Practices”, 196). Reparations communicate many of the same messages as acknowledgment regarding injustice and suffering, “with their material dimension giving this communication all the more force” (Philpott, “Reconciliation: An Ethic for Peacebuilding”, 108). Through acknowledgement, “reparations aim to heal the wound of social ignorance” (Philpott, “Four Practices”, 196). Reparations publically identify victims “as objects of injustices” and by doing so, they “proclaim and fortify the legitimacy of human rights” for victims and the entire community (Philpott, “Four Practices”, 196-197).

Apology is another aspect of reconciliation that can be supported by reparations. Apology is a restorative communication through which “the message of injustice and domination” is rejected and the souls of all are restored (Philpott, “Reconciliation: An Ethic for Peacebuilding”, 111). It is essential that apology and reparation come together in a peacebuilding process because “when reparations occur without apology, they risk being branded as blood money” and “apology without reparations can seem empty” (Philpott, “Four Practices”, 197-198). Reparations help legitimate acknowledgement and apology because “no reparation can fully compensate the victims of an atrocity — reparations give substance to the perpetrator’s apology” (Brooks).

In the process of reconciliation, there needs to be a balance of both peace and justice, which can be achieved through reparations. Lederach explains that, “reconciliation recognizes the need to give time and place to both justice and peace, where redressing the wrong is held together with the envisioning of a common, connected future” (Ledrach, 31). Reparations address past injustices and promote peace by bringing equity and redefining the future. By repairing injury and relationships, the future can be defined by peaceful connections within society. Reparations are a way to achieve justice in peacebuilding, which is essential to reconciliation because “reconciliation is not true reconciliation if it is not based on justice” (Philpott,“Reconciliation: An Ethic for Peacebuilding”, 105). Lederach describes justice as “making things right, creating equal opportunity, rectifying the wrong, and restitution”; without justice, “the brokenness continues and festers” (Lederach, 28). Reparations are essential to preventing the continuation of the brokenness being experienced in the U.S. through racial injustice.

In the process of reconciliation, restitution and reparation are critical components of the restoration of right relationship. Reparations bring restoration by repairing harm to the person of the victim, including bodily, economic, emotional, and psychological harm. They encourage trust, which is essential to relationships, because “when victims receive reparations, they are more likely to…forge bonds of trust and commitment with their fellow citizens—all secondary restorations” (Philpott, “Four Practices”, 197). Reparations also help people realize their common humanity and encourage spiritual renewal. Coates explains how reparations would bring about spiritual renewal for the U.S. through a national reckoning by forcing the entire country to accept “our collective biography and its consequences” (Coates, 70). Through this renewal and reckoning, society would be transformed and communities would be reconciled as people acknowledged and repaired the injustices inherited by our generation through our collective history as Americans.

***V. International, National, and Local Examples: Blueprints for America***

Reparations programs have been implemented across the globe to address past injustices and the U.S. should look to examples abroad for guidance on how to design and implement successful reparations. Other countries have recognized that in the aftermath of injustice, no form of compensation will be able to redress the crimes and injustices inflicted upon victims, however “this does not mean that some form of justice should not be sought for those who were wronged” (Chappine, 616). One of the most frequently cited examples is of Germany and the reparations the country provided after the Holocaust to address injustice inflicted on Jewish victims by the Nazi regime. Not only were the Nazis guilty of murdering 11,000,000 people, they were also responsible for “the theft of between $230,000,000,000 and $320,000,000,000 in assets from Jewish victims” and the forcible employment—a form of slavery—of approximately 10,000,000 people during World War II (Chappine, 616).

