Revising the Moral Arguments for US Black Reparations in light of the Economic Arguments

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Abstract: There are currently two kinds of arguments for paying reparations to the descendants of enslaved individuals in the US, one economic regarding how it should be done and one moral regarding why it should be done. However, these arguments were developed independently of one another, and rely on different conceptual foundations. Successful public policy for paying reparations needs both kinds of arguments and needs them to be mutually supporting. This paper argues that the burden of adjustment falls on the current moral arguments. Their reliance on Locke's natural rights thinking and neoclassical economics individualism makes them philosophically problematic, unrealistic, and ultimately unpersuasive. The economic arguments for reparations rely on Stratification economics, and represent individuals as members of social groups. They provide support for concepts of group rights and collective moral responsibility, and provide a basis for more realistic and persuasive moral arguments for reparations.

Keywords: reparations moral arguments, reparations economic arguments, Locke, neoclassical economics, Stratification economics, group rights, collective moral responsibility

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Economic arguments determining the magnitude and nature of reparations due Black American descendants of enslaved individuals in the US have been developed in a comprehensive and systematic way only relatively recently (Darity and Mullen, 2020; Craemer *et al*., 2023; Darity, Mullen, and Hubbard, 2023; Darity, Craemer, Berry, and Francis, 2024). These arguments build on earlier economic arguments for reparations (America, 1990; Browne, 1993; Darity, 2008; Craemer, 2015), and provide a concrete, carefully explained basis for public policy discussion.[1]

However, public policy discussion also depends on moral reasoning regarding why particular policies are justified and ought to be adopted. Moreover, moral arguments for why certain public policies ought to be adopted are important for mobilizing public opinion in their favor and creating expectations regarding their implementation. Careful and systematic moral arguments, then, for paying reparations to descendants of enslaved individuals in the US were developed earlier and independently of these more recent economic arguments. Most influentially this was done by Bernard Boxill and J. Angelo Corlett, two accomplished philosophers who defended paying reparations on moral grounds in the prestigious *Stanford Encyclopedia of Philosophy* (Boxill and Corlett, 2010; also see Corlett, 2003, 2016). They have done much to frame these arguments, but it should still be asked whether, because they were developed earlier, they are consistent with the assumptions and reasoning in the more recent economic arguments. Putting it this way places the burden of any needed adjustment on the part of either on these earlier moral arguments. There are three reasons why the burden should fall there.

One is that they draw on philosophical concepts that, because they were originally advanced to deal with different, much earlier historical issues, and employ philosophical concepts many now argue are no longer taken seriously. Section one addresses this problem in connection with these argument's reliance on John Locke's natural rights basis for justifying reparations and its formulation terms of relationships between individuals – also the foundation of individualist neoclassical economics.

A second reason is that the Lockean-neoclassical individualist thinking implies reparations should be calculated and their magnitude determined in terms of relationships between individuals. But this method is at odds with the recent economic arguments for reparations with their basis in Stratification economics formulated instead in terms of relationships between social groups. Section two addresses this issue in connection with how the Lockean-neoclassical individualist method of determination undermines the case for reparations.

A third reason is that Locke's inadequate treatment of the concept of moral responsibility makes the arguments for a moral right to receive reparations and a moral obligation they be paid vulnerable to two sets of objections philosophers following Locke have discussed in regard to what are respectively called the harm and inheritance arguments. From the perspective of Stratification economics, section three argues the concept of rights need to be informed by a

[1] I will refer to them as the Darity-Mullen arguments in light of their statement in Darity and Mullen (2020, 256-270; also see Craemer et al., 2023; Darity and Frank, 2003; Darity, Mullen, and Hubbard, 2023, 17-20).

principle of group rights and the concept of moral responsibility needs to be informed by a principle of collective or shared moral responsibility.

