

## On the necessity of a pluralist theory of reparations for historical injustice

FELIX LAMBRECHT 

University of Toronto, Canada

*Philosophers have offered many arguments to explain why historical injustices require reparations. This paper raises an unnoticed challenge for almost all of them. Most theories of reparations attempt to meet two intuitions: (1) reparations are owed for a past wrong and (2) the content of reparations must reflect the historical injustice. I argue that necessarily no monistic theory can meet both intuitions. I do this by showing that any theory that can meet intuition (1) necessarily cannot also meet intuition (2). This result suggests that a theory of reparations must either sacrifice one of the two intuitions or be pluralist. I argue that we ought to prefer the pluralist theory over the monistic theory. I sketch the pluralist theory, and I defend it by considering an objection about the way it can resolve conflicts.*

**Keywords:** reparations; historical injustice; corrective justice; pluralism; structural injustice.

It is widely accepted that historical injustices require some form of reparations. Despite significant challenges, philosophers have offered many arguments to explain why historical injustices require reparations. This paper raises an unnoticed challenge for almost all of them.

Theories of reparations for historical injustice attempt to meet two widely held intuitions:

- (1) Reparations are owed for a past wrong of the historical injustice.<sup>1</sup>

**Correspondence author:** Felix Lambrecht ([felix.lambrecht@mail.utoronto.ca](mailto:felix.lambrecht@mail.utoronto.ca))

<sup>1</sup>Many theories explicitly state their goal of meeting intuition (1): Thompson (2001: 114–6), Kukathas (2003: 166), Kumar (2014: 193), Butt (2006: 357), and McKeown (2021: 775–6). Others implicitly take this to be the goal of a theory of reparations by discussing the non-identity problem, which only arises if we assume reparations must be for a past wrong: Morris (1984), Waldron (1992), Sher (2005), and Wenar (2006).

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(2) The content of reparations must reflect the full historical injustice.<sup>2</sup>

I argue that necessarily no monistic theory can meet both intuitions. This is a problem. Both intuitions capture something we want from an optimal theory of reparations. Intuition (1) captures the idea that reparations are owed because of a past wrong. The fact that the historical injustice wronged some people in the past is what generates the claim to reparations. Intuition (2) captures the idea that the content of reparations needs to reflect the central normatively significant features of the historical injustice. Each historical injustice consists of certain kinds of wrongs. Adequate reparations for any particular historical injustice must therefore reflect the qualitative features of all of the wrongs that the historical injustice consists of. This does not require that reparations must *quantitatively* fully make up for the wrongs in a way that restores victims to the situation before the wrong.<sup>3</sup> All intuition (2) captures is the intuitive idea that reparations must, in some sense, reflect the kinds of wrongs the historical injustice consists of.

A *monistic theory* of reparations for historical injustice says that present reparative duties or entitlements for past historical injustices are generated by *one normative source*. Most theories of reparations are monistic, either implicitly or explicitly.<sup>4</sup> Take three popular examples: *inheritance theories*, *harm theories*, and *historical-structural theories*. Inheritance theories say that present individuals are entitled to inherit the reparations that should have been given to their ancestors who were victims of the past injustice (Boxill 2003; Butt 2006). Harm theories say that present individuals are owed reparations for harms they experience that are caused by historical injustices (Boxill 2003; Sher 2005). Historical-structural theories say that reparations must address unjust structures or distributions the injustice produced (Wenar 2006; Lu 2017; Nuti 2019). Each theory aims to identify *the* normative source that explains why reparations are required. My argument is that no such normative source can *alone* meet both intuitions (1) and (2) and thus cannot provide what we want from an optimal theory of reparations for historical injustice.

This paper has two goals. My first goal (Section I) is to show that necessarily no monistic theory can meet both intuitions. I argue this by showing that for any theory, if a theory can meet intuition (1), then it necessarily cannot meet intuition (2). My second goal (Section II) is to develop and defend a pluralist

<sup>2</sup>Many theories take something like intuition (2) as a desiderata: Thompson (2001: 120–1), Boxill (2003: 118), Wenar (2006: 397), von Platz and Reidy (2006: 367–71), Miller (2007: 127–38), Kumar (2014: 210–11), Amighetti and Nuti (2015: 9–10), Lu (2017: 248–58), Nuti (2019: 46–50), and Táiwò (2022: 138–40).

<sup>3</sup>On the difference between qualitative and quantitative compensation, see Goodin (1989) and Lazar (2008).

<sup>4</sup>A few exceptions are von Platz and Reidy (2006), Butt (2021), and McKeown (2021), who suggest pluralist theories, though their aims are different from those of mine.

theory of reparations for historical injustice. I sketch the pluralist theory and argue that we have a reason to prefer it over the monistic theory.

A brief comment on what this paper is *not* about. First, I say nothing about the identity of wrongdoers. Any theory of reparations for historical injustice must provide an explanation of why a present agent owes reparations for past wrongs even if those wrongs were committed by individuals who now no longer exist. I assume that the theories I discuss can provide this explanation.<sup>5</sup> Secondly, I say nothing about the non-identity problem. I do not deny that the non-identity problem is a challenge to theories of reparations for historical injustice.<sup>6</sup> But it will challenge any theory of reparations for historical injustice. I assume that the theories I discuss have a solution to it. Thirdly, I say nothing about historical injustices committed between groups. Many historical injustices, such as Indigenous land thefts, look to be committed between groups or group agents. My discussion here focuses on the separate question of whether *individuals* in the present are owed reparations for historical injustice.

### I. Necessarily, no monistic theory can meet both intuitions

Necessarily, no monistic theory can meet both intuitions. I'll argue this by assuming that there is a theory that can meet intuition (1) and argue that this entails it necessarily cannot meet intuition (2).

It's worth briefly considering examples of what a theory that meets intuition (1) could look like. Such a theory explains how reparative justice can be owed for a *past wrong*, even though the individual victims of the past wrong are long dead. In other words, these theories need to explain how present individuals are victims of this past wrong. Let's consider two examples of theories that take this as their primary goal.