Germany has paid over $70 billion in reparations since 1952 and continues to provide millions of dollars each year, primarily to Jewish victims of the Nazi regime. The reparations “vary from a lump sum distributed to individuals to a monthly pension based on years working in a slave labor camp. Money is also given to organizations to cover home care for older survivors or for grants. A small portion goes for research, education and documentation” (Cohen). The Luxembourg Agreements was a treaty that “called for Germany to make reparation payments to the State of Israel in order to offset the financial burdens resulting from settling nearly half a million survivors after the Holocaust” (Chappine, 617). As a result, West Germany paid “approximately DM 100,000,000,000 to 500,000 Holocaust survivors internationally” (Chappine, 617). However, forced or slave laborers were left out of these payments and The Conference on Jewish Material Claims rectified this by pursing settlements with individual companies in the 1950s and in 1999 former slave and forced laborers were compensated. Eventually, in 1998, victims and their heirs were also compensated for the loss of assets during the Holocaust. In 1999, a statement was issued by German Chancellor Gerhard Schröder and twelve executives of German corporations “expressing their interest in atoning for past wrongs and acknowledging their historical responsibility to Holocaust survivors who had suffered under the Nazis” (Chappine, 618). This acknowledgment of historical responsibility and atonement was important for the entire nation in the process of reconciliation.

The reparations program in Germany was largely a success; “as a result of the reparations paid, Germany’s open admission of guilt and the policies it put in place to prevent another Holocaust from occurring, German-Jewish relations have largely normalized since World War II” (Reiter). The reparations had intergenerational wealth effects and therefore, “benefited original survivors as well as their descendants, and by allowing Israel to save and invest capital into economic development, they benefited even some individuals not directly affected by the Holocaust” (Craemer, 300). This outcome demonstrates how reparations could address the intergenerational impact of slavery in the U.S. and help close the racial wealth gap that still exists. The economic impact of the reparations was not the only benefit that reparations brought to the nation, survivors also see “the monetary settlement as a moral symbol, as a testament to history and the memory of those who did not survive” (Chappine, 620).

In addition to monetary distribution, reparations in Germany also included memorialization of victims and the preservation of history. The reparations brought a moral victory by creating “a worldwide dialogue about issues of justice and state-sponsored persecution” (Chappine, 620). Reparations in the U.S. would also create opportunities for dialogue regarding issues of racial justice and these conversations would help bring a cultural shift and advance equality. Chappine explains that, “the key victory in the negotiations [about reparations] was the admission of responsibility and apology by German President Johannes Rau” (Chappine, 620). This was symbolic for the entire nation and promoted historical accuracy and national reconciliation. The process of designing and implementing reparations forced Germany to face its past, undergo a national reckoning and accept their collective history; something the U.S. has yet to do. The post-war chancellor of Germany explained that, “in the name of the German people, unspeakable crimes were committed which create a duty of moral and material restitution” (Reiter). He acknowledged that since the crimes were committed in the name of the entire nation, they shared a collective responsibility to atone and repair the damage they caused. Germany did not seek to erase the Holocaust from history, they “worked hard to ensure remembrance, penance, recompense, and justice” (Reiter). Reparations launched “Germany’s reckoning with itself, and perhaps provided a road map for how a great civilization might make itself worthy of the name” (Coates, 71).

The German example demonstrates the powerful role of reparations in repairing harms caused by injustice and facilitating the reconciliation process of a nation. The U.S. should look to Germany for an example of how to design and implement a comprehensive reparations program for victims of injustice. However, differences do exist between the U.S. context and the situation in Germany. While the Holocaust only lasted a few years, the institution of slavery persisted for a few centuries and has been left unaddressed (Craemer). Additionally, the Holocaust “targeted primarily individual survivors, whereas the [institution of slavery] will benefit at best descendants or individuals not directly affected” (Craemer, 300). Despite these differences, “human suffering makes the two historical injustices comparable” (Craemer, 300).

