

REPARATIONS, RELATIONAL EQUALITY, AND CAUSATION

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IN A RECENT ARTICLE titled “Reparations, Recognition, and the Restoration of Relational Equality,” Alexander Motchoulski offers a novel *relational egalitarian view of reparations* for historical injustice.¹ The relational egalitarian view says that reparations for historical injustice are owed when historical injustices produce present social inequalities. Motchoulski argues that we ought to prefer the relational egalitarian view over available harm and inheritance theories of reparations because the relational egalitarian view avoids epistemic problems that these other theories face.

I agree with Motchoulski that we need an alternative to harm and inheritance theories. And I agree that we must avoid the epistemic problems he identifies. However, I argue that Motchoulski’s theory is ambiguous in a way that limits it from avoiding this epistemic uncertainty. I offer an amendment to Motchoulski’s theory that insulates it from this ambiguity and epistemic uncertainty.

1. MOTCHOULSKI’S ARGUMENT

Motchoulski pitches the relational egalitarian view of reparations as an alternative to harm and inheritance theories of reparations. According to harm theories, reparations for past injustices are owed to present individuals because present individuals experience harms caused by past injustices. According to inheritance theories, reparations for past injustices are owed to present individuals because past injustices prevent present individuals from enjoying goods that they have a right to inherit. Both theories are popular.² However, Motchoulski argues that both theories encounter *epistemic uncertainty* (86). Historical injustices occur in the distant past, such that no individuals involved in them currently exist. Because of this passage of time, we cannot know whether any

1 Motchoulski, ““Reparations, Recognition, and the Restoration of Relational Equality” (hereafter cited parenthetically).

2 For a survey, see Lambrecht, “Supersession-Proof Reparations.”

present harms or nonreceived inheritances are in fact caused by historical injustice. There are so many events between the historical injustices and the present that counterfactually could have produced harms or prevented inheritances. So we cannot know whether present harms or present nonreceived inheritances are truly the result of past injustice and not of something else (78–79).³

Motchoulski argues that this epistemic uncertainty is a problem. Any theory of reparations must *justify* its compensatory duties. Epistemic uncertainties make compensation unjustifiable. This is for two reasons. First, epistemic uncertainties might produce *false positives*: some present individuals might receive reparations because they are believed to experience harms or nonreceived inheritance caused by past injustice even if they do not *actually* experience harms or nonreceived inheritance caused by past injustice. Second, epistemic uncertainties might produce *false negatives*: some present individuals might *not* receive reparations because they are believed not to experience harms or nonreceived inheritance caused by past injustice even if they actually do. Motchoulski insists that false positives and negatives are themselves *wrongs* (80–81). Providing reparations even though someone does not meet the right conditions imposes unjustified burdens on those providing the reparations. Likewise, *not* providing reparations when someone *does* meet the right conditions is a wrong. Thus, Motchoulski concludes that harm and inheritance theories are (often) unjustifiable because of this epistemic problem.

Motchoulski constructs an alternative theory: the relational egalitarian view of reparations (90–93). A social and political structure in which some persons are *social inferiors* is unjust. Persons are social inferiors when the patterns of beliefs and norms in their society accord them lesser value than a significant number of other persons (87–90). When persons experience social inferiority in a society, they have reason to regard their *recognition respect* as a subject with equal fundamental moral status as insecure. When a person is insecure about her recognition, she is owed *assurance* of her recognition. The relational egalitarian view of reparations says that reparations correspond to ameliorating social inequality and providing assurance of recognition. However, justice would require alleviating social inequality and insecurity of recognition regardless of how it came about (85). So for measures that provide social equality to be genuine *reparations* and not “bare” distributive justice, the social inequality must be *adequately connected* to the historical injustice (85–86, 96–97). As Motchoulski puts it, “that connection obtains when past injustice brought about, exacerbated, or maintained public social status hierarchies which exist

3 Others raise this problem too. See, e.g., Thompson, “Historical Injustice and Reparation”; and Lambrecht, “Supersession-Proof Reparations.”

until today” (90). In other words, members of *G* have claims to reparations for the past injustice when *G*s experience a social inequality and that social inequality occurs “in part because of past injustice” (83). This gives us the following definition.

Relational egalitarian view of reparations: Present members of *G* are owed reparations for historical injustice iff they are public social inferiors and lack assurance of recognition because of a past salient injustice done to *G* in the past. Reparations consist in assurances of *G*'s recognition.