Rahul Kumar (2014) argues that historical injustices not only wrong individuals alive at the time of the injustice but *also* wrong individuals not yet born. When the past action wrongs a type of person and when a present individual is a token of this type, the past action wrongs present individuals (2014: 208). Kumar's interest is slavery in the United States. He argues that slavery wronged Black Americans as a type by giving Black individuals 'inferior status' in 'public reason' (205–9). This inferiority was created and legally codified by the wrongs of chattel slavery. Present Black Americans are still inferior in public reason because of these wrongs. Thus, present individuals are wronged by these past wrongs.

<sup>5</sup>A popular explanation is group-based (e.g. Kukathas 2003; Butt 2006), though I leave open the possibility that individuals inherit responsibility (e.g. Boxill 2003).

<sup>6</sup>E.g. Morris (1984), Waldron (1992), and Wenar (2006).

Janna Thompson (2001) argues that historical injustices not only wrong past individuals but also wrong present individuals as representatives of ‘family lines’ (123). 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 a family line (130). Wrongs against family lines include attempts to destroy family lines, keep families in perpetual slavery, and prevent caring family relations (133). Thompson argues that an action that wrongs an individual in a way that is a wrong against a family line *also* wrongs all members of that family line, even those in the future not yet born. Like Kumar, Thompson’s focus is slavery. Slavery wronged enslaved individuals, yet, *at the same time*, also wronged present individuals by wronging their family lines.

In both theories, a past action wrongs present individuals who were not alive at the time of the wrong. These present individuals are owed reparations for this past wrong. However, both theories encounter a similar problem that I will argue applies to any monistic theory: The past wrong that present individuals are victims of is not the full historical injustice. Present individuals are owed reparations that reflect only the wrongs they are victims of (being made inferior in public reason or having family lines destroyed). Present individuals are wronged by a past wrong that is a *part* of the full historical injustice. But the full historical injustice of slavery also includes the wrong of keeping people in bondage. Present individuals are not wronged by being kept in bondage. So, they are not owed reparations that reflect the wrong of being kept in bondage and thus cannot be owed reparations that reflect the full historical injustice. Present individuals might be owed reparations for a past wrong in a way that meets intuition (1), but this wrong is different from the wrongs that could generate reparations that reflect the full historical injustice [intuition (2)].

Both Kumar and Thompson are aware of this problem and bite the bullet, conceding that reparations might only be for the past wrong they identify (Kumar: 210; Thompson: 135). But this is not just a problem that applies only to their theories. This problem stems from a more general problem that *any* monistic theory of reparations for historical injustice encounters: Necessarily, no monistic theory that can meet both intuitions (1) and (2). I’ll demonstrate this by showing that if we assume that a theory can meet one intuition, this entails it cannot meet the other. Here is the general argument:

- P1.** Assume there is a theory that tells us that present individuals are owed reparations for a past wrong [intuition (1)].
- P2.** If present individuals are owed reparations for a past wrong, then there must be present individuals who are victims of a past wrong.
- P3.** If there are present individuals who are victims of a past wrong, then these present individuals cannot be victims of the full historical injustice.

- P4.** If present individuals are not victims of the full historical injustice, then these present individuals cannot be owed reparations that reflect the full historical injustice.
- C.** So, present individuals cannot be owed reparations that reflect the full historical injustice [not intuition (2)].

I'll now explain and defend each premise.

**P1. Assume there is a theory that tells us that present individuals are owed reparations for a past wrong [intuition (1)].**

P1 simply assumes there is a theory that meets intuition (1). Here, I assume something like Kumar's or Thompson's theories sketched above. Any other theory that explains why individuals in the present are owed reparations for a past wrong would also work.

**P2. If present individuals are owed reparations for a past wrong, then there must be present individuals who are victims of a past wrong.**

P2 is entailed by any theory that meets intuition (1). To reject P2, you must deny that individuals must be wronged by the past wrong to be owed reparations for it.

The first way to reject P2 is to deny that individuals who are owed reparations for a past wrong need to have been victims of a wrong. You might suggest that individuals may instead be entitled to reparations because they experience harms that are causally downstream from the wrong and simply experiencing harms is sufficient to be owed reparations.

This approach does not work. Notice that justice cannot require reparations for *all harms*. Imagine I am reading about the Holocaust and I am so distracted by the horror that I stub my toe. This is a harm. And this harm is causally downstream of the Holocaust. But justice does not require someone to provide reparations for it. This is because harms must be part of some *unjust situation* to require reparative justice.

To see this and why harms cannot alone generate reparations, we can distinguish between two forms of justice that address unjust situations: corrective justice and distributive justice. Following the literature on reparations, I'll treat both as possible forms of reparative justice.<sup>7</sup> Corrective justice concerns what wrongdoers owe the victims of their wrongs. Distributive justice concerns the fairness of a system or structure that determines the resources individuals get. Corrective justice and distributive justice are independent (Gardner 2011:

<sup>7</sup>You might reject the idea that distributive justice can be part of reparations and insist that reparations can only include corrective justice. This position would require rejecting many popular theories of reparations, especially those offered in recent years (e.g. Wenar 2006; Lu 2017; Nuti 2019; Táiwò 2022). And, as the argument in this section shows, this position requires accepting that reparations can never meet both intuitions (1) and (2). Thus, if we have any hope of vindicating both intuitions, we must allow for the possibility that distributive justice can be part of reparative justice.

7–20). Corrective justice normally occurs between wrongdoer and victim and is generated by the particular wrong between them. Distributive justice is generated by the unjust distribution itself and occurs between agents who need not have been wrongdoers or victims. To illustrate, consider:

*Bicycle Theft*: I steal your bicycle.

In *Bicycle Theft*, corrective justice requires that *I* (the wrongdoer) owe *you* (the victim) reparations on the grounds of corrective justice. Reparations on corrective justice might require the return of the bicycle and an apology for my theft. This corrective justice is separate from distributive justice. I owe you duties of corrective justice even if we are in a distributively unfair situation in which you had 1,000 bicycles and I had none. The situation might *also* require distributive justice, say that redistributes some of your bicycles to me. But, even if I am owed some of your share of bicycles on the grounds of distributive justice, I still owe corrective duties to you, since these forms of justice are independent.