Argentina also implemented reparations after the Dirty War. The country provided reparations for spouses and children of disappeared persons, political prisoners and victims of arbitrary detention, victims of forced disappearances and assassinations, and children who were victims of state terrorism. Reparations included compensation to political prisoners and ex-disappeared “for the time they spent in prison or in concentration camps and thus forcibly away from their jobs or studies” (Lois and Lacabe). In the case of dead or disappeared individuals, families were “compensated for the economic hardship that the loss of their family member involved” (Lois and Lacabe). The financial compensation provided by the reparations is only part of the reparation process, but they are important because of “their practical effects and because they constitute a clear acknowledgment by the State of its responsibility for the human rights violations committed against its subject” (Lois and Lacabe). While the Argentinian government provided significant financial compensation to victims, “public memorials and homages to the victims are needed both to vindicate them and to remind society of what happened” (Lois and Lacabe). Argentina should serve as an example for the U.S. of a successful financial reparations program, however the country did not provide adequate public and symbolic reparations, which are essential to promoting justice and reconciliation.

In contrast to Argentina, Peru provides an example of the successful implementation of symbolic reparations. In the aftermath of internal armed conflict in the country, the Peruvian government implemented a Truth and Reconciliation Commission that proposed a reparations program to address injustices inflicted on victims during the war, some of which have already been implemented. The commission recommended reparations in health to support those affected mentally and physically by the conflict, reparations in education, such as scholarships for victims and their families, and the restoration of citizens’ rights, such as granting new ID cards and normalizing the legal status of the disappeared (Hatun Wilakuy). Unfortunately, the financial reparations in Peru have fallen short of expectation, but the symbolic reparations that have been implemented have been successful. Various memory projects, museums and monuments have been built throughout the country to remind people of the past and promote public awareness. These reparations are symbolic of a commitment to human rights and honor for victims. The reparations in Peru also demonstrate the power of symbolic reparations to galvanize society and promote the institutionalization of human rights; following the creation of these symbolic reparations, many new victim’s associations have been created throughout the country (Heilman).

The U.S. can also look at its own national history and at the local level for examples of reparations programs. Following a congressional study and the enactment of the Civil Liberties Act of 1987, “people of Japanese descent who were forced into internment camps during World War II received $20,000 in 1988 and a formal apology” (Cohen). The Act declared that:

a grave injustice was done to citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II…these actions were without security reasons and without any acts of espionage or sabotage…and were motivated by racial prejudice, wartime hysteria, and a failure of political leadership…the excluded individuals suffered enormous damages for which appropriate compensation has not been made; and…the Congress apologizes on behalf of the Nation (Civil Liberties Act of 1987).

The U.S. government acknowledged that individuals were discriminated against due to their race and apologized, which promoted justice and reconciliation.

The Act offered “pardons to those convicted of violating laws or executive orders during the internment period because they refused to accept treatment which discriminated on the basis of their Japanese ancestry” (Civil Liberties Act of 1987). Eligible individuals were identified and located by the Attorney General and paid $20,000 in reparations. The Act explained that, “payments shall be considered as damages for human suffering for purposes of Federal taxes and shall not be included in determining eligibility to receive certain income-based Federal benefits” (Civil Liberties Act of 1987). It also established “a Civil Liberties Public Education Fund (the Fund)” and a Board of Directors, which was responsible for disbursing funds (Civil Liberties Act of 1987). The fund was used to “sponsor research and public educational activities dealing with the internment; publish and distribute the hearings, findings, and recommendations of the Commission; and pay administrative expenses of the Board” (Civil Liberties Act of 1987). This reflects the symbolic nature of the reparations and the role they had in promoting a just future by ensuring historical accuracy and awareness. The U.S. should use this Act as an example of how to use reparations to address racial injustice for African Americans.

There have also been several successful reparations programs implemented at the local level throughout the U.S. In Evanston, IL a local reparations program was approved using money collected from taxes on recreational marijuana to fund a local reparations program to address the persistent institutional effects of slavery and discrimination (Bookwalter, 2019). This reparations program provides financial reparations and is also symbolic in nature as Bookwalter explains, “the source of the money is especially appropriate, as many black residents were victims of the ‘war on drugs’ and spent time in jail for smoking marijuana, a substance that in specific quantities will now be permitted in Illinois” (Bookwalter). The money will be used to invest in communities that have been unfairly policed and damaged. The city has recognized inequality and is using financial investment to help repair it, a principle that should be applied nationally to repair systemic inequalities. Funds will also be used to “support the black community through housing, education and economic incentives” (Bookwalter). This example demonstrates how reparations can be used to address inequality and repair damage through education and investment.