What the paper thus does is revise the moral arguments for *why* reparations should be paid in light of the more recent economic arguments regarding the grounds for *how* they should be paid. It assumes that the issues of how and why are not independent as they might seem to many but are intertwined and interrelated, the reason being that moral arguments have a basis in how the world works as well as in normative thinking. The fourth closing section addresses this relationship, arguing that the economic grounds determining how policies should be enacted must reflect the nature of the society we live in, and understanding the nature of the society we live in requires we understand its moral principles. Thus, the paper draws from the recent economic arguments for paying reparations to elicit their implicit moral foundations, and to hen sets them out as both morally persuasive and realistically grounded. But to get to this result, first it is necessary to see why Locke's rights thinking, as influential as it is in western and US thought, is insufficient and misleading for us in the world today.

1. Locke's approach to reparations and its problems

Boxill and Corlett (2010; 2022) provide thorough and well-developed moral arguments for why morally reparations should be paid to the descendants of enslaved individuals in the US. The foundation for these arguments is Locke's (1689) rights-based approach to reparations in which it is as a matter of natural law that all people have equal rights to their lives, liberty, and property, where their property includes what their labor creates. Locke's natural law thinking was a product of seventeenth century England when unchecked monarchical power was being contested. The strategy was to argue that unchecked monarchical power violated natural law. Natural law referred to what people were believed to be outside of or prior to the formation of human society – what was said to be a state of nature. For Locke, then, in a state of nature all people are equal in their basic human capacities, even though they differ in how successful they are in using them. From this he inferred that, as a matter of natural law, this same basic equality should also hold in human society. It followed that when a person's life, liberty, or property is infringed upon, they have a natural right to have to redress – thus, a natural right to reparations – the cost of which Locke argued should be incurred by those responsible for this because it is they who have upset this natural equality between people.[2]

The obvious appeal of Locke's argument for justifying reparations in the US case, then, lies in the fact that there is no doubt that enslaved individuals were deprived of life, liberty, and their property including in what their labor created, and that those responsible for this can be identified as slave traders, slave owners, and others who facilitated slavery. For us, however, Locke's state of nature/natural law basis for paying reparations that imagines people outside of or

[2] Boxill and Corlett note there are moral arguments for reparations based on utilitarian reasoning, but neither they nor most other philosophers have found them compelling.

prior to human society is a pure fiction, and the idea that there is or ever was a state of nature in which people are equal is clearly false according to all we know about human life and history.[3]

Natural law thinking was adopted by many in Locke's time and after who found it a powerful and convenient means for arguing against unlimited government power, but since there never was a state of nature in which these equalities obtained, as persuasive as his argument was at the time he made it, as a moral justification for reparations today it fails. What survives from the argument is the widely held moral belief that all people should be seen as inherently equal. Thus, we can agree people should be seen as equal in their basic human capacities and thus in their fundamental rights, but this requires other conceptual foundations. For example, in contemporary political thinking Rawls' (1971) social contract theory makes equal liberty a first principle of justice.

My view, however, is that adopting a principle of equal liberty requires we first understand what individuals are who we are to treat as morally equal. It may seem there is little to be said on this score; 'individuals are simply individual people.' However, this view ignores a long history of controversy in philosophy and social thought about what individuals are, or what the identity of the individual is. Without entering into this discussion, it can nonetheless be noted that Locke occupies a specific place in the history of thinking about what individuals are, advancing (along with Descartes) what is called the modernist conception of the individual as an autonomous type of being able to disengage from the world and social relationships by exercising the power of reason. In describing the origins of this modernist conception of the individual in Locke's thinking, Charles Taylor characterizes it as a conception of a socially extensionless self – a 'punctual' self, or as he puts it, a self not 'in' the world but nonetheless possessing a power to independently act in and upon it (Taylor, 1989, 171-2).[4]

Previously I discussed (Davis, 2003, 3, 11ff) how Locke's modernist conception of the individual has become neoclassical economics' view of the individual, and then argued that understanding different conceptions of what individuals are requires that we critically apply identity criteria to the conceptions of individuals we adopt in economics. That is, we need to first systematically answer the philosophical question, "What kind of a thing is it?" (Shwayder, 1965, 41) before we begin to put moral reasoning and economics to work in formulating public policy.