Crucially, on both forms of reparative justice, the content of reparations must be responsive to the particular normatively significant features that reparations are meant to address (Goodin 1989; Gardner 2011: 33–45; Kumar 2014: 203–5; Ripstein 2016: 233–62). That is, the content of reparations needs to qualitatively reflect the kind of wrong or unjust situation reparations seek to address. For corrective justice, reparations reflect a wrong by being responsive to the particular way the wrongdoer's action was wrong against the victim. For instance, in *Bicycle Theft*, reparations must address my wrong of stealing your bicycle by, say, requiring me to return your bicycle and deliver an apology. Reparations would be inadequate if I did something completely unrelated to the wrong, for instance, if I did a dance for you as reparations for my wrong of theft (absent an agreement between us that such a dance was adequate). For distributive justice, reparations reflect the injustice by being responsive to the particular unjust distribution. Theories of reparation will differ in precisely how reparations must be responsive to the normatively significant qualitative features of the wrong. But the main point is that the content of reparations will need to be responsive to the unjust situation they seek to address.

We can now return to P2. Reparations for any harms must be on the grounds of either corrective justice or distributive justice. This means that if some harms require reparations, then these harms must either (a) be the result of a wrong and require reparations based on corrective justice or (b) be distributive unfair and require reparations based on distributive justice.

Consider (a)—harms that are the result of some wrong. Even in the case of harms that are the result of a wrong, justice does not require reparations for all the harms that are casually downstream from a wrong. To see this, consider:

*Bicycle Theft*<sub>DISTANT HARMS</sub>: I steal your bicycle. You were going to use this to ride to work. Instead, you take public transit and catch a cold. You transmit the illness to some

colleagues, who spread it to their families. A family member of a colleague cancels travel plans. The hotel they were planning to stay at loses revenue.

In *Bicycle Theft*<sub>DISTANT HARM</sub>, justice does not require that you provide reparations for all the causally downstream harmful effects of the wrong, such as the hotel's lost revenue. This is because the harms that require reparations are the ones that the *victims of the wrong* experience. So, in cases of reparations for historical injustice, we need to show that the harms that present individuals experience that require reparation are the result of a wrong *and* that the present individuals are victims of this wrong. So, option (a) simply accepts P2.

Now consider option (b)—distributively unfair harms that require reparations based on distributive justice.<sup>8</sup> On this option, there are present individuals who experience harms that are downstream of the wrong. These present individuals are not wronged by the historical injustice, but these harms they experience are unfair and require reparations based on distributive justice. But this option does not work either. Once we admit that the reparations are for some other normative source, we cannot meet intuition (1). Reparations on option (b) are not for the *past wrong*. Rather, they are for the *distributively unfair situation*. Justice would require reparations for these harms even if they did not result from the past wrong, since the unjust distribution requires reparations on its own. Reparations for the distributively unjust situation are not *for the past wrong* and thus would not meet intuition (1).

At this point, one might try to reject P2 with a different approach. Perhaps, we can accept that present individuals must be wronged to be owed reparations but deny that individuals must be victims of a *past wrong*. Perhaps, present individuals are not victims of a past wrong but, instead, of a wrong that is causally downstream of the past wrong. Individuals are wronged by a *present wrong* that entitles them to reparations for the *past wrong* since the two wrongs are causally connected. Versions of this theory are offered by Bernard Boxill (2003), George Sher (2005), and Daniel Butt (2006). They all suggest that there is a chain of wrongs starting with the historical injustice and continuing with denials of reparations for the first wrong. Present individuals are not victims of the first wrong in this chain, but they are victims of a downstream 'fresh injustice' (Butt 2006: 360). Reparations for the downstream present wrongs in the chain counts as reparations for the upstream past wrong.

This theory may generate a claim to reparations. But the reparations are not for the *past wrong*. Rather, the reparations are for the present 'fresh injustice' committed against the present individuals. Simply because the present wrong is causally connected to the past wrong does not mean that reparations for the present wrong in the chain are reparations for the past wrongs in the chain. To see this, consider:

<sup>8</sup>See Wenar (2006), Lu (2017), and Nuti (2019) for this option.

*Bicycle Theft*<sub>FRESH INJUSTICE</sub>: I steal your bicycle in Freedonia. Generations ago, your family members were indentured servants in Freedonia. You live in Freedonia because your family members have lived there since their indentured servitude.

If repairing downstream wrongs in a chain of wrongs counts as repairing upstream wrongs, then my returning the bicycle in *Bicycle Theft*<sub>FRESH INJUSTICE</sub> counts as reparations for your family's indentured servitude. Clearly, this should not be the case. Rather, there is some sense in which my wrong of stealing your bicycle is *causally* related to the past wrongs of indentured servitude but is not *part* of that first wrong. For the chain argument to work, we need to show that the new fresh injustice is *part* of the past wrong of the historical injustice and makes the present individuals *also* victims of the past wrong. If present individuals are owed reparations for a present wrong and these reparations count as reparations for the past wrong, we have to show that the present wrong is in some sense *part* of the same past wrong. But this amounts to accepting P2: There are present individuals who are victims of a past wrong.

**P3: If there are present individuals who are victims of a past wrong, then these present individuals cannot be victims of the full historical injustice.**

To explain P3, I will say more about what historical injustices are.

There are two features of historical injustices that make them philosophically challenging. The first is that historical injustices involve wrongs occurring so far in the past that the individual wrongdoers and victims of the injustice are no longer alive.<sup>9</sup> This means that we cannot straightforwardly apply any standard model of corrective justice. We need to explain how some present individual is owed reparations for the past wrong.

