## 1

Moral realism fails. There are no normative truths which are independent of an agent’s prior attitudes or beliefs about morality. **Street 7** writes[[1]](#footnote-1)

To begin filling out the picture, note that there are countlessly many internally consistent evaluative systems—where this is not a point about the diversity of actual evaluative outlooks that we encounter in real life—actual evaluative outlooks and actual disagreement are not to the point anywhere in this argument26—but rather a point about the diversity of possible ideally consistent evaluative outlooks that we encounter in our imaginations. Among the countless possible internally consistent evaluative systems, for example, are that of an ideally coherent person committed to morality, that of an ideally coherent Caligula,27 and innumerable much more bizarre ideally coherent evaluative systems—including, for example, systems that place above all else the value of grass-counting, or hand-clasping, or not having one’s finger scratched, or counting to the number 78 and back again, and so on.28 On the realist’s own view of things, many of these evaluative systems—including, presumably, those of Caligula, the grass- 19counter, hand-clasper, and so on—are mistaken in spite of their perfect internal consistency. These possible agents, were they ever to exist, would be badly mistaken about how to live. **The** problem for the **normative realist** arises when he **is** **challenged to give** his **reasons** for thinking **that** the **causal forces landed him, but not** these countlessly many **other[s]** poor (possible) souls, **on** the robustly **independent normative truth** he posits. By hypothesis, these other agents lack no nonnormative information that we have, and they are making no logical or instrumental errors. In explaining where these others have gone wrong, no doubt the realist can give non-trivially-question-begging reasons for holding this or that of his own normative premises as opposed to others. But the **other ideally coherent individuals are capable of defending their own premises** in a similar way, and their sets of values hold together in the same perfectly consistent internal fashion as our own (supposing falsely, but usefully for the sake of argument, that we are perfectly internally consistent). The realist, therefore, finds himself in a confrontation—whether actual or merely possible—of a kind that Dworkin himself describes as follows: We may be forced to concede, in some cases, that those who held different views lacked no information we have, and were subject to no different distorting influences. All that we can say, by way of explanation of the difference, is that they did not “see” or show sufficient “sensitivity” to what we “see” or “sense,” and these metaphors may have nothing behind them but the bare and unsubstantiated conviction that our capacity for moral judgment functions better than theirs did. (pp. 121-122) On the normative realist’s own view, in seeking to give our reasons for thinking that causal forces pushed us, and not other potential ideally coherent valuers such as Caligula or the grass-counter or the handclasper, close to the independently true ideally coherent system (or systems) of values, ultimately all we are going to be able to say is that these others do not “see” or show sufficient “sensitivity” to what we “see” and “sense.” At this point, however, **the** normative **realist is in no better position than the person who** questionbeggingly **insists that she won the** New York **Lottery, even though she has no reason** to think so **apart from the fact that she entered** it. If we are normative realists, we think there is a “winning” coherent system (or systems) of normative thought; we also think there are countlessly many false coherent 20systems of normative thought, which, but for sheer good fortune on our part, causal forces might have shaped us to endorse; we think that as it so happens, ours is among (or approximating) one of the true ideally coherent systems; but when asked to give our reason for thinking so, all we can say is to repeat, in so many words, that it is among the true ones—to insist that we, and not the countless number of mistaken possible others, “see” or “sense” what is normatively true. But this is no better than insisting, without any non-trivially-question-begging reason to think so, that one has won the New York Lottery. Given the odds we can reasonably suppose to be in play in this “normative lottery” case, we should conclude that in all probability we didn’t win—that, if there is indeed such a thing as the robustly independent normative truth we are positing as a substantive normative premise, then we are probably among the unlucky ones who (just like the ideally coherent Caligula, grass-counter, hand-clasper, and so on) are hopeless at recognizing it.29 This conclusion is so obviously implausible, however, I suggest, that we should reject the substantive normative premise that generates it—namely the supposition of robustly attitude-independent normative truths.In response to this, one might question the appeal I’m making to merely possible ideally coherent evaluative systems.30 It would be one thing, one might object, if the actual world were rife with apparently coherent grass-counters, hand-claspers, and countless other bizarre evaluative systems; this might indeed supply one with good reason to question one’s reliability with respect to the independent normative truth. But this, of course, isn’t our actual situation: instead we observe a fairly impressive degree of consensus on normative matters among those who reflect upon them. So why should the mere possibility of bizarrely different evaluative systems in any way undermine our epistemic confidence? My reply is that **actual consensus**, or lack thereof, **is** completely **beside the point** when it comes to the argument I’m making. Even if there were perfect consensus among human beings on what the independent normative truth is, the epistemic problem I am raising would still present itself, for the problem is based on an in-principle worry about why, given the realist’s conception of normative truth as robustly attitude-independent, we should have any expectation at all that causal forces would have shaped us in such a way as to be reliable with regard to it. I would be the first to agree that there is an impressive 21degree of consensus among human beings on substantive normative matters.31 The point, however, is that this **consensus may be explained from** a theoretical point of view as having **certain causal origins** (a common evolutionary history, common cultural influences, and so forth), and our question is why we should think such causes would have forged our substantive normative views in such a way as to lead them toward the normative truth if we conceive of that truth as the realist says we should. In this context, the mere presence of actual consensus among reflective human beings provides no evidence whatsoever of our reliability. To put it another way, **of course we never** actually **see grass-counters, hand-claspers, and so on**: the point is that there are obvious causal explanations as to why not. (Think how long a fulltime hand-clasper would last in the struggle to survive and reproduce.) **The realist** is the one who **makes all** the **merely possible coherent souls relevant by insisting that if they existed, they would be mistaken.** It’s this insistence that makes merely possible agents very much to the point when we assume for the sake of argument that the realist is correct about the robust attitude-independence of normative truth and ask about our epistemic situation with regard to it.