This bears directly on how reparations are understood because the Lockean-neoclassical view of the individual is employed in the moral arguments Boxill and Corlett review regarding why reparations should be paid to descendants of the enslaved in the US – arguments which in the next two sections I argue ultimately undermine the case for paying reparations. Why is connected to their relying on this the Lockean-neoclassical view of the individual. In the final section of the paper I then argue that these problems can be overcome when a conception of individuals alternative from this Lockean-neoclassical modernist one is adopted, one that instead sees individuals as socially embedded in the sense of being members of social groups, and one

[3] Nor was it the case that in their pre-enslavement lives that individuals had equal rights in regard to life, liberty, and property. One reason why Locke may thought such a state of nature existed is that it was believed by some in the 1600s that this was what European settlers in North America observed in the indigenous peoples.
[4] Descartes' contribution to this asocial conception of the self is captured by his famous, 'I think, therefore I am' statement that he believed grounded and linked rationality and individuality.

employed in Stratification economics, which underlies the economic arguments for reparations in Darity-Mullen.

2. Locke's individualist accounting method for determining the magnitude of reparations

Locke's individualist moral justification for paying reparations implies a specific accounting method for determining the magnitude of reparations involving two calculations. First, the costs of the damages to individuals harmed are established individual by individual, and second, total reparations are determined as the sum over the damages suffered over all individuals. The rationale for this method is that for Locke violations of rights are always violations of individual rights, so reparations must be based on the specific harms individuals incurred. This individualist method of accounting, needless to say, also occupies a central role in modern legal systems including US tort law where damages for a variety of infringements of one party on the rights of another are determined by adding up the cost of specific injuries particular individuals suffered due to the actions of other individuals.

However, the Darity-Mullen economic arguments employ a different method of determining the magnitude and nature of reparations in that they are measured, not by summing up damages over individuals, but as the amount of money that would eliminate the US black-white racial wealth gap (Darity and Mullen, 2020, 263ff; Craemer *et. al*., 2023, 25). Reparations calculated so as to eliminate the U.S. black-white wealth gap, then, are formulated in terms of relationships between social groups, not relationships between individuals. Of course these reparations are still based on the harms individuals have suffered – in fact not only enslaved individuals but also black Americans in the long US history of structural racism after slavery (Mason, 2023). And those who would receive reparations as descendants of enslaved individuals are individuals. However, the accounting method involved is not the Lockean adding up individual costs approach but rather a determination of social group costs based on the relative wealth positions of white and black social groups.[5]

One implication of this is that descendants of enslaved individuals eligible for reparations would be entitled to equal shares in the total of reparations that eliminating the black-white wealth gap would produce whereas the Lockean approach ties individual reparations to harms of individual ancestors which would vary according to the extent of those harms. Thus, what recipients of reparations received would likely not or only accidentally correspond to the cost of harms experienced by their particular ancestors. A second implication is that individuals receiving reparations would receive them not only for the harms *all* enslaved individuals experienced, whether their particular ancestors suffered them or not, but also for the harms *all* the their post-slavery ancestors experienced, and also for all the harms *they themselves* have experienced on the grounds that the size of the US black-white wealth gap is a result of this total set of harms from slavery to the present.

[5] Craemer et al. (2023, 26ff) review a number of methods that have been used to estimate historical losses in wealth, all of which have various difficulties. They conclude that the racial wealth gap avoids these difficulties and provides a conservative and comprehensive measure of the cumulative effects of white supremacy in the United States (25).

Note, then, what this implies about the meaning of the concept of reparations itself. The Lockean approach conceives of reparations essentially as a restitution in the form of a money compensation that restores an injured party's prior uninjured state. Yet just as there never existed a state of nature in which people equally enjoyed life, liberty, and their property, neither did enslaved individuals in the US ever live in an uninjured state which reparations would restore, nor did post-slavery black individuals ever live in an uninjured state which reparations would restore. Thus, reparations seen as restitution and a money compensation intended to measure the cost of restoring such a state does not have meaning.

