

Must Land Reform Benefit the Victims of Colonialism?

Author(s): Thaddeus Metz

Source: *Philosophia Africana: Analysis of Philosophy and Issues in Africa and the Black Diaspora*, 2020, Vol. 19, No. 2 (2020), pp. 122-137

Published by: Penn State University Press

Stable URL: <https://www.jstor.org/stable/10.5325/philafri.19.2.0122>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



Penn State University Press is collaborating with JSTOR to digitize, preserve and extend access to *Philosophia Africana: Analysis of Philosophy and Issues in Africa and the Black Diaspora*

JSTOR

Must Land Reform Benefit the Victims of Colonialism?

THADDEUS METZ

University of Johannesburg

Abstract Elsewhere I have argued that African values such as communion and reconciliation require compensating those who have been wronged in ways likely to improve their lives. I have also contended that, when applied to land reform, this principle entails not transferring unjustly acquired land *en masse* and immediately to dispossessed populations since doing so would foreseeably lead to such things as capital flight and food shortages, which would harm them and the broader society. Orit-segbubemi Anthony Oyowe has recently argued against my claim that land reform should be enacted so as to benefit victims of colonialism while not greatly burdening innocent third parties, instead supporting the return of land to its rightful owners regardless of how the manner in which it were done would affect people's quality of life. Here I expound Oyowe's argumentation and respond to it in defense of my initial position, appealing to examples from southern Africa.

Keywords African values, Compensatory justice, Land reform, Reconciliation, *Ubuntu*

PHILOSOPHIA AFRICANA | Vol. 19, No. 2, 2020

Copyright © 2020 The Pennsylvania State University, University Park, PA

doi: 10.5325/philafri.19.2.0122

1. Introducing the Question of How to Enact Land Reform

In this article I presume that land in South Africa was allocated by the state on an unjust basis for much of the twentieth century. Most glaringly, many white people wrongfully acquired land as a result of the Natives Land Act 27 of 1913, which denied black people the ability to hire or buy land across 93% of South Africa (later decreased to 87% by the Native Trust and Land Act 18 of 1936). White South Africans also took over physical property unjustly in the wake of the Group Areas Act 41 of 1950 and the Natives Resettlement Act 19 of 1954, which required black people to leave urban and especially well-developed areas, deemed by the government to be properly white, and to relocate to townships. I also assume for the sake of argument in this essay that, in the light of this injustice, at least some white people (including descendants who have inherited land¹) owe some kind of compensation to black people. The question on which I focus here is which kind of land reform would be just to advance in South Africa and in similar post-colonial contexts.

According to one answer, the right kind of compensation in respect of land is a strict function of the past, and, specifically, of what would have happened in the absence of white-controlled governments unjustly distributing land on a racial basis. By this approach, white people should give to black people precisely whichever land the latter would have possessed had the racist laws not been adopted. Although it can be hard to apply this principle, namely, difficult to tell in practice who exactly would have owned which land in the absence of white injustice, the principle itself is clear.

That, however, is not the answer I have favored in previous work (Metz 2011, 551–54). Appealing largely to southern African values associated with *ubuntu* such as communion and reconciliation, I have argued that they require compensating in the light of certain facts about the future, and specifically doing so in ways that are likely to improve the lives of those who had been wrongfully dispossessed of land and not to impose substantial burdens on the broader society. In the context of land reform, I have further contended, this principle probably entails not transferring unjustly acquired land *en masse* and immediately to dispossessed black populations, because doing so would likely lead to capital flight, food shortages, and other weighty socio-economic disadvantages.

Compensation must proceed in some other way, one more likely to help the victims of the racial injustice and less likely to harm innocent third parties.²

In two recent essays, including one in this journal, Oritsegbubemi Anthony Oyowe (2013, 2017) has argued against my conception of compensatory justice, and he has done so specifically in the context of land reform. Oyowe maintains that “while a state of affairs in which compensatory justice brings about certain collective benefits is desirable, it doesn’t follow that compensatory justice is contingent upon such benefits” (2013, 131). In addition, although I take myself to be arguing that offenders must compensate in a way that is likely to be good for their victims, Oyowe contends that, applied to the case of land in southern Africa, this principle when combined with some empirical claims “inadvertently privileges the interest of the offender over that of the victim” (2013, 131) and “seems to imply that they [white land holders—ed.] own lands justly” (2013, 131).