Only Humean constructivism, which says that moral truth for a particular agent derives from coherence in their beliefs, accounts for the impossibility of the view from nowhere and maintains normativity. **Street 12** writes[[2]](#footnote-2)

How then does the regress of questions end, **according to the Humean constructivist**? The rough idea is this. **Eventually** (at least in theory, if we pursue our reflections far enough) **we** get to a point where we **have** arrived at **a coherent web of** interlocking **values, such that each one**, when taken in its turn and examined from the standpoint of the others, **stands up to scrutiny in terms of** the standards **those other values** set. Once one reaches such an interlocking, coherent web of normative judgments, one can ask: “But why should I endorse this entire set of normative judgments? What reason do I have to endorse this set as opposed to some other set, or as opposed to no set at all?” The proper answer at this point, according to the Humean constructivist, is that the question is illformulated. **One cannot** sensibly **step back from the entire set of one’s** interlocking **normative judgments** at once**, and ask**, from nowhere, **whether this set is correct** or incorrect**, for** on a constructivist view **there are no independent standards to fix an answer** to this question; this is the rejection of realism. It is 14 important to be clear here, lest it sound like the Humean constructivist is ruling out perfectly acceptable **questions such as “Do I have** a **reason to reject** the **values of the Taliban in favor of my own?”** or “Are the normative commitments of Albert Schweitzer or Mother Theresa superior to my own?” Such questions **are** entirely **in order**, according to the Humean constructivist—just **so long as one is**, at least implicitly, **posing them from the standpoint of some further set of values** (however vague or inchoate) concerning what makes one set of normative commitments more worthy of endorsement than another. 24 The one thing that one cannot do, sensibly, is to step back from every last one of one’s normative judgments at once and try to pose such questions from nowhere—asking, while suspending one’s acceptance of any value that might be capable of settling the matter, whether one should endorse one’s own set of values, or some other set, or none at all. If one tries this, then one has stepped, for the moment, outside the standpoint of agency, into a realm where there are no normative facts, and one’s question is illformulated. On the Humean constructivist view I’m proposing, then, the regress of normative questions comes to an end not with any substantive value, but with an understanding of the exact moment at which normative questions cease to make sense—namely, the moment one divorces oneself from the practical point of view altogether, refusing, to take any value for granted.