The second feature that makes historical injustices philosophically challenging comes from what historical injustices consist of. Historical injustices are (almost) never a single isolated wrong. Rather, a historical injustice is a complex *set of related wrongs*. Consider slavery. Slavery consisted of a set of wrongs including keeping people in bondage, physical violence, disrupting families, and making members of a certain race legally inferior. As Kumar puts it, 'there is no such thing as *the wrong* of chattel slavery' (2014: 204).<sup>10</sup> But it is too strong to say that a particular historical injustice consists of the set of every individual *token* wrong related to the injustice. Rather, a historical injustice is a set of *type*-wrongs. For instance, the historical injustice of slavery seems to refer to the set of *kinds of wrongs* involved in slavery (keeping people in bondage, physical violence, disrupting families, etc.) and not the set of all of the token wrongs ('individual *A* keeps *B* in bondage', etc.). So, a historical injustice consists of a set of type-wrongs. Among these are *essential wrongs*.

<sup>9</sup>Many philosophers define historical injustice in this way: Butt (2006: 358), Thompson (2001: 116), Waldron (1992: 6–8), and Wenar (2006: 399–401).

<sup>10</sup>See also Lu (2017: 144–81) and Amighetti and Nuti (2015).

Essential wrongs are the type-wrongs that a set must necessarily include for that set to count as the historical injustice that it is. For instance, it seems plausible to say that for us to call something slavery, it must include the wrong of keeping people in bondage against their will. There may be disagreement about what should count among the essential wrongs of a particular injustice (e.g. Amighetti and Nuti 2015: 7–10). But the general point is that any historical injustice consists of a set of type-wrongs, some of which are essential to it being the particular historical injustice that it is. In what follows, when I say ‘the set of wrongs the historical injustice consist of’, I mean the set of essential type-wrongs that make the particular historical injustice the injustice that it is.

This feature of historical injustices creates a second philosophical difficulty: For any historical injustice, some of the wrongs the injustice consists of have ceased or dramatically changed in the present (see Waldron 1992; Amighetti and Nuti 2015: fn. 6; Nuti 2019: 51; Wenar 2006: 399–401). We cannot simply apply a standard model of corrective justice for the original wrongs because the normative situation has changed.

We can now return to P<sub>3</sub>. Some present individuals may be victims of some of the wrongs that the historical injustice consists of. However, at least some of the wrongs were done exclusively to victims who are no longer alive. So, no present individual can be a victim of *all* of the essential wrongs of the set that the historical injustice consists of. Put another way, no present individual is a victim of the *full* historical injustice.

Importantly, my point here is does not deny that present individuals may be wronged by some of the wrongs that the historical injustice consists of. But if present individuals are victims of some of the wrongs, then they are only victims of *part* of the historical injustice. This part might be sufficient for us to refer to present individuals as ‘victims of the historical injustice’, since they are victims of a wrong that is part of the set that the historical injustice consists of. Take, again, Kumar’s argument that slavery wrongs present Black Americans by making them inferior in public reason. This inferiority occurred because they were kept in bondage, violently assaulted, and so on. It might be thought, then, that we can say that present individuals are victims of slavery when they are victims of one of the wrongs of the set that the injustice consists of and this wrong is related to the other wrongs in the set.<sup>11</sup>

I see no reason against calling present individuals who are victims of wrongs that are part of the historical injustice ‘victims of the historical injustice’. Yet, this would not challenge P<sub>3</sub>. All P<sub>3</sub> asserts is the more modest point that present individuals are not victims of the *full* historical injustice, understood as the full set of the wrongs it consists of. For instance, if the historical injustice consists of bondage, violence, and making Black Americans inferior in public reason, then to be victims of the *full* historical injustice, one must have been

<sup>11</sup>Thanks to an anonymous reviewer for encouraging me to consider this objection.

a victim of these essential wrongs. All I commit to in P<sub>3</sub> is that present individuals are not victims of the *full* historical injustice, understood as the set of essential wrongs that the historical injustice consists of.

It is important to note that characterizing historical injustices as *ongoing* does not challenge P<sub>3</sub>. Many popular views characterize historical injustices this way (Spinner-Halev 2012; Coulthard 2014: 120–6; Nuti 2019: 45–50). I am happy to accept that many of the wrongs historical injustices consist of are ongoing. But this characterization does not challenge P<sub>3</sub>. All P<sub>3</sub> says is that present individuals are not victims of the full set of wrongs that the historical injustice consists of. Unless characterizing the historical injustice as ongoing means that present individuals are victims of precisely the same set of wrongs that the historical injustice consists of, this characterization does not challenge P<sub>3</sub>. This characterization would have to accept that *all of the wrongs* of a historical injustice are ongoing and unchanged. But then the injustice would cease to be a *historical* injustice, and we could straightforwardly apply a standard model of corrective justice. For the historical injustices that concern philosophers, we cannot do this. Historical injustices are challenging precisely because some of their essential wrongs have changed or ceased such that we cannot provide a standard model of corrective justice to address the wrongs they consists of. Indeed, many of the philosophers who argue that historical injustices are ongoing still accept that *some* of the wrongs have ceased or changed (e.g. Nuti 2019: 51). Their point in characterizing historical injustices as ongoing is that *part* of them is ongoing and that this should inform the kinds of reparations they require. My argument here does not deny this. All P<sub>3</sub> says is that present individuals cannot be victims of the full historical injustice, conceived of as the set of wrongs the historical injustice consists of.

**P<sub>4</sub>: If present individuals are not victims of the full historical injustice, then these present individuals cannot be owed reparations that reflect the full historical injustice.**

P<sub>3</sub> says that present individuals are not victims of the full historical injustice, understood as the set of wrongs that the historical injustice consists of. P<sub>4</sub> says that since present individuals are not victims of the full historical injustice, present individuals cannot be owed reparations that reflect the historical injustice in the way required by intuition (2).

The idea is as follows: When an agent is owed reparations on the grounds of being wronged (corrective justice), reparations can only reflect the wrongs that were done to that agent (Thompson 2001: 116; Gardner 2011: 33–45; Ripstein 2016: 233–62). Present individuals can only ever be wronged by *some* of the wrongs the historical injustice consists of. So, present individuals cannot be owed reparations that reflect all of the wrongs the historical injustice consists of. Yet, what it means for reparations to reflect an injustice is that reparations must reflect the *full* injustice [intuition (2)]. Thus, present individual cannot be

owed reparations that reflect the full historical injustice in the way required by intuition (2). Consider the example of slavery. Reparations for slavery ought to reflect the full injustice, which includes the essential type-wrong of keeping people in bondage. No present individual is a victim of this type-wrong of being kept in bondage. So, no present individual can be owed reparations that reflect the full historical injustice.