Here I expound Oyowe’s original and powerful argumentation and respond to it in defense of my initial position. I argue that the principle that compensation should be done in a way expected to benefit victims and not to burden other innocents remains plausible, particularly—but not solely—if one is drawn to a broadly African morality and does not subscribe to, say, a Kantian moral theory of respect for autonomy. In addition, I show that when the principle is applied to land reform in South Africa, it does not end up entailing that the interests of offenders should be favored over those of victims.

In the following, I proceed by first sketching my initial position on compensation in response to land theft, indicating why I had found it plausible in the light of a characteristically African morality (section 2). Next, I lay out Oyowe’s major criticisms of the position (section 3), after which I respond to them (section 4). I conclude by noting the need for input from economists and other social scientists if my approach to land reform is justified (section 5).

2. From *Ubuntu* to Beneficial Compensation

I first took up the issue of land reform in an article indicating how an *ubuntu* ethic could plausibly ground public policy (Metz 2011). In this

section, I lay out just enough of that material to facilitate debate between myself and Oyowe on the subject of how to enact land reform in South Africa and similar contexts.

By my moral-philosophical interpretation of *ubuntu*, a policy is right if and only if it treats individuals with respect in virtue of their capacity to relate communally or harmoniously. What gives people a dignity, by this account, is their ability to be party to communal relationships both as subjects, those who commune, and as objects, those with whom others commune. Communion involves two ways of interacting, namely, by identifying with others and exhibiting solidarity with them. Identifying with others means enjoying a sense of togetherness with them and engaging in cooperative projects, while exhibiting solidarity consists of helping others, particularly by meeting their needs, and doing so for their sake.

If what makes people special is their ability to commune and to be communed with, then the default position for a state (or at least its officials acting on behalf of it) is for it to commune with residents in its territory and also to foster communion among them. However, where people have misused their capacity to commune, by for instance having initially acted discordantly against innocent parties, in the form of forcibly taking their land, then respect for both them and their victims can mean that the state should also respond to the guilty with discord. Specifically, I have argued that it can be just for the state to subordinate and harm wrongdoers insofar as doing so is necessary to get them to make reparations to victims whom they subordinated and harmed (2010, 2011). More recently I have also contended that the state may rightfully act discordantly towards the guilty as a way to disavow the mistreatment of others' capacity to relate communally, which could involve making the guilty make restitution to their victims in ways the guilty find burdensome (Metz 2019). In a nutshell, forcing the guilty to compensate their victims is respectful of the latter's dignity and not disrespectful of the former's dignity, at least insofar as their dignity is grounded on their social nature.

Regarding the right way to make compensation, given that people's dignity is constituted by their capacity to commune and be communed with, it seems natural to conclude that the compensation should normally be communal. That is, the way for a party who has wrongfully harmed innocents to make restitution to them should take a form that is expected

to help them, where help is a matter of meeting needs as opposed to, say, satisfying variable desires (which is a more utilitarian than African view of people's good). At the very least, the form of compensation should not be expected to produce further harm, that is, to reduce victims' quality of life all the more.

Furthermore, it is not merely harm to victims that is relevant when considering how to effect land reform, but also harm to other innocent people. Compensatory justice is not the only sort of justice, and it implausibly takes lexical priority over all other kinds. In particular, there is also distributive justice owed to individuals, and compensatory justice ought to be realized in a way that does not greatly infringe on what they are owed. Although advancing certain kinds of justice can intuitively be right when *some* harm to innocent third parties is foreseen, for instance, emotional suffering on the part of the relatives of a punished offender, the harm to them should be minimized where feasible.

Applying these claims to land reform, I had made the following suggestions. It is clear that those who forcibly took land (and those who have received it but have not given it back) owe something to those whose land was taken (and their descendants), but it is not as simple as merely returning what had been taken in the past, without regard for the future. Instead, land reform should be undertaken in a way that is likely to improve victims' quality of life while not greatly reducing the quality of life of those in the broader society.

So far as I can tell, Zimbabwe's Fast Track Land Reform Programme,³ adopted in 2000, failed on both counts and did so foreseeably. The case of Zimbabwe is of course contested, and, while not essential to illustrate the moral point I want to make, it is nonetheless plausibly (even if not obviously) a useful example of it. If the reader believes I have the following empirical outcomes or causes of them wildly incorrect, he or she may substitute his/her own case.