Thus the neg burden is to prove that the resolutional agent’s initial set of beliefs makes it irrational for them to pay reparations to Black Americans.

The US government holds the rule of law to be important in its initial set of beliefs. Reparations are inconsistent with US law.

1. Standing

Reparations for slavery lack legal standing – multiple warrants

**Cooper 11** writes[[3]](#footnote-3)

To reiterate, reparations have been justified because slavery constituted an exploitative theft of the value of African American workers. The descendants of these slaves have been denied the inheritance that the current generation of White Americans has enjoyed from their respective ancestors. Be that as it may, U.S. **courts have consistently ruled that** the **descendants of slaves have yet to demonstrate “standing” (**they have not demonstrated **that** the **defendants personally injured them)** and that these descendants have taken too long to file their claims.3 Opponents to reparations have a legitimate case when they assert that (a) **there is no single group responsible for** the crime of **slavery;** (b) there is **no single group** that **benefitted exclusively** from slavery; (c) **only a minority of White** American**s owned slaves**, whereas others gave their lives to free them; (d) **most living Americans have no connection** (direct or indirect) **to slavery**; (e) the **historic**al **precedents used to justify** the **reparations** claim **do not apply, and the claim** itself **is based on race not injury; and** (f) **the reparations argument is based on the unsubstantiated claim that all African Americans suffer from** the **economic consequences of slavery** (Horowitz, 2002, pp. 12-15).4 In short, the economic basis of the reparations claim is highly problematic and has failed to earn the minimum standard for standing in the American judicial system.

2. The Constitution

The US Constitution would prohibit reparations laws for being ex post facto.

**Flaherty and Carlisle 4** writes[[4]](#footnote-4)

The **reparations suits are without merit** for other reasons. As tragic as **slavery was**, it was **legal in the South between 1789 and 1865. The Constitution prohibits ex post facto laws**, which are laws **that criminalize conduct that was legal when originally performed.**