The city council in Chicago, IL also passed a reparations package for victims of police torture, which included the creation of memorials and $20 million to finance the Chicago Police Torture Reparations Commission (Chicago Torture Justice Memorials). Financial compensation was provided by the City of Chicago to “57 survivors of Burge torture, most of whom received the maximum amount of $100,000 allowed for by the City council ordinance” (Chicago Torture Justice Memorials). Reparations also included the creation of a community center which “seeks to address the traumas of police violence and institutionalized racism through access to healing and wellness services, trauma-informed resources, and community connection” (Chicago Torture Justice Memorials). A curriculum was also created for Chicago Public Schools to teach about the Burge torture and a public memorial was created to tell the history and honor survivors. This comprehensive reparations program exemplifies how to use reparations to directly compensate victims and encourage systemic change by promoting awareness and acknowledgement.

Reparations have also been implemented at the institutional level in the U.S. Georgetown University developed a reparations program by increasing undergraduate tuition to create a fund to benefit descendants of African slaves that were sold by the school in 1838 (Hassan). Jesuit priests who founded the university sold 272 slaves in 1838 and received the equivalent of $3.3 million today. The school would not exist now without the sale of those slaves and students recognize the benefit they still reap from this injustice, which encouraged them to vote to increase tuition to create the fund that represented “the first instance of reparations for slavery by a prominent American organization” (Hassan). The student body voted to “add a new fee $27.20 per student per semester to their tuition bill, with the proceeds devoted to supporting education and health care programs in Louisiana and Maryland, where many of 4,000 known living descendants of the 272 enslaved people now reside” (Hassan). In addition to the fund, the university “agreed in 2016 to give admissions preference to descendants of the 272 slaves” and has “formally apologized for its role in slavery, and has renamed two buildings on its campus to acknowledge the lives of slaves” (Hassan). As an institution, Georgetown demonstrates how an entire reparations fund can be created with a small contribution from many individuals, something that could be implemented on a national scale. The university also exemplifies how to respond to a historical injustice by acknowledging the benefits still being derived from it, accepting collective responsibility and making an effort to repair the harms it caused. The U.S. should look to these examples to develop a comprehensive reparations program to be implemented on a national level.

***VI. H.R. 40: Starting the Conversation About Reparations in the U.S.***

Conversations regarding reparations in the U.S. have become more frequent in recent years with the proposal of congressional bill H.R. 40; the Commission to Study and Develop Reparations Proposals for African-Americans Act. This bill would establish a commission to study and develop a proposal for reparations that address the injustice experienced by African-Americans as a result of the institution of slavery; “the de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination”; “the lingering negative effects of the institution of slavery”; “the manner in which textual and digital instructional resources and technologies are being used to deny the inhumanity of slavery”; “the role of Northern complicity in the Southern based institution of slavery”; “the direct benefits to societal institutions, public and private, including higher education, corporations, religious and associational”; and recommend appropriate remedies to their findings (Commission to Study and Develop Reparation Proposals for African-Americans Act). Members of the commission would be appointed by the President, Speaker of the House of Representatives, and by major civil society and relations organizations (Commission to Study and Develop Reparation Proposals for African-Americans Act).

The bill acknowledges some of the injuries of slavery by describing that, “the slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans’ life, liberty, African citizenship rights, and cultural heritage, and denied them the fruits of their own labor” (Commission to Study and Develop Reparation Proposals for African-Americans Act). It also references the injustice that continued after the abolition of slavery including “share cropping, convict leasing, Jim Crow, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system” (Commission to Study and Develop Reparation Proposals for African-Americans Act). Additionally, the bill acknowledges the persistent effects of these injustices experienced by African-Americans such as, “having nearly 1,000,000 black people incarcerated; an unemployment rate more than twice the current white unemployment rate; and an average of less than 1⁄16 of the wealth of white families, a disparity which has worsened, not improved over time” (Commission to Study and Develop Reparation Proposals for African-Americans Act).