As is well known, despite the transition to a more democratic government and to black rule in Zimbabwe in 1980, land reform had not been well effected, leaving much arable farmland in the hands of white descendants of those who had not acquired it legitimately. Putting the Programme into practice in 2001, the Zimbabwean government supported guerrilla war veterans in their forcible ejection of thousands of white people from commercial farms and without compensation. Although

there was reportedly cronyism, whereby farms were allocated to those with political ties, it is also the case that at least tens of thousands of black people, many of whom sought to become farmers, did receive land after the confiscations.

Setting aside the issue of corruption, confiscating white held farmland all in one go in itself was likely to cause capital flight and lead to such things as grotesque hyperinflation, reported rates of 90% unemployment, and a much greater difficulty of purchasing essential goods (Hobbes 2014). According to one estimate, about a decade after the *en masse* land appropriations in Zimbabwe, the private sector was “operating at 10 percent of its former capacity” and about 15 years later “Zimbabwe’s per capita GDP is \$600, the third lowest in the world” (Hobbes 2014).⁴

In addition, transferring the farmland immediately to those who lacked the capital, funding, and training to make it productive was likely to lead to impaired agricultural production. According to a policy analysis by CARE International that substantially draws on Zimbabwean sources,

The subdivision of commercial farms and settling of new farmers substantially reduced agricultural output. Between 2000 and 2008 production of maize dropped 76% (Mutenyo, 2011). Agricultural exports declined by 53% during the same period (AMID, 2012). Zimbabwe, which used to be a net food exporter to neighboring countries, turned into a country with severe food shortages (Ncube, 2015), and a net importer. (Echanove 2017, 15; see also Irigoyen 2017)

There are some scholars who highlight the benefits to small-scale farmers that came in the wake of Zimbabwe’s fast-track approach to land reform, but, even here, two of them conclude that “a significant proportion of beneficiaries are managing only to ‘hang in,’ while others ‘drop out.’ Land and agrarian reform by itself is clearly not the sole solution to rural poverty.” (Aliber and Cousins 2013, 162; for nearly identical phrasing see Scoones et al. 2011, 975)

Instead of reducing the harmful effects of colonial land dispossession, the Zimbabwean approach to land reform foreseeably caused more harm to colonialism’s victims and the populace more generally. Even if things

were to get better in Zimbabwe after, say, thirty years, that would mean little to those who suffered most directly from colonialism. Those individuals would not have been compensated (beyond knowing their descendants might eventually come out well), instead having lived worse lives for those decades (with many soon to die, given their age).

Although I am not an economist, other approaches to land reform on the face of it would have been more likely to benefit black victims and without burdening members of the broader society. For instance, Zimbabwe could have required white farmers to transfer truly substantial portions (though not all) of the farmland in their possession to their black workers, with the expectations that the farmers would also undertake the labor of transferring skills and that the government would provide title deeds and loans to the new farmers. This approach would have been more communal, including improvement for the lives of victims who had suffered from white domination.⁵

If one holds a different sort of ethic, one that is more Western, then one might be less inclined to see a problem with the Zimbabwean case. For example, if one holds a basic natural rights view, in the way that John Locke is sometimes read, then justice was obtained insofar as black people now possess the specific object—land—that been stolen from them. For another example, if one's ultimate value is Kantian autonomy or utilitarian preference, then again it is more likely to appear that justice was done, insofar as black people are now in charge and living in ways they would have chosen or preferred had there not been colonialism (cf. Goodin 1989, 67–68).

In contrast, by my understanding of *ubuntu*, since part of what gives us dignity is our capacity to care and to be cared for, when force is justified it is so normally as a way to care, that is, to improve people's quality of life. The parallel here is with *ubuntu*'s clear rejection of retribution as a primary way to respond to wrongdoers when it comes to criminal justice. Instead of calling for an eye for an eye, that is, punishing the guilty merely because they deserve it for a crime committed in the past, the dominant theme among southern African normative thinkers is instead the need for punishment to do some good in the future, ideally rehabilitating the offender and protecting the society (for just a few examples, consider Constitutional Court of the Republic of South Africa 1995, para. 129–31, 223–44; Tutu 1999; and Masitera 2008). My account of civil justice runs

parallel to this approach to criminal justice, such that the state should forcibly redistribute land in ways expected to improve the lives of victims of land dispossession, while taking care not to make society much worse off in the process. Compensatory justice should normally be expected to advance people's good, including their virtue and well-being, at least if we are adherents to an *ubuntu* ethic of some kind or other.