3. Statute of Limitations

The statute of limitations would reject reparations

**Epstein 4** writes[[5]](#footnote-5)

The statute of limitations defense, however, seems to be impregnable in these cases. These statutes can raise individual issues of immense complexity, but the basic outlines are tolerably clear. As a basic matter, **a statute of limitations has two major purposes**.35 The first purpose is **to make sure that the cause of action is brought when the evidence is fresh so** that **a trial can conclude with** tolerable **accuracy**.36 Second, **and** equally laudable, these statutes allow parties **to** bring to **clos**ure **past disputes so that everyone can get on with** the business of **life**. 37 These considerations also rationalize the doctrines of adverse possession and prescription developed in connection with claims for real property. 38 In general, the statute of limitations starts to run when the cause of action accrues, that is, when plaintiff suffers the harm. 39 As a first approximation, therefore, the **individual causes of action for slavery and segregation accrued when the injuries were inflicted**, so that the statutes in question have long run unless some tolling exception applies. Tolling refers to those equitable circumstances that "toll," or stop, the statute of limitation from running. In the simplest case, the statute is tolled during the minority of an individual who lacks the capacity to bring suit on his own behalf.40 It takes little imagination to accept that the statute should be tolled when the injured person is prohibited by law from bringing any legal action at all, which occurs when a slave is a nonperson. But even if we allow this tolling defense, it only gets us up to around 1865. 41 Much of the wrongs inflicted in the United States took place after the civil war during the period of official segregation. 42 But segregation does not toll the statute of limitations because segregation did not limit the right to bring suit, even if the climate of opinion made it impossible to win on these cases. That happens in countless areas of life. For example, the privity limitation relevant to product liability law once made it impossible for an injured person to sue a remote supplier of goods in New York unless certain limited exceptions applied. 43 Although MacPherson v. Buick undid this limitation in 1916, 44 a tort cause of action barred in New York in 1866 could still not be revived fifty years later. The same is true with reparations. The hostile legal climate surrounding a cause of action for reparations, or for anything else, does not prevent the statute from running. Furthermore, this case is not one where the individual plaintiff does not suffer an injury until years after the defendant has acted. In contrast, in cases where someone inhales asbestos fibers in 2004, under traditional law the plaintiff has a cause of action against the manufacturer who made the fiberboard fifty years earlier. 45 A statute of repose could bar actions based on the number of years since the defendant has parted with possession of the dangerous product. 46 This bar, however, is wholly without regard to the time of the plaintiffs injury. Nor is this a case of concealment or of a continuing wrong,47 apart from the want of redress of the older wrong, which if allowed in any case always makes the statute a dead letter. I think that the statute of limitations defense should be allowed, and that the case should turn on that ground alone, not that of standing or political question. This result is consistent with the basic theory of the statute of limitations because the **passage of time is, in general, a reliable proxy for** the **increased complexity of events.** The correct view of the substantive law allows for the descent of the action to take place on both sides of the case.48 On the plaintiffs side, each passing year results in the multiplication of the number of descendants to whom some fractional interests have passed. The analogous problem in connection with the possibilities of reverter and determinable fees has resulted in a number of legislative and private initiatives whose purpose is to cut down these actions because of the huge number of parties involved. 49 Thus a legislature could require that individuals reregister their interests to keep their interests alive, 50 or the legislature could require the creation of trustees who are allowed to proceed on behalf of all parties. But no such mechanism is available here, so that we see with each passing year the numbing difficulties of trying to figure out who is a descendant of whom, and to what fraction. This seems to make the class action approach difficult if we were to aggregate the individual claims, where each claim is dubious in itself and differs in some particulars from the others. In the years **since 1865 we have had at least seven generations, so** that **a direct descendant** of a slave **is 127 parts not slave descendant**, unless there is another slave somewhere else in his or her line of ascent. The truncation worked by **the statute of limitations prevents** these **reparations** actions **from lasting for more than a single generation**. To circumvent this problem, we have to contrive of some classwide payment that goes to no one in particular, but to entities who are said to represent these individuals. But at this point, why think of the claim as one for reparations when the program looks far more like some legislative initiative that does not have to observe the standard constraints of corrective justice, but simply has to command sufficient political support to pass. Similar difficulties exist on the side of the defendant. Let us assume that the claim really does ask for an accounting of profits that were achieved by using black labor, by selling insurance on slaves, or by making loans to purchase slaves. We have no idea how much of that profit (assuming that it could be calibrated) actually descended to the next generation. The ordinary business will reinvest some fraction of its profits, but will declare some as dividends and pay some out in salaries to its employees. Dividends and wages do not descend to the next generation. Hence it becomes necessary to figure out just how much of the current worth of any firm is related to these distant events, as opposed to those of more recent vintage that were conducted on a far larger scale. Any calculation that takes interest at just 2% of the full profits, or even some fraction thereof, improperly ignores the distributions and consumption that cause this action to fail.

## Case

Human moral judgments are indirectly influenced by evolutionary tendencies.