P<sub>4</sub> relies on a particular understanding of intuition (2). On this understanding, intuition (2) says that reparations must reflect the *full historical injustice*, understood as all of the essential type-wrongs it consists of. This means that the content of reparations needs to be responsive to all the essential type-wrongs that the injustice consists of. To defend P<sub>4</sub>, I have to show that this is the correct understanding of intuition (2). I argue that it is both *descriptively* and *normatively* the correct way to understand intuition (2). It captures how philosophers (descriptively) talk about adequate reparations. And, it captures how we (normatively) *ought* to understand adequate reparations.

Descriptively, this understanding of intuition (2) is in line with how philosophers treat reparations for historical injustice. Olúfẹ́ni Táíwò (2022), for instance, argues that reparations must address the ‘core moral wrongs’ of an injustice and that reparations that only address some parts of the injustice are insufficient (140). Catherine Lu (2017) objects to models of reparations that fail to address structural problems caused by the injustice because structural problems are part of the full injustice that reparations must address (144–81). Sara Amighetti and Alasia Nuti (2015) object to David Miller’s (2007) theory of reparations because reparations on his theory do not reflect all of the wrongs of colonialism. Even philosophers who deny that reparations can reflect the full injustice admit that this means that reparations may fall short of being optimal (Waldron 1992: 6; Thompson 2001: 120–1; Kumar 2014: 203). Finally, theories of corrective justice more generally explicitly defend the requirement that reparations must reflect all of the essential wrongs of an injustice (Goodin 1989; Gardner 2011: 33–45; Ripstein 2016: 233–62). Thus, descriptively, philosophers treat ‘adequate reparations that reflect the injustice’ to mean ‘reparations that reflect the full injustice’.

More importantly, understanding intuition (2) as saying that reparations must reflect the full injustice is how we *ought* to understand it. We ought to require that adequate reparations must reflect the full injustice, understood as all of the wrongs that the injustice consists of. To see this, consider:

*Bicycle Theft*<sub>HATEFUL</sub>: I steal your bicycle as we are both walking down the street. In wresting the bicycle from you, I utter a hateful slur used against members of a group of which you are a part.

*Bicycle Theft*<sub>HATEFUL</sub> is an injustice that consists of two wrongs: property theft and using a hateful slur. Adequate reparations for *Bicycle Theft*<sub>HATEFUL</sub> must reflect *both* the wrong of property theft *and* the slur. Imagine that I apologized

for the slur, demonstrate remorse, go to therapy to learn why bigotry is wrong, but do *not* return the bicycle. My reparations are clearly inadequate. Even though they reflect *part* of the injustice in *Bicycle Theft*<sub>HATEFUL</sub>, without the return of the bicycle, these reparations are clearly inadequate because they do not reflect both kinds of wrongs of the full injustice.

We can apply this reasoning to historical injustices. Adequate reparations must reflect the *full* historical injustice, understood as the set of essential wrongs that the injustice consists of. But no present individual is a victim of all of the essential type-wrongs in this set. So, no present individual can be owed reparations (from corrective justice) for these wrongs. Therefore, no present individual can be owed reparations that reflect the *full* historical injustice. Of course, as we saw in P<sub>3</sub>, present individuals may be victims of part of the injustice and are owed reparations that must reflect this part. And, of course, this part may be conceptually related to the other wrongs the historical injustice consists of. For instance, in Kumar's argument, 'being made inferior' should be viewed as *part* of the historical injustice of slavery because the inferiority is caused by the other actions of slavery.<sup>12</sup> But, as Kumar himself admits, this inferiority is not the only wrong involved in slavery (204–5). Adequate reparations that reflect the *full* historical injustice of slavery would also need to reflect the other essential wrongs, for instance, the fact that individuals were kept in bondage. Reparations for inferiority reflect *part* of the injustice, but not the full injustice.

Note that this argument that reparations must reflect the *full* injustice does not commit me to the idea that reparations must *fully make up for* the injustice or return victims to the state they were in prior to the wrong. The first idea is about the *kinds* of wrongs reparations must *qualitatively* reflect to adequately reflect the injustice. The second idea is about the *quantity* of reparations needed to adequately reflect the injustice. Now, of course, the quality of wrong will often partly determine the quantity of reparations. For instance, reparations for a bicycle theft will certainly be less than reparations for being enslaved. However, the question of what *kinds of things* reparations must include based on the kinds of wrongs comes *prior* to the question of *how much* reparations must be. The idea that reparations must reflect the kinds of wrongs of the injustice is compatible with many different understandings of the second question about how much reparations should be required. There is widespread disagreement about this second question (Goodin 1989; Lazar 2008). I do not take a stand on this quantity issue here. My argument concerns only the prior *quality* issue.

You might try to reject P<sub>4</sub> using the following argument. While it is true that adequate reparations ought to normally reflect the full injustice, in some cases, this is impossible. For instance, it is not fair to compare historical injustices with *Bicycle Theft*<sub>HATEFUL</sub>. In *Bicycle Theft*<sub>HATEFUL</sub>, it is possible for the

<sup>12</sup>Thanks to an anonymous reviewer for encouraging me to consider this objection.

wrongdoer to provide reparations that reflect the full injustice. However, in historical injustices, it is impossible for the wrongdoer to do so because many of the wrongs the historical injustice consists of were done to individuals who are no longer alive. In other words, it is *impossible* for the wrongdoer to provide reparations that reflect the full historical injustice. So, by ought implies can, reparations cannot be required to reflect the full historical injustice. Perhaps, a correct understanding of intuition (2) must be different. Perhaps, again by ought implies can, reparations must reflect the injustice *to the extent possible*.<sup>13</sup> We ought to understand intuition (2) not as requiring reparations for the *full* injustice but rather:

Intuition (2\*): The content of reparations must reflect the historical injustice to the extent possible.