What instead reparations in the Darity-Mullen estimation do is create a state of equality that never existed but which could exist according to a tangible economic measure of what social equality would involve, the removal of the US black-white wealth gap. Reparations, then, are not a restoration through restitution as in Locke and US tort law. At best, looking backward, they are restoration of social equality as a US ideal expressed in many of its founding documents and proclaimed aspirations never realized. More realistically, looking forward, reparations are intended to create a social state of affairs *de novo* in which people are equal in their basic human capacities irrespective of their racial identities. Reparations in this sense are a moral repairing of a society according to its own ambitions.

Central to this meaning of the concept is the social groups-based approach to determining the meaning and magnitude of reparations with its theoretical basis in Stratification economics. Stratification economics (Darity 2015, 2022; Darity, Hamilton, and Stewart 2015; Davis 2019, 2024; Mason, 2023) examines how economies are structurally organized around social group inequalities, especially by race and gender but also by other social group distinctions. This social structuring has produced persistent and enduring inequalities in racial wealth, economic power, employment, and incomes in the US for centuries (see Mason, 2023, 39ff). The US black-white wealth gap is one summary manifestation of this, one representative in a basic economic sense of the many different ways in which racial inequality has been sustained. The argument for reparations, then, is that eliminating that racial wealth gap would do much to weaken the self-reinforcing, structural character of US racial inequality, and at least re-start social economic relationships between white and black people in the US on the premise that racial inequality is socially and morally rejected.

The individuals-based Lockean approach to reparations with its expression and theoretical basis in individualist neoclassical economics assumes economies are organized around the choices of atomistic individuals and that everyone has the same opportunities as everyone else irrespective of their social origins or circumstances. From the perspective of Stratification economics, this produces an idealized, unrealistic view of society which works ideologically to reinforce social stratification and which can be used to argue that no grounds exist for paying reparations. Yet historically when reparations have been paid, it has been for crimes and harms committed against groups of people, for example, Japanese Americans in the WWII internment camps and the Jews during the holocaust.

The next section turns to how the Lockean-neoclassical individuals-based view of reparations opens us the defense of reparations to two sets of objections, one concerning who is morally entitled to receive reparations and one concerning who is morally obligated to pay reparations.

Boxill and Corlett address the first issue in connection with what philosophers term the harm argument, and address the second in connection with what philosophers term the inheritance argument. Central to both issues is how we understand the concept of moral responsibility, which conceptually links moral entitlement to receive reparations and moral obligation to pay them.

3. Reparations and moral responsibility: the harm and inheritance arguments

An important omission in Locke's thinking fundamental to moral arguments for reparations is the concept of moral responsibility. Moral responsibility assumes a moral wrong has been done to someone by someone morally responsible for that wrong. However, Locke's natural law approach to reparations employs neither the concept of moral wrongs nor the concept of moral responsibility, because paying reparations only involves fulfilling a law of nature, and there is nothing inherently moral about nature. Indeed, one would no more accord nature moral properties than one would ascribe moral properties to animals. To the extent that people observe 'laws of nature' they do so out of necessity. Acting morally, however, involves an entirely different foundation for behavior. It requires one act in ways other than what nature compels according to human values people adopt over and above what nature compels. In more modern language, then, Locke's natural rights approach to reparations is not only individualistic but also unacceptably naturalistic.[6]

Since Locke, then, moral philosophers have regarded people are moral beings who have moral responsibility for their choices and actions. When they then accept moral responsibility for a moral wrong they have done, this entails being in a state of contrition or a state in which a person is remorseful, penitent, and self-critical on a moral level. Being in this state means that they not only recognize they have a moral obligation to those whose rights they violated but also those whose rights are violated are morally justified in saying they were wronged and have a right to redress. In the case of reparations, this links rightful recipients of reparations to those responsible for paying reparations in a moral relationship.

Legal proceedings do not require any of this and largely avoid moral issues. Indeed, one can abide by a legal outcome and deny one has a moral responsibility to abide by it. Legal systems rather work through conventions and precedents. One might hope legal systems promote moral behavior, but this is not their main purpose. Moreover, it can be argued that this distance between legality and morality is desirable. Tolerant societies respect people's different moral views and use legal codes to place practical boundaries on their behavior.