**Street 6**[[6]](#footnote-6)

A further piece of evidence in favor of this view is the striking continuity that we observe between many of our own widely held evaluative judgments and the more basic evaluative tendencies of other animals, especially those most closely related to us. It does not seem much of a stretch, for example, to say that chimpanzees, in some primitive, non-linguistic sort of fashion, experience certain things in the world as calling for or counting in favor of certain reactions on their part. Moreover, the content of these evaluative experiences seems to overlap significantly with the content of many of our own evaluative tendencies. **Like us,** individual **chimp**anzee**s** seem to **experience**—at some basic motivational level—**actions that would** promote their survival or **help their offspring as** in some way **“called for**.**”** More strikingly, and again **at some basic motivational level**, chimpanzees seem to experience the fact that another chimpanzee has helped them, whether by sharing food, grooming them, or supporting their position within the group hierarchy, as “counting in favor of” assisting that other individual in similar ways.16 While more work is needed to make such claims precise and subject them to thorough scientific testing, they have a strong basic plausibility, such that the conspicuous continuities between the basic evaluative tendencies of our close animal relatives and our own evaluative judgments lend further support to the view that evolutionary forces have played a large role in shaping the content of our evaluative judgments. We may view many of our evaluative judgments as conscious, reflective endorsements of more basic evaluative tendencies that we share with other animals. Now note two important complications to this rough evolutionary sketch. First of all, the discussion so far might have suggested that things happened this way: first our ancestors began making evaluative judgments, and then tendencies to make some of these evaluative judgments rather than others were selected for. In other words, first came the capacity to make evaluative judgments, and then followed the selection of their content. But the actual course of evolution certainly did not take place in these two stages, much less in that order. Consider again the list of widely held evaluative judgments I mentioned earlier. Behavioral and **motivational tendencies** in the direction of at least some of the pairings of circumstance and response on this list **presumably arose** and became entrenched in our ancestors **long before the rise of** any capacity for full-fledged evaluative judgment—where I am understanding the capacity for full-fledged evaluative judgment to involve not only an unreflective capacity to experience one thing as “demanding” or “counting in favor of” another (a more primitive capacity that other animals such as chimpanzees might share with us), but also a **reflective, linguistic**ally-infused **capacity to judge that one thing counts in favor of another**, and to step back from such judgments and call them into question. Behavioral and motivational tendencies to do what would help one’s offspring, for example— behavioral and motivational tendencies of gradually increasing degrees of consciousness and complexity—presumably vastly predated the sophisticated, linguistically-infused capacity to make the reflective judgment that ‘The fact that something would help one’s offspring is a reason to do it.’ Thus, the capacity for **full-fledged evaluative judgment was a relatively late evolutionary add-on**, superimposed on top of much more basic behavioral and motivational tendencies.17 A second complication is this. In order for evolution by natural selection to take place with respect to a given trait, the trait in question must be genetically heritable. Yet it is implausible to think that the acceptance of a full-fledged evaluative judgment with a given content—for example, the 17 I am indebted to Peter Godfrey-Smith for helpful comments regarding these points. 11 acceptance of the judgment that ‘One ought to help those who help you’—is a genetically heritable trait. That is to say: when individuals in a given population vary with respect to whether or not they make this evaluative judgment (or any other), most if not all of that variation is likely not due to genetic differences, but other factors (such as culture or upbringing).18 In contrast, however, it is plausible to suppose that over the course of much of our evolutionary history, what I have been calling “more basic evaluative tendencies” were genetically heritable traits, where a basic evaluative tendency may be understood very roughly as an unreflective, non-linguistic, motivational tendency to experience something as “called for” or “demanded” in itself, or to experience one thing as “calling for” or “counting in favor of” something else. We may think of these as “proto” forms of evaluative judgment. A relatively primitive version of such a tendency might be possessed by a bird who experiences some kind of motivational “pull” in the direction of feeding its offspring. A more sophisticated version might be possessed by a chimpanzee who has a motivational and perhaps emotional or proto-emotional experience of certain behaviors as “called for” by certain circumstances (for example, the experience of a threat to its offspring as “demanding” a protective response). It seems plausible to hypothesize that over the course of much of our evolutionary history—perhaps up until relatively recently19—when individuals in a given population varied with respect to whether they possessed a given basic evaluative tendency, a significant portion of that variation was due to genetic differences. So, for example, when individuals varied with respect to the presence or absence of an unreflective tendency to experience the fact that someone helped them as “counting in favor of” helping the other in return, a significant portion of that variation was attributable to genetic differences. The upshot of these complications is this. The influence of Darwinian selective pressures on the content of human evaluative judgments is best understood as indirect. The most plausible picture is that natural selection has had a tremendous direct influence on what I have called our “more basic evaluative tendencies,” and that these basic evaluative tendencies, in their turn, have had a major influence on the evaluative judgments we affirm. By this latter claim I do not mean that we automatically or inevitably accept the full-fledged evaluative judgments that line up in content with our basic evaluative tendencies. Certainly not: For one thing, other causal influences can shape our evaluative judgments in ways that make them stray, perhaps quite far, from alignment with our more basic evaluative tendencies.20 For another thing, we are reflective creatures, and as such are capable of noticing any given evaluative tendency in ourselves, stepping back from it, and deciding on reflection to disavow it and fight against it rather than to endorse the content suggested by it. My point here is instead the simple and plausible one that had the general content of our basic evaluative tendencies been very different, then the general content of our full-fledged evaluative judgments would also have been very different, and in loosely corresponding ways.21 **Imagine**, for instance, **that we had evolved** more **along the lines of lions, so that males** in relatively frequent circumstances had a strong unreflective evaluative tendency to **experience** the **killing of offspring** that were **not his own as “demanded” by the circumstances**, and so that females, in turn, experienced no strong unreflective tendency to “hold it against” a male when he killed her offspring in such circumstances, on the contrary becoming receptive to his advances soon afterwards. Or imagine that we had evolved more along the lines of our close primate relatives the bonobos, so that we experienced sexual relations with all kinds of different partners as “called for” in all kinds of different circumstances. Finally, imagine that we had evolved more on the model of the social insects, perhaps possessing overwhelmingly strong unreflective evaluative tendencies in the direction of devoting ourselves to the welfare of the entire community, and only the weakest tendency to look out for our own individual survival, being unreflectively inclined to view that survival as “good” only insofar as it was of some use to the larger community. Presumably in these and other such cases **our system of** full-fledged, **reflective evaluative judgments would have looked very different** as well, and in ways that loosely reflected the basic evaluative tendencies in question. My conclusion: The **content of human** evaluative **judgments has been** tremendously influenced—**indirectly influenced,** in the way I have indicated, but nevertheless tremendously influenced—**by** the forces of natural selection, such that our system of evaluative judgments is saturated with **evolutionary influence.** The truth of some account very roughly along these lines is all that is required for the Darwinian Dilemma to get off the ground.22