You might try to reject P<sub>4</sub> using this line of reasoning. No present individuals are victims of all the essential wrongs of a historical injustice. So, reparations cannot possibly reflect these wrongs. But reparations do not need to reflect these wrongs. We ought to adopt intuition (2\*) instead of intuition (2). Present individuals *can* be owed reparations that meet intuition (2\*), since they can be owed reparations that reflect some of the wrongs of the historical injustice and therefore the part of the injustice that is possible to address.

This objection, however, does not work. This is because intuition (2\*) is normatively undesirable. A theory of reparations needs to capture the fact that reparations are still *owed* for an injustice even if the reparations for this injustice cannot *actually be fulfilled*. Our theory must still capture the normative situation that the wrongdoer owes a duty to address these all of the injustice, even if the wrongdoer can never actually fulfill this duty for some parts of the injustice. Likewise, our theory must capture the normative situation that the victim is still owed reparations even if the victim cannot actually ever be given these reparative entitlements. To see this, consider:

*Bicycle Theft*<sub>DESTRUCTION</sub>: I steal ten of your bicycles. I then melt nine of them down into scrap metal and scatter the pieces. I spend all my money on this process.

I owe you the return of ten bicycles as reparations for *Bicycle Theft*<sub>DESTRUCTION</sub>. This would reflect the full injustice. But my actions have made this impossible. Yet, even though I *cannot fulfill* my duty that reflects the full injustice, I still *owe you* reparations that reflect the injustice. If I return the one bicycle that I have not melted, I have not fulfilled my reparative duty to you. I have provided reparations *to the extent that it is possible*, but it seems obvious that I still *owe you* reparations that reflect the full injustice, even if I can never fulfill this duty. In other words, our theory still needs to say that a wrongdoer *owes* or a victim

<sup>13</sup>Waldron (1992: 6), Thompson (2001: 131), and Sher (2005: 194–5) offer versions of this point.

is owed reparations for the full injustice, even if this is not possible to achieve. Only intuition (2) and not intuition (2\*) can do this.

So, adequate reparations must reflect the full injustice. Since present individuals are not wronged by all of the essential wrongs the full historical injustice consists of, present individuals cannot be owed reparations for the full historical injustice on the grounds of a past wrong.

**C. So, present individuals cannot be owed reparations that reflect the full historical injustice [not intuition (2)].**

The conclusion follows from modus ponens. If we assume that there is a theory that can meet one of the two intuitions, then this theory cannot meet the other. This tells us that necessarily no monistic theory can meet both intuitions.

### **I.1 Responding to the argument**

The obvious way to respond to this argument is by rejecting one of the two intuitions. The most common way to do this is by rejecting intuition (1). You could deny that reparations can be for a *past wrong* and insist reparations are *purely* distributive.<sup>14</sup> Rejecting intuition (1) in this way is unsatisfying. It would mean that any backwards-looking duties (e.g. compensation or apologies) can only be requirements of reparations for historical injustice because they benefit the distributive project (see Butt 2021; McKeown 2021; Lambrecht 2024). Rejecting intuition (1) also seems to imply that any reparations are for the historical injustice only in name since they would not be for a past wrong.

You could also reject intuition (2). This denies that the content of reparations should reflect the full historical injustice. Kumar's and Thompson's theories are examples of theories that can be seen as taking this approach. Both admit that their theory implies that reparations can only be for some of the wrongs of the injustice (Kumar: 210; Thompson: 131, 135). Again, this is unsatisfying. Many theories set out to meet intuition (2) for good reason: We want reparations for the historical injustice to provide reparations that reflect the essential wrongs of the historical injustice.

Rejecting either intuition is unsatisfying. But there is another way to respond to the argument. If, necessarily, no monistic theory can meet both intuitions, and if we do not want to reject either intuition, then a theory of reparations for historical injustice must be pluralist.

## **II. Sketching a pluralist theory**

Recall the distinction between corrective and distributive justice. Corrective justice generates backwards-looking duties to address past wrongs.

<sup>14</sup>Wenar (2006), Lu (2017), and Nuti (2019) opt for this.

Distributive justice creates future-looking prescriptions that address unjust structures or distributions of goods. These are different normative sources of reparations. A monistic theory of reparations for historical injustice says that reparative rights and duties must come from only *one* of these normative sources. A pluralist theory of reparations for historical injustice says *multiple independent* normative sources, both corrective and distributive, *simultaneously* generate reparations in the form of a collection of rights and duties related to the historical injustice.

The pluralist theory can meet both intuitions (1) and (2) by bundling together duties from different normative sources. Intuition (1) is clear. The pluralist theory meets intuition (1) by making some of its normative sources corrective justice for past wrongs. But what about intuition (2)? Meeting intuition (2) requires that reparations reflect the full injustice, meaning that reparations must qualitatively reflect all the essential type-wrongs that the historical injustice consists of. The pluralist theory cannot meet intuition (2) purely with corrective justice, since no present individuals are victims of all of these wrongs. Instead, the pluralist theory can meet intuition (2) through distributive justice.

What it means for reparations to qualitatively reflect a kind of wrong looks different for distributive justice from what it does for corrective justice. For corrective justice, reparations reflect a kind of wrong because they are responsive to the precise ways that a wrongdoer's action wronged the victim. For distributive justice, however, reparations are not owed to the victims of a wrong. Instead, reparations are owed to individuals who are disadvantaged by an unjust distribution or structure on the grounds that this distribution or structure is unjust or unfair. Wrongs may produce or contribute to unjust distributions or structures in a particular way. So, for distributive justice, reparations reflect a kind of wrong when reparations address the particular unjust distribution or structure that this kind of wrong produced (see Lu 2017: 144–81; Nuti 2019: 46–50; Táíwò 2022: 150–7).