The current H.R. 40, which is sponsored by Representative Sheila Jackson-Lee, is a version of legislation first introduced in 1989 by Representative John Conyers that called for the creation of a commission to study reparations for African American and was reintroduced each year until 2017 (Brooks). On April 8, 2019 Senator Cory Booker also introduced the Senate companion to H.R. 40 (“Booker Announces Introduction of Bill to Form Commission for Study of Reparation Proposals for African-Americans”). Jackson-Lee explains that, “the designation of this legislation as H.R. 40 is intended to memorialize the promise made by Gen. William T. Sherman, in his 1865 Special Field Order No. 15, to redistribute 400,000 acres of formerly Confederate-owned coastal land in South Carolina and Florida, subdivided into 40-acre plots” (Jackson-Lee). That plan was the first form of systematic freedom reparations; however, the order was overturned by President Andrew Johnson. Unfortunately, H.R. 40 has never made it to the House floor, which “suggests our concerns are rooted not in the impracticality of reparations but in something more existential” (Coates, 62). Americans are afraid of confronting the history of our country and acknowledging the flaws of our democracy.

H.R. 40 would create a framework for a national conversation about the impact of slavery and begin the atonement process. Although the damage done by the institution of slavery can never be fully repaired, the discussion that would be inspired by the enactment of H.R. 40 would encourage a national reckoning and self-reflection for the entire country. The commission proposed by H.R. 40 has the task of asking, “how can the government attain moral clarity in the aftermath of slavery, the nation’s worst atrocity? What conditions are necessary to repair the broken relationship between the government and the victims of that atrocity?” (Brooks). Through a historical investigation and conversation, the American society could learn how our past affects current conditions and begin to take steps to repair injustice. A national reckoning that would follow such an investigation would promote reconciliation and make the entire country a better place. In this way, H.R. 40 would initiate the process of repair and the achievement of just peace even before the implementation of a formal reparations program by starting conversations about racial justice across the country.

***VII. Nationwide Reparations: What a National Reckoning Will Mean for America***

Although progress has been made for African Americans and the fight for racial justice throughout the U.S. with reparations at the local and institutional levels, a public and nationwide reparations program is essential to building just peace in a nation that never fully healed from our original sin: the institution of slavery. In order to achieve true peace with reconciliation and justice, the entire U.S. society needs to be involved in the conversations about and implementation of reparations. This can only be achieved through a public initiative that promotes nationwide awareness and a national reckoning. A public reparations program that is applied universally across the U.S. would facilitate reconciliation and racial justice throughout society. A public initiative would redefine our national identity by fortifying the legitimacy of human rights and racial justice by publically acknowledging the unaddressed injustice of slavery and its persistent impact on African Americans.

Reparations in the U.S. would not only benefit African Americans, but the entire nation. They would initiate an economic boon by “lifting people out of poverty, and improving their earning potential and buying power” (Cohen). Additionally, reparations would facilitate healing and reconciliation throughout society. By mending broken relationships, the foundation of our entire country would be stronger, thereby making every system and institution within it stronger as well. Through the redefinition of our national identity, the entire American society would gain a renewed understanding and appreciation for the values, ethics, and strength of our country, and inspire true patriotism. The humanity of our society—present and future—would be improved as we wrestle publically with the issues of injustice. Coates explains that, “an America that asks what it owes its most vulnerable citizens is improved and humane. An America that looks away is ignoring not just the sins of the past but the sins of the present and the certain sins of the future” (Coates, 71). As the U.S. has seen through generations, the unaddressed issues of the past do not disappear, they persist and grow. Above all else, the reparations movement addresses a moral and ethical issue by seeking to acknowledge and repair the injustice of slavery and the accumulating effect that the unrepaired injuries associated with it has had on the nation to build just peace at last.

*“The past never dead. It’s not even past” – William Faulkner*

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