Humans would not have developed the ability to grasp mind-independent moral truths since that had no evolutionary benefit.

**Street 6**[[7]](#footnote-7)

What makes this point somewhat tricky is that on the face of it, it might seem that of course it promotes reproductive success to grasp any kind of truth over any kind of falsehood. **Surely**, one might think, **an organism** who is **aware of** the **truth** in a given area, whether evaluative or otherwise, **will do better** than one who isn’t.But this line of thought falls apart upon closer examination. First consider truths about a creature’s manifest surroundings—for example, that there is a fire raging in front of it, or a predator rushing toward it. It is perfectly clear why it tends to promote reproductive success for a creature to grasp such truths: the fire might burn it to a crisp; the predator might eat it up.35 **But** there are **many** other kinds of **truths** such that it will confer either no advantage or even a disadvantage for a given kind of creature to be able to grasp them. Take, for instance, truths about the presence or absence of electromagnetic wavelengths of the lowest frequencies. For most organisms, such truths **are irrelevant to** the undertakings of **survival and reproduction**; hence having an ability to grasp them would confer no benefit. And then one must also take into account the significant costs associated with developing and maintaining such a sophisticated ability. Since for most organisms, this would be energy and resources spent for no gain in terms of reproductive success, the possession of such an ability would actually be positively disadvantageous. With this in mind, let us look again at the evaluative truths posited by realists. **Take** first the **irreducibly normative truths posited by** non-naturalist **realists** such as Nagel, Dworkin, Scanlon, or Shafer-Landau**. A creature** obviously **can’t run into such truths** or fall over them **or be eaten by them. In what way** then **would it have promoted** the **reproductive success** of our ancestors **to grasp them?** The realist owes us an answer here, otherwise his or her alleged explanation of why it promotes reproductive success to make certain judgments in terms of the truth of those judgments is no explanation at all. To say that these truths could kill you or maim you, like a predator or fire, would be one kind of answer, since it makes it clear how recognizing them could be advantageous. But such an answer is clearly not available in the case of the independent irreducibly normative truths posited by the non-naturalist realists. In the absence of further clarification, then, the non-naturalist’s version of the tracking account is not only less parsimonious but also quite obscure.