2. A PROBLEM FOR MOTCHOULSKI'S RELATIONAL EGALITARIAN VIEW

I think the relational egalitarian view's many virtues give us good reason to adopt something like it. However, it faces the following problem. The relational egalitarian view says that reparations are required when members of *G* are social inferiors because of a past salient injustice done to *G*. However, there is important ambiguity about what it means for the social inferiority of *G*s to be “because of” a past injustice done to *G*. Some of Motchoulski's language suggests a *causal understanding* of this ‘because of’. But if Motchoulski adopts a causal understanding of ‘because of’, then the relational egalitarian view of reparations faces the same epistemic problem as harm and inheritance theories, which Motchoulski seeks to avoid.

Here is the problem. The relational egalitarian view says that members of *G* are owed reparations iff present members of *G* experience social inequality because of historical injustices. However, if ‘because of’ involves a *causal relation*, then—like harm and inheritance theories—reparations on the relational egalitarian view of depend on certain causal facts being true: the inferiority of members of *G* must be caused by historical injustice. However, just like with harms and inheritance, we cannot know whether any present inferiority is the result of historical injustices or is the result of something else that occurred between the historical injustice and the present. But then, just as with harm and inheritance theories, these epistemic uncertainties risk wrongs based on false positives and false negatives. So the relational egalitarian view of reparations falls victim to the same epistemic problem.

There are a number of passages that suggest a causal reading of the relational egalitarian view. For instance, Motchoulski says that the connection between past injustice and present inequality that generates reparative claims “obtains when past injustice *brought about*, exacerbated, or maintained public social status hierarchies which exist until today” (90, emphasis added). This ‘brought about’ suggests a causal relation. Another instance that supports a

causal reading occurs when Motchoulski explains the “bare injustice test” that makes something a claim for reparations and not mere distributive justice:

Take some group G that has been subject to past injustice with a candidate reparative claim R . Consider counterfactual group G^* which is disadvantaged in the same way and extent as G except that G^* 's disadvantage is *not a consequence of historical injustice*, such that G^* holds claim R^* only on account of G^* 's disadvantage. R is a bona fide reparative claim just when R includes an obligation to acknowledge past injustice to G , and R^* contains no such obligation with respect to G^* . (85–86, emphasis added)

This passage says that what separates reparative claims of members of G from nonreparative claims of members of G^* is that the inequality that members of G experience is a *consequence* of the past historical injustice. This seems to suggest a causal relationship needed between past injustice and inequality for a claim to reparations. A similar idea occurs when Motchoulski says, “I argue for the relational egalitarian theory of reparations for historical injustice, which holds that (1) reparations are owed to persons who are public social inferiors *in part because they are members of a group that has been subject to injustice in the past*” (77, emphasis added). Once again, it looks like reparations are owed when the members of G experience a social inequality, *and this social inequality is a result of the past injustice*. Other language is similar—for instance, when Motchoulski speaks about the “influence” and “effect” of past injustices on present social structures creating the conditions for reparations (97).

Each of these passages reveals an ambiguity in Motchoulski's argument. This ambiguity suggests that Motchoulski is tempted by the incorporation of a causal relation into the relational egalitarian view of reparations. This temptation is understandable: the idea that present individuals are owed reparations because their current unjust situation is in part caused by a past injustice is powerful. Indeed, it underlies the popular harm and inheritance theories. It also underlies many other versions of equality-based theories of reparations.⁴ Moreover, part of the rhetorical force of the relational egalitarian view of reparations might come from the causal language Motchoulski uses. However, as we have seen, incorporating a causal relation in this way invites problems, such as that of epistemic uncertainty. And so a theory of reparations cannot rely on such a causal relation. Motchoulski's relational egalitarian view invites an ambiguity about whether it relies on this causal relation. To be clear, my claim

4 For a version of an equality-based view that clearly relies on a causal relation, see Stilz, “A Presentist Case for Rectifying Past Territorial Wrongs.” Thanks to an anonymous reviewer for suggesting this point.

is not that Motchoulski and the relational egalitarian view are *committed* to a causal relation. Rather, I aim to highlight that there would be a problem if Motchoulski *were* committed to a causal relation, that there is ambiguity in his account, and that the relational egalitarian view seems tempted by the inclusion of this causal relation to justify reparations. And so I think that we should revise the relational egalitarian view in a way that does not invite this ambiguity and therefore insulates it from the causal problem.