3. Oyowe's Critique of Beneficial Compensation

Oyowe is principally concerned to question my approach to land reform, but he also suggests an alternative approach to it, according to which just compensation is a matter of putting victims in the condition they would have been in absent the initial injustice. "(T)he restitution of land is independent of any benefits to previous victims or prospective wider social benefits of land redistribution. . . . (R)estitution constitutes returning victims to a condition they would have been in in the absence of the wrong" (Oyowe 2017, 239).⁶ Indeed, this account of just compensation is a common one to encounter. For example, it is central to the construal of corrective justice in the *Stanford Encyclopedia of Philosophy* (Miller 2017) and in a classic discussion by Robert Goodin (1989). In this section, I spell out Oyowe's argumentation for this position, responding to it only in the following section.

Central to Oyowe's reasoning is a purported counterexample to my principle:

Suppose that an intruder breaks into my property, steals my Ferrari and then gets caught. Suppose further that, being a careless driver, if I were to have my Ferrari back I might pose a threat to myself and to other motorists. Now, it seems that it would be unjust to retain my Ferrari until such a time that it is established that I no longer pose any threat to others and myself. (Oyowe 2017, 239; see also Oyowe 2013, 131)

By analogy, given that land had been unjustly taken from black people in Zimbabwe and in South Africa, the land should be immediately returned to those who had rightfully owned it, regardless of whether doing so would pose a threat to them or to other innocent parties. The case is *prima facie* powerful, and deserves a reply.

Relatedly, Oyowe maintains that the logic of my approach ends up counterintuitively entailing that white beneficiaries of injustice may rightly retain the land indefinitely, or at least until such time as black victims are likely to live better lives consequent to its redistribution. Oyowe also remarks:

For what this approach implies is that whether one justly owns land depends on whether one has the capacity to “run farms and keep the economy stable.” And since whites possess this capacity, and are better placed to keep the economy stable, Metz’s position seems to imply that they own lands justly . . . (which) unfairly privileges the interests of the offender vis-a-vis those to be compensated. (Oyowe 2013, 131)

So, in the light of certain empirical claims, Oyowe is contending that my approach not only cannot show that dispossessed blacks should receive land, but also ends up showing that unjust white landholders may retain it. Instead, according to him, the proper principle is that compensation ought to restore people to the state they would have been in had there not been injustice, which principle would clearly justify taking land from whites and giving it to blacks without regard to whether doing so would benefit the latter.

If my approach to compensatory justice could not justify substantial redistribution in postcolonial societies such as Zimbabwe and South Africa, I would forsake the approach. However, I believe that my approach can justify it, as I reply to Oyowe in the next section.

4. Responding to Oyowe’s Critique

One way to reply to Oyowe would be to address our differing fundamental ethical views. Mine is a relational interpretation of *ubuntu* according to which individuals matter morally because of their capacity to be party to communal relationships. In contrast, Oyowe takes it to be an “uncontroversial intuition that the individual has *intrinsic* value or that rights belong primarily to the individual” (2013, 129), where by “intrinsic” I am supposing that Oyowe means not merely that the individual has a final value, but does so in virtue of her non-relational properties, perhaps

her autonomy or preferences.⁷ Above, I suggested that different ethical foundations have different implications for how to conceive of compensatory justice, and that an *ubuntu* ethic prescribes a form of restitution that is likely to benefit victims. Hence, one strategy by which to question Oyowe's approach to restitution would be to cast doubt on his moral foundation.

However, that would be a large project not squarely centered on issues of land reform. In addition, the force of Oyowe's criticisms of my approach is independent of his foundational ethic—after all, I did not mention his ethic when expounding his criticisms in the previous section, but I presume the reader appreciated their power nonetheless. Therefore, in the following, while I believe those drawn to an Afro-communal ethic should find my conception of restitution attractive, I instead focus on Oyowe's specific objections to this conception.