Outweighs any reason moral realism is true – even if objective moral facts exist, we wouldn’t be able to know them so realism can’t guide action.

This also means that reflective equilibrium requires accepting our evolutionary judgments. Since those judgments are not objectively true, moral realism is necessarily false so reflective equilibrium can never justify rule util which assumes realism is true.

Following the Constitution is a utility-maximizing rule. It’s empirically tested. The constitution would not have lasted 200 years if it didn’t increase the pleasure of American citizens. That means ex post facto laws bad turns the AC.

Multiple implementation issues

**Schuck 2** writes[[8]](#footnote-8)

Here are just a few of the numerous **implementation problems** that **a reparations law would need to solve**. First, how would it define the beneficiary class? **Would it include all blacks** in the U.S. **or only those descended from slaves?** If the former, what about immigrant blacks and **how would “black” be defined in a**n increasingly **multi-racial society?** If the latter, what about descendants of free blacks? Second, how would the beneficiaries prove their entitlement? Absent a clear definition of black (who would judge?) or reliable documentary evidence of descent (surely lacking in most cases), what presumptions would be accepted and how could they be rebutted? Third, **would beneficiaries have to show that American slavery caused their current condition? What if they would otherwise have been killed or enslaved by** their **African captors, or sold to non-American masters?**  Fourth, **should all taxpayers bear the cost** of reparations**, or only those descended from slaveowners or** from those who lived **in the slave states?** The list of such technocratic questions - none of them fanciful - could be extended endlessly.

9-11 compensation fund proves – reparations don’t relieve the suffering of victims of injustices

**Schuck 2** writes[[9]](#footnote-9)

The actual effects of a reparations program, of course, will depend partly on the answers to these and other instrumental questions and partly on developments about which we can only speculate. To inform this speculation, however, we can draw on some historical experience with reparations or quasi-reparations programs to suggest what we might expect of this one, even conceding as I readily do that each program is different in any number of ways. Consider four such programs: post-war reparations; the September 11 compensation fund; affirmative action; and the payments to Japanese internees. (Again, space permit only the briefest characterizations). The treaties ending World War I required the Central Powers, especially Germany, to pay war reparations to the victorious Allies. In fact, the payments were grudging, delayed, incomplete, and raised new conflicts. For this reason, the payments brought little satisfaction to the recipients and the bitterness it engendered among Germans was skillfully exploited by Hitler and, according to many historians, contributed to his political support. The post-World War II reparations that Germany paid to Israel, although criticized by many as insulting and inadequate “blood money,” were far more successful and helped to launch the new state. **The September 11 compensation fund** is still in **its early stages**, but certain patterns are already evident. Although Congress assumed that this catastrophe was as sui generis as any event could be, the precedent it set has **already produced** an **expansion** of the program **to include** the **victims of other terror**ist-related **disasters** such as Oklahoma City and the Khobar Towers in Saudi Arabia. And while the relatively small share of the eligible families who have received their awards so far surely value them, **many recipients complain** that the **compensation’s failure to remedy their loss adequately has inflicted** an **additional dignitary harm and reopened painful wounds. Far from assuaging** their **suffering**, it seems, **monetization sometimes aggravates it -- no matter what compensation scheme is chosen.**

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