Before offering my amendment to the relational egalitarian view of reparations, however, I consider some alternative ways that the relational egalitarian view might respond that ultimately do not work.

2.1. *Can We Appeal to Causal Contribution?*

One alternative to amending the relational egalitarian view of reparations might be to accept the idea that it relies on cause but to use a *causal contribution* conception instead of a *counterfactual* (difference-making) conception of causation.⁵ A causal contribution conception says that historical injustice need not be *the cause* of the unequal structure or insecurity in the sense that without historical injustice, the inequality or insecurity would not have occurred. Rather, historical injustice need only be one *part* of a large *set* that brought about the unequal structure, even if the historical injustice did not make a difference to bringing the inequality about. Perhaps the relational egalitarian view of reparations can use a causal contribution conception of cause. Evidence for this might be that Motchoulski says that social inequality must occur “*in part* because of past injustice” (83, emphasis added). Perhaps this suggests that past injustice is simply *one* causal factor of the present inequality. And perhaps causal contribution avoids epistemic uncertainty. Historical injustices are clearly part of the long history that together produced everything in the present. And so even if we cannot show that historical injustices made a difference, historical injustices are clearly part of the whole set of causes of any present unjust structures.

However, Motchoulski cannot appeal to causal contribution to avoid epistemic uncertainty, for two reasons. First, this conception of causation would prevent Motchoulski’s objections to harm and inheritance theories. If simply being part of the set of causes without being a difference maker counts as being a cause, then historical injustices are also causes of present harms and non-received inheritances. That is, it is trivially true that any harm that any present individual experiences is *partly* the result of a historical injustice, since

5 For discussion of different kinds of causation, see Hindriks, “The Problem of Collective Harm.” For application to reparations, see Lambrecht, “Supersession-Proof Reparations.”

everything that is true of today is the result of a long history. So if we move away from counterfactual causation, Motchoulski does not have an argument for why we should prefer the relational egalitarian view of reparations to harm and inheritance theories.

Second, the causal contribution conception of causation overgenerates claims to reparations in a way that makes the relational egalitarian view of reparations implausible.⁶ Many of our actions causally contribute to unjust outcomes all the time. However, merely because these actions causally contribute to unjust outcomes does not mean that we owe reparations for these outcomes. Suppose *A* trespasses and parks in *B*'s driveway, blocking *B*'s car from getting out. *B* must take the bus to get to work. A terrorist attacks this bus, and *B* sustains serious injuries. *A* causally contributed to *B* experiencing a significant harm. However, it seems implausible that *A* owes reparations for *B*'s injuries. *A* owes reparations for *the trespass*. But any compensation *B* is owed for the injuries sustained in the terrorist attack should not come from *A* for the trespass. Rather, the terrorist owes reparations for *B*'s injuries. More generally, when ϕ is a (non-difference-making) causal contribution to bring about x , compensating x does not necessarily count as reparations for ϕ .

This example concerns individuals. But the same is true for structures. Simply because ϕ is a part of a set of causes that brought about an unequal structure does not mean that addressing that unequal structure necessarily counts as reparations for ϕ . For instance, Alexander the Great's conquest of Persia is part of a massive set of facts that together led to racial inequality in the United States. Alexander the Great's conquest of Persia *causally contributed* to racial inequality in the United States. But this does not mean that Alexander the Great owes reparations for racial inequality in the United States (though he might for the conquest of Persia).

This overgeneration problem is relevant for Motchoulski's argument. Motchoulski requires that addressing present inequality counts as *reparations* for a past injustice only if there is some relevant connection between the present inequality and the past injustice. However, causal contribution seems too thin a connection. As we have seen, it overgenerates reparative claims. This means that simply because a past injustice is a *causal contributor* to an inequality does not mean that addressing this inequality is reparations for that historical injustice. For instance, addressing racial inequality in the United States is clearly not reparations for Alexander the Great's conquest of Persia. Rather, addressing a present inequality seems to count as reparations for historical

6 For similar arguments, see Hindriks, "The Problem of Collective Harm"; and Lambrecht "Supersession-Proof Reparations."

injustice only if historical injustice is a *difference-making cause* of the unjust structure. So causal contribution causation does not help the relational egalitarian view of reparations.