Consider, then, the Ferrari case. Oyowe's intuition is that if I have stolen it from him, I may not keep it until he no longer poses a threat to himself or other motorists. There are two distinct issues here, namely: how long I may retain the Ferrari and when should he get it back. Although neither I nor Oyowe separated those issues in our discussions, they should be distinguished. Part of the pull of his case comes from the thought that it would be wrong for me, the thief, to keep the car for any amount of time. However, the principle that compensation must benefit victims need not entail that those who unjustly took goods from others may keep them until such time as victims will benefit from them. Instead, a third party, such as a court, could confiscate the goods from those who wrongfully took them and then determine how to return them in a way that would improve victims' quality of life without harming innocent third parties. I presume this point removes some of the sting from the case.

Imagine, now, a court deciding whether to return the car to Oyowe despite him being a menace on the road. Or imagine me, the thief, having had a "come to Jesus moment" and now wanting to compensate Oyowe in the right way. It might seem that the only choices are either to give the car to Oyowe despite him posing a threat to himself and others or not giving him the car. However, there is a third alternative that I advance, which would be for the court or the thief to return the car in a way that would reduce the threat to himself and others. For example, if part of the

threat were due to Oyowe's car having mechanical troubles, then it would be just for the court to order me, the thief, to go out of my way to make those repairs before giving the car back to Oyowe. For another example, if the threat were due to Oyowe being a careless driver, then the court could order that I, the thief, pay for training classes for him. Aren't these intuitively desirable forms of compensation?

It is true that repairing the car or attending driver's education would take some time. At some points, Oyowe expresses concern that it "would not be in the interest of justice to delay compensation until some subsequent benefit is realized" (Oyowe 2013, 131) and that, applied to land reform, my approach would "slow down the process of compensating victims of unjust land dispossession" (Oyowe 2017, 239).

In a way, this phrasing begs the question, because, according to me, compensation is not merely victims getting back what was taken from them, but rather getting that back in a way that is likely to make victims' lives better. It would be ideal if it did not take any time at all, and it would of course be wrongful of thieves to be obstructive when it comes to returning stolen property. However, the sort of delay involved in fixing up a Ferrari so that it is safer is intuitively justified. And while it would of course take longer than that to transfer skills and other resources so that black victims of colonialism could benefit from the land, consider the alternative: not benefiting from the land, and perhaps being even worse off as per the case of Zimbabwe.

A final poignant aspect of Oyowe's criticism of my position concerns the requirement that compensation should not cause great harm to innocent third parties and, in the context of land reform, that it ought not be pursued in a manner that would greatly upset the economy, namely, to the point of hyperinflation, 90% unemployment, food shortages, extreme poverty, and the like. Recall that Oyowe points out that if an appropriate form of land redistribution must avoid economic disaster, then it appears to follow that whites may keep the land if necessary to avoid that condition, thereby privileging the wrongdoer over the victim.

In reply, much depends on the empirical details. It could well be that right after independence from colonialism, white people would be mainly the ones with the training, networks, and capital needed to "run farms and keep the economy stable," but there is no reason to think that must be true for very long. With support from white farmers and the state, a

transfer of land could likely be made in a way that did not cause substantial capital flight, impair agricultural production, and hence bring terrible hardship to the victims of colonialism and other innocents.

Furthermore, those in unjust possession of the land could reasonably be expected to compensate victims not merely for the land in their possession, but also for any delays involved in returning the land in a way that would improve their quality of life. For instance, they could in the meantime help to fund housing, education, and healthcare for victims. With that additional expectation, a natural complement to my approach of beneficial compensation for wrongdoing, offender interests would not be privileged.

Before concluding, I provide some additional reason for doubting the central alternative to my principle that compensation should be expected to benefit victims while not burdening other innocents. Recall that Oyowe's preferred principle is that "restitution constitutes returning victims to a condition they would have been in in the absence of the wrong" (2017, 239).

For one thing, this principle is too narrow, for there are cases in which it would be impossible to return a stolen object and yet a kind compensatory justice could be made nonetheless (Boxill 2013, 953–55). If the Ferrari had been destroyed in a tornado at my house, I, the thief, could not give it back to Oyowe. However, I could and should make, say, financial reparations to him (at the very least if the tornado would not have destroyed his car had it been in his possession). Applied to land, the logic of the point is that there will be situations in which, say, because of mining or urbanization, land cannot be returned in its original state to the victims of colonialism. In those cases, compensatory justice is still entirely possible even though victims cannot live in the way they would have in the absence of the unjust thievery. Basically, wrongdoers and beneficiaries of wrongdoing could and intuitively should go out of their way to offer goods likely to make victims' lives better.