Táíwò (2022) provides a helpful example to illustrate the way reparations generated by distributive justice can reflect a particular kind of wrong. Throughout the 1930s, the American federal government entrenched segregation by devaluing Black Americans' homes (a process referred to as 'redlining'). As Táíwò argues, this devaluation made Black residents of New Orleans more vulnerable to devastation caused by Hurricane Katrina in 2005 (150–7). Black residents' properties received less attention when constructing protection from hurricanes and less money in rebuilding grants based on this devaluation (155–7). In other words, redlining produced an unjust distribution of vulnerabilities and disadvantages. Redlining likely requires corrective justice. But the distribution it produced also requires distributive justice. The unjust distribution of vulnerabilities and burdens individuals experience in the event of a natural disaster is a question of distributive justice. The federal government had a duty of distributive justice to address this vulnerability. Any

individuals disadvantaged by this distribution are owed this duty, regardless of whether or not they are victims of the wrong that produced the unjust distribution. Because this vulnerability was initially (partly) caused by the wrongs of redlining in the 1930s, addressing this vulnerability should count as reparations that reflect that kind of wrong. Put another way, reparations for this unjust distribution reflect the wrong of redlining.

So, distributive justice generates reparations that reflect the injustice when it addresses an unjust distribution that is the result of a wrong. Importantly, these reparations are generated by the unjust distribution and not by the past wrongs. This means that unlike with corrective justice, present individuals do not have to be victims of a past wrong to be owed reparations. Instead, present individuals who experience a distributive disadvantage created by the wrong are owed reparations on the grounds of distributive justice. This avoids the problem that no present individual is a victim of the full historical injustice. Unlike with corrective justice, it is not a problem that present individuals are not victims of all the essential wrongs of a historical injustice. Present individuals may be owed reparations based on distributive disadvantages created by the essential wrongs of the historical injustice. When reparations address the particular disadvantage created by the wrong, these reparations reflect the wrong. By bundling together many duties of distributive justice of this kind, the pluralist theory can generate reparations that reflect the full injustice by addressing the particular unjust distributions created by the essential wrongs of the historical injustice. And, when combined with duties of corrective justice, the pluralist theory meets both intuitions (1) and (2).

To see the full picture, consider the example of slavery. Reparations for slavery can be partly on the grounds of corrective justice. Present individuals are owed reparations for some of the past wrongs of slavery that wrong them directly. This meets intuition (1). But these duties of corrective justice cannot be for all of the wrongs that slavery consists of. They miss reparations for the fact that people were kept in bondage (for instance), since no present individual was wronged by being kept in bondage. However, the pluralist theory can pair these corrective duties with distributive justice to meet intuition (2). Suppose that the past wrong of keeping people in bondage and stealing their income has helped create unjust distributions of wealth. Distributive justice requires addressing this unjust distribution. Addressing these unjust distributions is reparations that reflect the wrong of keeping people in bondage. But, unlike with corrective justice, those who receive the reparations on these grounds of distributive justice need not have been victims of being kept in bondage. This avoids us needing to say that any present individuals are wronged by these wrongs. Together, corrective and distributive justice can reflect the full injustice of slavery (2) while being for a past wrong (1).

## II.1 Conflicting normative sources

So, a pluralist theory can meet both intuitions (1) and (2). But, importantly, to do so, its multiple normative sources must be independent.<sup>15</sup> We cannot say that the corrective duties are dependent on distributive ones (or the other way around). If distributive duties collapse into corrective ones, then the theory will be unable to meet intuition (2). If corrective duties collapse into distributive ones, then the theory will be unable to meet intuition (1).

This requirement of independence, however, leads to the following problem. In some cases, duties from different normative sources may conflict. Imagine, for instance, a state's judicial branch reaches a decision that requires the state to owe corrective justice for historical injustice *A* to members of group *A*, while the state's legislative branch decides to allocate resources on the basis of distributive justice to members of group *B* to respond to historical injustice *B*. The state's resources are finite, and so these duties of corrective and distributive justice conflict.<sup>16</sup> In a pluralist theory, there is no single unifying value that we can use to resolve such conflicts.

However, the mere possibility of conflicting duties cannot be an objection against my argument. My argument is that we ought to prefer a pluralist theory because a monistic theory cannot meet intuitions (1) and (2). So, the objection has to be that the possibility of conflicts between duties gives us reason to *prefer* the monistic theory over the pluralist one. But even this is too strong. Even monistic theories will encounter conflicting duties. For instance, a monistic theory based purely on corrective duties will have to explain why corrective duties must be prioritized over issues of distributive justice in the present. Or, a monistic theory based purely on distributive duties will need to explain how duties to address unjust historical structures interact with other duties of distributive justice. So, the objection cannot be that we should prefer a monistic theory over a pluralist theory because the pluralist encounters conflicts between duties. Rather, the objection has to be that there is something about the *particular way* duties conflict on the pluralist theory that makes it worse than the monistic theory at resolving conflicts. Perhaps, the monistic theory has a unified value to resolve all conflicts, and this gives it an advantage over the pluralist theory that lacks a similar way to resolve conflicts effectively. So, the objection has to be that (a) the pluralist theory (unlike the monistic theory) lacks a way to resolve conflicts because it lacks this unifying value *and* (b) this gives us a reason to prefer the monistic theory over the pluralist theory. I will argue that both (a) and (b) are false.

<sup>15</sup>For an example of an account that attempts but fails to be pluralist because its normative sources are *not* independent, see Butt (2021) and my argument that Butt's account fails to be genuinely pluralist (Lambrecht 2024).

<sup>16</sup>Thanks to an anonymous reviewer for this example and pressing me on this section.

First, the pluralist theory has resources to resolve conflicts between duties from different normative sources. I'll sketch a few options here.

One option for a pluralist theory to resolve conflicts is case-by-case *substantive moral consideration*. W.D. Ross's (1930) pluralism offers a classic example of this way of resolving conflicts. On Ross's pluralism, morality consists in a collection of prima facie moral duties, none of which can be reduced to any other (18, 41). Moral agents resolve conflicts between prima facie duties through case-by-case substantive moral argument about which prima facie duty is weightier in that context. The pluralist theory of reparations might apply something similar. For any conflict between duties of corrective and reparative justice, we determine which are weightier on a case-by-case basis by considering the substantive moral content of each duty. This substantive moral consideration may not give us a definitive guide to address conflicts. However, this might not be a problem. Moral conflicts are complex and pull us in different directions. It may be a *virtue* of pluralist accounts that they capture this normative situation. Perhaps, we ought not assume that simplicity and unity are virtues of moral theory (see Ross 1930: 23; Hedden and Muñoz forthcoming: 12).