However, in the case of reparations for slavery a merely legal resolution is not acceptable because in this case we are not talking about people's legal rights but about redressing the moral wrongs done to them. Indeed, this can be argued essential to be all reparations cases. Thus, those receiving reparations and those paying them must share a belief that this is a morally responsible response course of action. It is not acceptable that reparations be paid and it still be held by those responsible that this is merely expedient and that no moral wrong was done.

[6] Neoclassical economics follows Locke in this regard in requiring descriptions of economics relationships be value-free.

Perhaps Locke's blindness to this reflected that he was conflicted over whether slavery was a moral wrong since he allowed for it in some circumstances and not in others.[7] However, our own values are that slavery was and is morally wrong, so in order for public policy to be adopted to pay reparations for slavery, it must be backed by broad public agreement that slavery in the US was morally wrong and that American society accepts a moral responsibility for it.

How, then, is acceptance of moral responsibility registered? Where reparations have been made or called for it is by a public statement of apology accompanying reparations. In fact, apologies for crimes and harms against different social groups has precedent in US public policy. President Reagan issued a formal apology to Japanese Americans for their incarceration during World War II in signing the 1988 Civil Liberties Act. President Biden formally apologized in October 2024 for the federal government role in running boarding schools where thousands of Native American children endured abuse, neglect and eradication of their tribal identities. It is also the position of the NAACP regarding black reparations that an apology is necessary (NAACP, 2019). Further, the Darity-Mullen argument for reparations not only calls for monetary compensation to be paid to eligible descendants of enslaved individuals but also for a statement of apology saying Americans accept that slavery was morally wrong.

Given this, I turn to the harm and inheritance arguments which raise two related but yet different sets of objections to the US acknowledging moral responsibility to pay reparations to descendants of the enslaved. The harm argument focuses on who would receive reparations; the inheritance argument focuses on who would pay them. In the case of the harm argument, the main problem is that since it can be argued it is unclear that the descendants of the enslaved have been harmed by slavery, it cannot be said moral wrongs have been done to them for which anyone is morally responsible. In the case of the inheritance argument, the main problem is that while it can be agreed that those who harmed enslaved individuals were morally responsible for this, those who later in time had no involvement in causing those harms can argue they committed no moral wrongs and are thus not morally responsible for those harms.

i. The harm argument

In Lockean and neoclassical economic individualist thinking, those morally entitled to receive reparations are those individuals who suffered harms and had their rights violated while those morally responsible to pay them are those individuals who caused those harms and violated those individuals' rights. In a neoclassical economics application of Locke's thinking, then, people are entitled to make whatever choices they wish as long as they do not harm others. Though most neoclassical economists claim economics is value-free, nonetheless, they commonly say markets embody freedom, a moral value, so for them choices people make that harm others are morally ruled out and implicitly people have a moral responsibility not to harm others whether or not they acknowledge this.

[7] He had two views of slavery: slavery is legitimate when a winning side in a just war imposes forced labor on individuals from the losing side; slavery is illegitimate when an authoritarian government enslaves individuals in the interest of maintaining its own power (Uzgalis, 2017).

Notice, then, that this assumes that both those who might be injured and those who would be responsible occupy more or less the same time period. This assumption also has considerable legal standing in US tort law. In the case, then, where injury causes someone's death, immediate and sometime even distant family members can make claims on their behalf. The idea behind this is that family members have been harmed indirectly through their family connection to the deceased family member. Injury claims thus persist through time, to a degree. However, when family connections are not reasonably close in time, say, a few generations, cases rarely go forward or succeed. Why?

One reason bearing specifically on reparations that Boxill and Corlett discuss falls under the harm argument. The issue is that over long periods of time it becomes increasingly difficult to say that descendants' conditions are a product of what happened to their ancestors, so it can be argued that it no longer makes sense to say their ancestors' harms and injuries have carried through to their descendants. Indeed, since slavery was in place in the US from 1619, it seems that the current circumstances of descendants of enslaved ancestors could well be argued to be the product by many things other than this heritage, and thus it would follow that we do not have grounds for saying the past harms of enslaved individuals count as harms of their descendants.