Furthermore, sometimes returning victims to the condition they would have been in without theft would be intuitively wrong, or at least not as just as another option. Suppose that while the Ferrari was in my unjust possession, the state adopted an extremely heavy tax specifically on Ferraris but not on Maseratis. Imagine, too, that I had a Maserati (one that was actually mine). The right form of compensation would surely be

for me, someone who had stolen Oyowe's Ferrari, to offer him the option of taking my Maserati, supposing it were comparable in desirability to the Ferrari. In terms of *ubuntu*, that gesture, which is aimed at improving Oyowe's quality of life, would be at the heart of a desirable reconciliation between us. Applying the point to land, because of the economic change in South Africa since 1913, there will likely be some victims of dispossession who reasonably judge that they would be better off if they did not receive land but instead, say, higher education or job training. Simply returning the land to them (even with additional compensation for the time it had been withheld from them) would not intuitively be as preferable as giving them what would make their lives go well.

5. Conclusion

As I have pointed out, I lack economic and more generally social scientific training, and hence cannot with great confidence indicate the precise contours of the land reform that would satisfy the moral principle I have advanced. By this principle, land reform should serve the function of benefiting the victims of unjust land dispossession while not placing weighty burdens on the rest of society. I suggested that the Zimbabwean fast-track program failed to live up to this conception of compensatory justice. While I have proposed another tactic that appears more promising, whereby white farmers would make large transfers of land and skills without being forced to leave their plots entirely and the state would provide financial support to black farmers, it is ultimately up to those with empirical expertise to determine which would fit the bill.⁸

NOTES

1. For the most part I avoid discussing the complication of what is owed to the descendants of colonial and similar land distributions, and tend to focus on the simpler case of immediate victims who were unjustly dispossessed. For some discussion of whether and why compensation is owed to descendants, including those who would not have existed were it not for injustice done to their parents or older relatives, see Cohen (2009); Perez (2011); and Boxill (2014).

2. For a more recent approach that is broadly similar, see the claim that the "unjust acquisitions and transfers must be revisited for the sake of normalising conditions for humanity to be possible for African people" (Molefe 2018, 363).

3. For overviews of the policy and practice, on which I draw below, see Cliffe et al. (2011); Echanove (2017); Irigoyen (2017).

4. It is true that Zimbabwe was vulnerable to capital flight because of the interdependence of the world economy, which is dominated by Western and Asian forces. However, that dynamic is the reality and needs to be considered when leaders make political decisions that will greatly affect the lives of millions of their citizens.

5. Some readers will find this sort of accountability to be insufficient, with the prospect of compensation, reform, and improved relationships not being important enough to forgo a harsher penalty such as imprisonment for those in unjust possession of land. However, if *ubuntu* is our touchstone, then we have to let go of vengeful or retributive reactions (though demands for accountability remain apt). Furthermore, *ex hypothesi* the alternative would be worse lives for black victims. Compare the land reform proposals by the National African Farmers Union of South Africa, which are motivated by similarly pragmatic grounds (Dlamini 2019).

6. Sometimes the word “restitution” is meant to connote not the same as compensation, but rather the act of returning an object to its rightful owner (e.g., Goodin 1989, 59; Boxill 2013, 954–55). If one elects to use “restitution” in this narrow sense, then one way to frame the debate between me and Oyowe is whether compensation must (whenever possible) take the form of restitution. However, I instead use “restitution” and “compensation” interchangeably, as does Oyowe.

7. If Oyowe means merely that an individual and not a group is what has dignity and is the ultimate bearer of rights, then there is no real disagreement between us. It is incorrect to describe my view as “community-based” or appealing to a “collective right” (Oyowe 2013, 131, 132). By my account, individual persons have dignity, albeit in virtue of their relational properties, specifically their inherent ability to commune with others, where what appear to be group rights are ultimately rights of individuals in virtue of their social nature (see, e.g., Metz 2014, 142–44).

8. For comments on a prior draft of this essay, I thank Erasmus Masitera, Motsamai Molefe, Oritsegubemi Oyowe, and participants in the Workshop on Philosophical Approaches to Land Reform in Africa that was held at the University of Johannesburg in 2019.