A second option is a *lexical ordering* of normative sources. This option is suggested by John Rawls (2001) and considered in the literature on the relation between corrective and distributive justice (Ripstein 2004; Gardner 2011). Elsewhere, I consider something similar for historical injustices (Lambrecht 2024). Rawls' first principle (precluding of rights violations) takes priority over the second principle of justice (requiring fair distributions) (Rawls 2001: 42–3). No violation of individual rights can be justified by appeal to a distribution of resources. We can apply the reasoning behind this principle to the relation between corrective and distributive justice. A necessary condition of a just society is that it takes seriously violations of the rights and liberties its distribution guarantees (Ripstein 2004; Gardner 2011). Corrective justice concerns wrongs (violations of individual rights). So, duties of corrective justice might take lexical priority over duties of distributive justice because corrective justice guarantees distributive justice (see Ripstein 2004: 1829–44; Gardner 2011).

A third option is some sort of *aggregative function*, drawing on recent arguments about value pluralism (e.g. Hurley 1989; Hedden and Muñoz forthcoming; Hedden and Nebel forthcoming). An aggregative function for value pluralism tells us which of the two options is better when each option has differing amounts of goodness along two (or more) independent dimensions of value. This aggregative function may compare values against one another by formalizing a weighting process that does not reduce values to one another (Hurley 1989: 203–19; Hedden and Nebel forthcoming). It might be some form of the Pareto principle (Hedden and Muñoz forthcoming). Or, it might be a sort of formalized bargaining process on which the better option

is that which has the least objectionability (Hedden and Nebel [forthcoming](#)). I take no stand here on the best aggregative function. My point, rather, to point to the large literature that develops and proves the possibility of such aggregative functions. The pluralist theory of reparative justice could develop something similar.

I cannot offer a comprehensive theory about how to resolve conflicts between normative sources in this paper. This is a massive question on its own, and I remain neutral between these options. Ultimately, the pluralist theory will need to adopt whatever the literature tells us is the best account of how to resolve conflicts between distinct normative sources. My point here is that the pluralist theory has a variety of such accounts available to it.

However, even if the pluralist theory could not adequately resolve conflicts, this would still not give us a reason to prefer the monistic theory over the pluralist theory. My argument in this paper has been that a monistic theory necessarily cannot meet both intuitions (1) and (2). This means that a monistic theory *at most* can meet one of these intuitions. So, even if the pluralist theory is inferior when it comes to resolving conflicts, preferring the monistic theory over the pluralist theory entails sacrificing the possibility of meeting both intuitions. Thus, there is a trade-off for the monistic theory: The monistic theory *may* be better at resolving conflicts but does so at the cost of necessarily being unable to meet one of the intuitions an optimal theory of reparations for historical injustice should meet.

We should not accept this trade-off. This is for two reasons. First, it seems to mistake the normative situation. Even if the duties from distinct normative sources conflict on the pluralist theory, the pluralist theory tells us that both kinds of duties are *still owed*. Even if we cannot resolve this conflict and some of these duties are never fulfilled, it is an important part of the normative situation that these duties are still owed. Imagine a conflict between corrective and distributive justice. Suppose that the pluralist theory cannot resolve the conflict and simply opts to do whatever the monistic theory prescribes (say, prioritize the corrective justice). The pluralist and monistic theories would then fulfill identical reparations. However, where the monistic theory tells us that reparative justice has been fulfilled because the one kind of duty has been fulfilled, the pluralist theory is able to capture the fact that the other duty is unfulfilled but *remains a duty*. That is, the pluralist theory captures the intuitive idea that it would be better if the other duty would also be fulfilled. This seems to capture the normative situation more accurately than saying that this other duty is not a duty at all (as the monistic theory must say).

Secondly, even if the pluralist theory cannot adequately resolve conflicts, it still better meets both intuitions (1) and (2) than the monistic theory. As I have argued, the monistic theory can always *at most* meet one intuition. The pluralist theory, however, can *at least* meet one of the two intuitions. Put another way, the ‘expected intuition fulfillment’ of the pluralist theory is higher than

the monistic theory. Even if duties conflict, the expected result of the pluralist theory on average better achieves optimal reparations than the monistic one. This is partly because duties on the pluralist theory remain even when they are unfulfilled. The pluralist theory has a chance to fulfill any unfulfilled duties. For instance, a different agent might be able to fulfill some distributive duties. Or, some of the duties could be fulfilled in the future when they no longer conflict. Or, even if the content of one of the duties cannot be fulfilled, an apology for the failure to fulfill this duty may be possible. The point is that because duties from both normative sources remain as duties, the pluralist theory has a variety of ways that it can fulfill these duties even when they conflict. This means that the pluralist theory has more resources to meet both intuitions, even when duties conflict. This gives us a reason to prefer it over the monistic theory, since the monistic theory can only ever at most meet one intuition of reparative justice.

So, while the pluralist theory faces the issue of conflicting duties from different normative sources, this does not give us a reason to prefer the monistic theory over the pluralist theory. The pluralist theory has a variety of resources to resolve conflicts between duties. And even if it cannot resolve conflicts as well as the monistic theory, the pluralist theory still has the advantage of being able to better meet both intuitions (1) and (2). To say that we ought to prefer the monistic theory over the pluralist theory, you must accept that a unified theory is more important than meeting both intuitions. I have provided some reasons to think this is not a trade-off a theory of reparations should accept.

### III. Conclusion

In this paper, I have argued that necessarily no monistic theory of reparations for historical injustice can meet both intuitions (1) and (2). I have suggested that this means we can either drop one of these two intuitions or adopt a pluralist theory of reparations. I have argued that we ought to adopt the pluralist theory, and I have defended the pluralist theory from the objection that its normative sources will conflict. The upshot of my argument here is that future scholarship on reparations ought to shift its focus to developing pluralist approaches and understanding how different reparative duties interact.

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