To respond to this, Boxill and Corlett draw on Bittker (1973) and Fullinwider (2004). The latter argue the harms and crimes committed against enslaved individuals have effectively carried over to their descendants because the US government failed both after 1865 (Bittker) and also after the 1877 end of Reconstruction (Fullinwider) to complete black Americans economic and social enfranchisement, and this significantly affected the well-being of enslaved individuals' descendants. In effect, matters were never closed, and thus despite the length of time involved, it is still the case that reparations should be paid today.

However, while this makes a case for an historical mechanism whereby past harms have carried over to become present harms, this still leaves open that the economic and social circumstances of today's descendants of the enslaved could be due to many things that have happened to black Americans since 1877. One way, then, that this response could be set aside would be to say that the only significant thing that figures into those circumstances the discriminatory functioning of markets and society toward Black Americans under Jim Crow and subsequent eras to the present. This answer to the harm argument critique effectively transmits the costs and harms from slavery through to the present. Those costs and harms are perpetuated because they were not addressed.

But this raises a question. Why not also include in the total costs from slavery also the costs of the crimes and harms committed post-1877? Here we seem to see a conflict between the moral and causal arguments. The former, because they make the originating crimes of slavery the moral basis for reparations, and because they seek to address the harm argument on those grounds, argue the that reparations should be paid for harms incurred in slavery but not for harms thereafter. Yet given the causal argument, compensation for slavery alone would underestimate slavery's total costs, since its costs were not just transmitted but recurring post-1877, albeit in Jim Crow form.

One should note, then, how the harm argument reflects two conceptual principles it assumes: Locke's framing of violations of rights and payment of reparations within a relatively short

periods of time and neoclassical economics' individualism that ties reparations to the actions and behavior of individuals. Yet when we speak of US reparations to be paid today for slavery in the past, neither principle really applies. Below I argue both principles should be rejected on the grounds that we are concerned with social groups and the relevant time passage is from slavery to the present. But first I review the objections to reparations in the inheritance argument, another product of the Lockean approach.

ii. The inheritance argument

The inheritance argument draws on the same conceptual principles underlying the harm argument, but whereas in the harm argument emphasis is on the time issue, here it is on the individual agency of those who violated others' rights. For Locke, it is clear that an individual having a right violated is due to the actions of those who violated it. For individualist neoclassical economics, while people are entitled to whatever choices/actions they wish, this does not extend to choices/actions that harm others.

In the inheritance argument the emphasis is also on those who would have responsibility to pay reparations. Proponents of reparations argue that descendants of those who owned slaves inherit those slaveowners' responsibility to pay reparations. Against this, descendants of those who owned slaves say they do not inherit any such responsibility for the choices/actions of those from whom they are descended. They argue, calling on neoclassical reasoning, that they made no such choices themselves nor acted as their ancestors did. If reparations should have been made to enslaved individuals, they should have been paid by those original individuals who enslaved them. They might even agree that violation of the rights of enslaved individuals was morally reprehensible, but say that responsibility for that moral failing falls on those who violated the rights of the enslaved, not on themselves.

We can refer to this response as the Mitch McConnell problem. McConnell, a senator from Kentucky, acknowledged (June 18, 2019) he is a descendant of slaveowners, but stated, "I don't think reparations for something that happened 150 years ago, when none of us currently living are responsible, is a good idea" (NBC News, 2019). Note, then, that in an important way, this response is stronger than the one made in the harm argument. There the challenge is to show that causal effects work across long periods of time, and the Bittker and Fullinwider actually make a case for there being an historical mechanism whereby past harms carry over to become present harms.[8]

McConnell ignores these causal questions and moves directly to the issue of moral responsibility. He agrees moral responsibility arises out of agency and people's choices/actions, but ties this strictly and only to what particular individuals do. However, this ignores that when we consider who benefitted from slavery, it was not only those particular individuals who owned slaves who did so directly, but indirectly their descendants as well. Indeed, many individuals who did not own slaves but worked for slaveowners also benefitted from slavery as also did those descended from them.

[8] In fact, this case is made persuasively in a different manner in the economic argument for reparations made by Darity and others.