WORKS CITED

- Aliber, Michael and Ben Cousins. 2013. “Livelihoods after Land Reform in South Africa.” *Journal of Agrarian Change* 13 (1): 140–65.
- Boxill, Bernard. 2013. “Compensatory Justice.” In *The International Encyclopedia of Ethics*, ed. Hugh LaFollette. Malden, MA: Blackwell Publishing Ltd, 953–59.
- . 2014. “Compensation and Past Injustice.” In *Contemporary Debates in Applied Ethics*, 2nd ed., ed. Andrew Cohen and Christopher Wellman. Malden, MA: Wiley-Blackwell, 191–202.
- Cliffe, Lionel, et al. 2011. “An Overview of Fast Track Land Reform in Zimbabwe.” *Journal of Peasant Studies* 38 (5): 907–38.

- Cohen, Andrew. 2009. "Compensation for Historic Injustices: Completing the Boxill and Sher Argument." *Philosophy and Public Affairs* 37 (1): 81–102.
- Constitutional Court of the Republic of South Africa. 1995. *The State versus T. Makwanyane and M. Mchunu*. Case No. CCT/3/94. <http://www.saflii.org/>.
- Dlamini, Penwell. 2019. "No Expropriation of Productive White Farms without Compensation, Says National African Farmers Union." *Sowetan Live* 15 August, <https://www.sowetanlive.co.za/news/south-africa/2019-08-15-no-expropriation-of-productive-white-farms-without-compensation-says-national-african-farmers-union/>.
- Echanove, Juan. 2017. "Food Security, Nutrition, Climate Change Resilience, Gender and the Small-scale Farmers: Zimbabwe." CARE International. <https://www.fanrpan.org/sites/default/files/publications/Zimbabwe%20policy%20analysis%20final.pdf>.
- Goodin, Robert. 1989. "Theories of Compensation." *Oxford Journal of Legal Studies* 9 (1): 56–75.
- Hobbes, Michael. 2014. "How Did Zimbabwe Become So Poor—and yet So Expensive?" *The New Republic* 6 January, <https://newrepublic.com/article/115925/zimbabwe-prices-why-are-they-high-new-york-citys>.
- Irigoyen, Claudia. 2017. "Fast Track Land Reform in Zimbabwe." Centre for Public Impact. <https://www.centreforpublicimpact.org/case-study/fast-track-land-reform-zimbabwe/>.
- Masitera, Erasmus. 2018. "Ubuntu Justice and the Power to Transform the Modern Zimbabwean Rehabilitation Justice System." In *Power in Contemporary Zimbabwe*, ed. Erasmus Masitera and Fortune Sibanda. Abingdon: Routledge, 109–20.
- Metz, Thaddeus. 2010. "Human Dignity, Capital Punishment, and an African Moral Theory: Toward a New Philosophy of Human Rights." *Journal of Human Rights* 9 (1): 81–99.
- . 2011. "Ubuntu as a Moral Theory and Human Rights in South Africa." *African Human Rights Law Journal* 11 (2): 532–59.
- . 2014. "African Values, Human Rights and Group Rights: A Philosophical Foundation for the Banjul Charter." In *African Legal Theory and Contemporary Problems*, ed. Oche Onazi. Dordrecht: Springer, 131–51.
- . 2019. "Reconciliation as the Aim of a Criminal Trial: Ubuntu's Implications for Sentencing." *Constitutional Court Review* 9: 1–22.
- Miller, David. 2017. "Justice." In *Stanford Encyclopedia of Philosophy*, ed. Edward Zalta. <https://plato.stanford.edu/entries/justice/#CorrVersDistJust>.
- Molefe, Motsamai. 2018. "Personhood and (Rectification) Justice in African Thought." *Politikon* 45 (3): 352–67.
- Oyowe, Oritsegbubemi. 2013. "Individual and Community in Contemporary African Moral-Political Philosophy." *Philosophia Africana* 15 (2): 117–36.

- . 2017. “Ubuntu, Rectification and the Land Question.” In *Jurisprudence in an African Context*, ed. David Bilchitz, Thaddeus Metz, and Oritsegbubemi Oyowe. Cape Town: Oxford University Press, 234–39.
- Perez, Nahshon. 2011. “On Compensation and Return.” *Journal of Applied Philosophy* 28 (2): 151–68.
- Scoones, Ian, et al. 2011. “Zimbabwe’s Land Reform: Challenging the Myths.” *Journal of Peasant Studies* 38 (5): 967–93.
- Tutu, Desmond. 1999. *No Future without Forgiveness*. New York: Random House.