2.2. *Contingent but Not Uncertain Facts About Structures and Individuals*

Another option, suggested to me by an anonymous reviewer, is to acknowledge that reparations on the relational egalitarian view of reparations are *highly contingent* but to maintain that this contingency does not create epistemic uncertainty. The idea, I take it, is as follows. Reparations on the relational egalitarian view depend on certain contingent facts to obtain (e.g., facts about whether social inequality is caused by past injustice, whether the inequality makes members of *G* insecure, etc.). Motchoulski is clear in many places that the relational egalitarian view depends on contingent facts like these (90, 100). However, while both the relational egalitarian view of reparations and harm and inheritance theories depend on contingent facts being true, the relational egalitarian view does not face the same epistemic uncertainty. In other words, even if the relational egalitarian view relies on causal facts about the effects of a past injustice on present equality, these causal facts do not invite epistemic uncertainty in the way that harm and inheritance views do.

I am not quite sure why this would be the case. The point of the argument against harm and inheritance theories is that we cannot know whether the facts that need to be true to justify reparations are indeed true. But if, as I argue, the facts that the relational egalitarian view needs in order to be true might involve causal facts, then the same problem seems to occur for the relational egalitarian view. Like harm and inheritance theories, the relational egalitarian view says that the past injustice caused the present inequality. But then, just like Motchoulski argues happens with the harm and inheritance theories, there could be many additional causes for the inequality through the many “intervening years” (79).

Now, perhaps Motchoulski might argue that the shift to the level of structures away from individuals makes the relational egalitarian view of reparations less epistemically uncertain. Indeed, Motchoulski seems to suggest this:

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

barriers that arise when our primary evaluative subject matter is individuals and all pertinent facts about them. (83)

But I do not see why this structural shift avoids epistemic uncertainty. Social and political structures are complex and opaque. Determining whether any particular structure is caused by historical injustice still requires knowing a vast set of facts that are no more accessible than facts about individuals. For any given structure, so many events occur between the historical injustice and the present such that it is not clear that the structure (or any specific element of the structure) was caused by historical injustice. Determining whether the social structure is caused by historical injustice thus requires the same counterfactual reasoning that Motchoulski says makes harm and inheritance views untenable. And so it is not clear that moving to the level of social and political structures involves less epistemic uncertainty. Motchoulski argues that “in lieu of information about the chain of inheritance over generations or the causal channels by which persons alive today are harmed because of past injustice, the reasons provided by harm and inheritance views will be indeterminate with respect to how reparations should be institutionalized” (80). But it strikes me that precisely the same kind of information is missing if past injustices must cause structures. That is, we need a plausible account of the causal channels for how the present inequality is caused by the past injustice. So if the relational egalitarian view of reparations sticks with a causal understanding, it is not any less vulnerable to epistemic uncertainty than that in the harm and inheritance theories, which Motchoulski rejects.

3. AN AMENDMENT TO THE RELATIONAL EGALITARIAN VIEW

I argue that Motchoulski’s argument introduces an ambiguity that might invite the same epistemic problem that is inherent to harm and inheritance theories. I now offer an amendment to the relational egalitarian view of reparations that insulates it from this problem.⁷

Motchoulski argues that the epistemic problem comes from morally individualistic principles. However, I think the source of the problem is *causation*. Once a theory says that reparations are owed when historical injustice brings about some present feature x , then this theory can be challenged on the

7 My argument is not that the amendment I offer is necessarily the *only way* to amend the relational egalitarian view of reparations in a way that insulates it from the causal problem. Rather, this is meant to be one way that is consistent with important work in the literature and does not invite ambiguity in the way that I suggest the relational egalitarian view currently does.

grounds that there is epistemic uncertainty about whether x is the result of historical injustice. Thus, we should amend the relational egalitarian view of by insulating it in a way that makes it impossible for it to rely on causation. I suggest the following amendment.

*Relational egalitarian view of reparations**: Present members of G are owed reparations for historical injustice if present members of G were wronged by historical injustice and experience insecurity of their recognition. Reparations consist in assurances of the moral standing of members of G .