Thus, contrary to McConnell, since the consequences/benefits of the choices/actions of slaveowners are inherited by those associated with them through descent or employment, and since he allows slaveowners were morally responsible for slavery, it follows that their moral responsibility for slavery extends to all these other individuals, including himself. McConnell might reply that he does not believe he has personally benefitted from what his ancestors did. Yet it is hard to see this as credible when see the significant gaps between whites and blacks in the US today with respect to employment, incomes, opportunities, and wealth. Surely those gaps are to his advantage since they work to concentrate the economy's benefits in the white population. Thus, he benefits not only from slavery but also from the post-1877 history of racial discrimination that has sustained the inequities of slavery. Consequently, that he never owned slaves does not mean he is without moral responsibility for slavery.

We see here the role that individualist neoclassical economics plays in McConnell's denial of responsibility in his adoption of its assumption that individuals are atomistic, socially extensionless beings on whom responsibility for their choices/actions falls on one by one. In contrast, Stratification economics explains how economies function in terms of relationships between social groups, and so responsibility falls on individuals in their capacities as members of social groups. What this difference tells us, as suggested in the introduction to this paper, is that moral arguments for *why* reparations should be paid are not independent of economic arguments regarding the grounds for *how* they should be paid. These two sets of arguments, we see in connection with how the harm and inheritance arguments depend on assumptions made regarding whether we ignore or recognize the social relationships involved, though they initially appear unrelated, one from moral philosophy, and one from social science, are instead intertwined and interrelated. The simple conclusion that follows is that the existing leading moral arguments for *why* reparations should be paid need to be revised. The more difficult matter is *how* should they be revised specifically as moral arguments? The fourth closing section turns to this.

4. An alternative moral argument for US Black Reparations

The harm and inheritance argument frame the reparations issue in terms of relationships between asocial individuals. The last two sections showed this creates problems for the argument that descendants of enslaved individuals have a right to reparations and the argument that descendants of those who benefitted from slavery have a moral responsibility to pay them. Suppose, then, that we give up the asocial individuals idea, and recognize that individuals are members of social groups. How does this affect these arguments?

When we now speak of rights, this entails we employ a concept of group rights (Jones, 2022). Two ways, then, in which reparations have historically been paid on a group rights basis are when they are paid directly to certain living individuals in virtue of their being members of particular social groups, and when reparations are paid not to any particular set of individuals but to group entities in the name of particular individuals. The US reparations paid directly to surviving Japanese Americans incarcerated during World War II is an example of the first way.

The reparations paid to Israel after World War II in the name of Jews killed and harmed by Germany during and before the War is an example of the second.

The Darity-Mullen arguments with their Stratification economics social groups basis combines these two methods. Like the Japanese reparations, reparations would be paid directly to living individuals in virtue of their being members of a particular social group, the descendants of enslaved individuals. Like the Israel reparations, they would be paid in the name of those no longer living enslaved individuals. Thus, these arguments employ a hybrid concept of group rights, one that frames the right to reparations as a group right and one also that pays reparations directly to eligible individuals.

Note, then, that individualist the harm argument, which questions whether the individuals who would receive reparations can be shown to have been harmed by slavery, now no longer applies. The reason is that, while the economic and social circumstances of many black individuals today may indeed not clearly reflect their heritage, nonetheless the economic and social circumstances of black Americans today as a social group – a group which is worse off than white Americans as a group – is clearly due to how black Americans have been discriminated against from slavery to the present in virtue of their being members of this social group.[9]

Turning now to moral responsibility, when we think in terms of social groups rather than individuals, this entails we employ a concept of collective or shared moral responsibility (Smiley, 2023). The concept of collective or shared moral responsibility is controversial among philosophers because it requires us to say groups can be said to act as moral agents in essentially the manner as individuals who initiate and act on intentions. But how can a non-individual entity even be said to have intentions? Nonetheless, non-individual entities such as business firms both undertake actions which have an intentional quality, and do so through the actions of individuals who act as the firms' agents. The same can be said for other types of non-individual entities such as representative governments. Thus, if involving a more complex intentional character that what we ascribe to individuals, it is still intentional and clearly derivative of individual actions (Corlett, 2001; List and Pettit, 2011).[10]

The Darity-Mullen arguments takes this position. The non-individual entity said to have moral responsibility for paying reparations in this case is the US Federal government since through many actions it carried out before, during, and after the Civil War it demonstrated an intention of establishing racial equality in the US, an intention which many individuals in the government acted in its name (Darity, Mullen, and Hubbard, 2023, 19-20).