The amended relational egalitarian view shifts the grounds of reparations from a *causal result* of historical injustice to the fact that the historical injustice *wrongs* present individuals. We do not need to determine whether anything present that members of G experience is the result of past injustice. Present members of G are owed reparations simply on the grounds of being wronged. Thus, all that the amended relational egalitarian view of reparations requires is that past injustices wronged present members of G . This also sets up the amended relational egalitarian view as an alternative to other popular “presentist” theories of reparations. Presentist theories, such as that offered by Anna Stilz, say that reparations are owed for ongoing and enduring injustices, which requires holding that the relevant sort of inequality must be caused by the past injustice for which reparations are owed.⁸ Many of these presentist theories are vulnerable to the same epistemic problems sketched here. And so the amended relational egalitarian view provides an alternative that is not subject to these same problems.

To defend the amended relational egalitarian view of reparations we need two things. First, we need an argument that explains how present individuals can be wronged by past injustice. Second, we need an argument for why reparations for this kind of wrong require measures that promote social equality. I consider these in turn.

First, many authors offer arguments that past injustices can wrong present individuals. Rahul Kumar argues that historical injustices wrong not only past individuals but also individuals not yet born.⁹ When past injustices wrong a *type* of person and when a present individual is a *token* of this type, the past actions wrong present individuals. For instance, slavery wronged Black Americans as a type (including present Black Americans) by expressing that Black

8 See, e.g., Stilz, “A Presentist Case for Rectifying Past Territorial Wrongs.” Thanks to an anonymous reviewer for suggesting this point.

9 Kumar, “Why Reparations?” 208.

individuals are inferior.¹⁰ Douglas Sanderson argues that past colonial injustices wrong Indigenous peoples by violating their rights to develop social and political institutions.¹¹ These injustices continue to violate the rights of *present* Indigenous individuals from developing their institutions. So these past actions also wrong present Indigenous individuals. Janna Thompson argues that historical injustices wrong present individuals as representatives of “family lines.”¹² Thompson draws on the Rawlsian idea that individuals behind the veil of ignorance should be seen as representatives of their family lines since family is fundamental to well-being. An action that wrongs an individual in a way that jeopardizes access to family is a wrong against all those in a family line, including present individuals.¹³

My goal is simply to point to the kind of argument that the amended relational egalitarian view of reparations needs. This is only a selection of such arguments. The general point is this: once we have an argument for why past injustices wrong present members of *G*, we need not show that any present effects are the result of past injustice.

Second, we also need an argument that explains why reparations must promote social equality. Here is what I propose. According to popular theories of *corrective justice*, the content of reparative duties is determined by the normatively significant features that made the original action wrong.¹⁴ The popular theories of relational equality that Motchoulski uses say that part of what makes any action wrong is that it violates the fundamental moral equality that ought to have occurred between wrongdoer and victim.¹⁵ That is, part of what makes *any* wrongdoing wrong is that the wrongdoer treats the victim in a way that is precluded by their fundamental moral equality.¹⁶ Accordingly, part of what is required by way of reparative duties is ensuring that the wrongdoer and victim are moral equals. This does not require us to establish that the victim experiences inequality *as a result of the wrong*.¹⁷ Rather, since part of what makes the wrongdoing wrong is that it violates equal moral status, part of the wrongdoer’s obligation is to restore equal moral standing, even if we cannot prove that the wrong is the *cause* of the victim’s lowered standing.

10 Kumar, “Why Reparations?” 205–9.

11 Sanderson, “Redressing the Right Wrong,” 126–35.

12 Thompson, “Historical Injustice and Reparation,” 123.

13 Thompson, “Historical Injustice and Reparation,” 130.

14 See Ripstein, *Private Wrongs*.

15 E.g., Darwall, *The Second-Person Standpoint*; Ripstein, *Private Wrongs*; and Motchoulski, “Reparations, Recognition, and the Restoration of Relational Equality,” 86–96.

16 Darwall, *The Second-Person Standpoint*; and Ripstein, *Private Wrongs*.

17 Ripstein, *Private Wrongs*.

We can apply this to historical injustice. When past injustice wrongs present members of *G*, part of what makes this injustice wrong is that it violates the equal moral standing of members of *G*. So reparative duties for this injustice must include ensuring that members of *G* enjoy equal moral standing by providing assurance. This does not require us to say that any insecurity that members of *G* experience is in fact the result of historical injustice. Rather, all we must establish is that present members of *G* were wronged by the injustice, and part of the reason the injustice was wrong is that it constituted a violation of the moral standing of members of *G*. The amended relational egalitarian view of reparations can thus provide reparations-as-assurance while avoiding epistemic uncertainty.¹⁸

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¹⁸ Thanks to Marina Moreno, Euan Allison, and two anonymous reviewers.