Thus, the inheritance argument with its individualist framing, which concerns who has a moral responsibility for paying reparations, also breaks down and the McConnell objection does not apply. McConnell understands moral responsibility only in individual terms, does not recognize the concept of collective or shared moral responsibility, and thus does not see that the US

[9] This conclusion seems to be what Fullinwider and Bittker are aiming at when they speak of post-slavery and post-1877 US history, but they formulate their arguments in terms of the rights of individuals rather the group rights of individuals, and thus leave the harm critique arguably in place.

[10] Indeed, this view also operates in US tort law in connection with legal responsibility where many cases concern business firm' legal responsibilities toward individuals.

government accepted moral responsibility for establishing racial equality but failed to act as was needed to achieve it. This continued after the Civil War and the end of Reconstruction, despite continual espousal of egalitarian values, when many federal government laws and institutions perpetuated rather than ameliorated racial inequality (see Mason, 2023, 81ff).

A clarification, however, is needed when we incorporate group rights and collective or shared moral responsibility in our analysis of reparations. When we say groups have rights and moral responsibilities, what we mean is that individuals have them in virtue of their membership in groups, not that groups have them *per se*. Thus, in Stratification economics' the moral basis for receiving reparations is still individualist, not in the Lockean-neoclassical way, but rather in that individual equality requires social equality, whereby people are entitled to the same opportunities whatever their social group identities.

This is important, then, to understanding the moral basis of individual equality. Lockean-neoclassical individual equality with its state of nature foundation can accommodate anti-egalitarian views. The argument is that if all are naturally equal, then if some fail to achieve as much as others, the conclusion that some might draw is that they must be naturally less capable, thus unequal. From this, they suppose it follows that they should have less rights and others less moral responsibility to them than those whose achievements are greater. In effect, individual equality with a state of nature basis opens the door to a 'performance test' which in a societies stratified by social groups works against those subject to economic and social discrimination by adding a false moral justification for denying the same rights to all.

Contrast this concept of individual equality with the idea that individual equality requires social equality. Social equality does not entail all people get the same goods and opportunities in life, as in some caricatures of socialism. Social equality only entails people's goods and opportunities in life are not pre-determined by their social origins. Lacking any naturalist basis, the idea that individual equality requires social equality constitutes a moral ideal that human societies must aspire to defend if equality is to be taken seriously in them. This ideal, consequently, is what anchors our thinking about individual rights and moral responsibilities, and thus provides the ultimate grounds on which reparations ought to be paid to descendants of enslaved individuals in the US.

This paper, then, aimed to show that existing moral arguments for reparations with their basis in Locke and neoclassical economics fail to be persuasive and thus alternative foundations for those arguments are needed. These alternative arguments, it was argued, must reflect the social nature of the world we live in, in particular the importance of relationships between social groups. This understanding is central to the economic arguments we have for reparations that allow us to advance moral arguments for reparations that employ concepts of group rights and collective or shared moral responsibility. On this basis we are then able to advance an altogether different moral justification for reparations, one in which individual equality and social equality are seen to go hand in hand.

The paper also aimed to show that moral arguments for reparations cannot be independent of economic arguments for reparations. That is, *why* morally reparations ought to be paid to eligible black Americans as descendants of enslaved individuals is intertwined and interrelated with *how* they would be paid. A silent premise in the existing moral arguments for reparations is

that moral arguments stand on their own independently of the world to which they apply. Yet not only does this appear here to be a philosophically naïve, but worse it also ignores the moral values and moral reasoning that operate in the economic arguments regarding reparations in connection with the concept of equality.

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