

# American Renaissance

There is not a truth existing which I fear or would wish unknown to the whole world.

— Thomas Jefferson

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## The Case Against Reparations

### The demands are coming and must be refused.

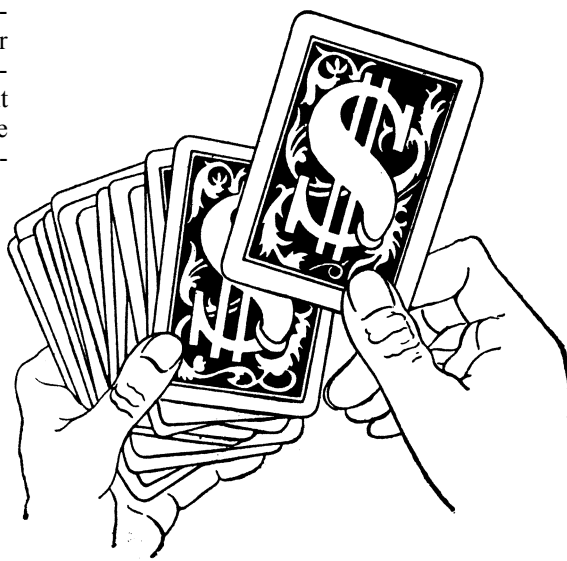
by Michael Levin

The events of Sept. 11 temporarily pushed reparations for slavery back from their position halfway into the mainstream. At a time of national crisis it would have seemed piggish to demand even justified entitlements. Still, reparations were hardly gone for good, and as normalcy returns, blacks and their allies are renewing their demands for vast sums to compensate for misdeeds real and imaginary. In March, chairman of the US Commission on Civil Rights, Mary Francis Berry, said reparations are the “unfinished business of the civil rights movement,” and even the New York City Council recently voted to “study” the reparations question. Blacks will soon be back demanding payment, and whites must be prepared to respond.

To be sure, to judge from polls, most whites oppose reparations. But they must oppose them for the right reasons, not because they are inopportune or overblown, but because they are an outrageous expression of ingratitude and gall. Unless whites can articulate the right case against reparations, they will end up watching in bewildered impotence the adoption of measures they know to be wrong, just as they did in the case of affirmative action.

Replies to the demand for reparations may be graded by their power to shock. Some might be heard on *60 Minutes*, some would raise eyebrows, and others would call down execration as racist. Unfortunately, all the publicly permitted arguments concede too much, which means only the forbidden ones are worth raising.

Let us divide objections into the polite, the impolite, the rude and the shocking. The commonest polite argument is that reparations would cost too much—a sound enough point as far as it goes, given the rapacity of the civil rights



lobby. Some claimants put the debt to American and African blacks at several trillion dollars. One ever-handly yardstick that yields these remarkable figures are race differences in economic outcomes—there are many—which are automatically ascribed to “discrimination” rather than differences in ability.

### Perhaps each white could work for blacks two weeks annually for 25 years, in shifts.

Thus *Ebony* bases reparations on “A study out of the University of California at Berkeley [that] showed that the value of the income lost as a consequence of racial discrimination between 1929 and 1969 alone comes to about \$1.6 trillion.” (Whites of course beg for such finger-pointing by obsessively re-

hearsing their past sins.) A second type of estimate looks to precedents, notably the \$20,000 paid by the US government to each Japanese relocated during the Second World War. That amount paid to 40 million blacks—and they would certainly want far more—would come to \$800 billion. Similar calculations cite German payments to Jewish Holocaust survivors, whose dominance in the victim sweepstakes irks many blacks greatly.

A third formula treats the average price of a slave 200 years ago—about \$14,000 in current dollars—as stolen human capital on which interest has steadily been compounding. Given a modest three percent average annual interest rate corresponding to economic growth—in this one case reparatationists will doubtless be generous in their estimates of the productive capacity of capitalism—each slave’s estate is \$2.8 million short. For every million Africans enslaved, their current descendents are thereby collectively owed \$2.8 trillion.

The alleged debt to the continent of Africa runs higher still, and must cover not only the labor of an estimated fifteen to a wildly exaggerated one hundred million abductees, but the removal of natural resources. People making this calculation never mention the involvement of Africans in the slave trade who, to be consistent, should also be asked to pay, or the fact that natural resources like oil and diamonds were of no use to Africans and could not be extracted by technology indigenous to Africa. Notwithstanding these objections, white depredations are said to have cost Africa \$7 trillion, for a total bill typically greater than \$10 trillion.

Bear in mind that all the goods produced in the US last year were worth roughly \$9 trillion, which in turn represented nearly one fourth of total world

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## Letters from Readers

Sir — Twenty years ago I was in the Virginia prison system, for two years, at four different prisons. The terminology of rape apparently has changed, but it sounds basically as it was then.

Honestly, though, I have some differences with the story. It's not true, for example, that whites never stick up for each other, except for the Aryan Brotherhood. A lot of us made deals to watch each other's backs, and it worked. The point is not to fight blacks alone. If two of you agree to look out for each other your chances of not being raped increase 100 fold. If there are three of you together, even against 20 blacks, you'll get busted up—but only once—and not raped. You just can't pretend to be Rambo.

It really wasn't difficult to avoid becoming a "boy." My first day in one prison, about eight blacks had a mind to come after me, but all I had to do was show I was ready to fight, and they backed down. I weighed only about 160.

A lot of the "boys" were faggots to begin with. Others were drug addicts, and went along willingly for the drugs they received. To be honest, I saw more blacks who were "boys" than whites.

Of course, that was my experience in Virginia, twenty years ago, ending in 1982. Some states may be worse. In Virginia, I keep tabs on what is going on, and things seem tighter, more secure, less dangerous than they were.

One thing I found out toward the end of my term was that in a minimum security place there is much less violence. You can call a black a "nigger" to his face and if he hits you both of you will be "busted back" to high security, and they dread that more than anything.

Blacks would glare a lot but never tried to retaliate.

Tim Minium, Norfolk, Va.

Sir — I read with interest your review of the book about prison rape. On HBO there is a series called OZ which is about a fictional prison. In the program, the Aryan Brotherhood are the only people who practice sex slavery of whites. They are also the most despicable people in the prison. The only other rapist in the program is a black who raped a white after the black was attacked—a rape committed in self-defense. The most honorable people in this fictional prison are, of course, the black Muslims.

Frank Davie, Florida

Sir — You describe Human Rights Watch, the organization that sponsored the study on prison rape as "a lefty organization." Your readers should know that Human Rights Watch was established and funded by George Soros, one of the most unhelpful people on the planet. He became a billionaire, in part by massive speculation in the currency markets, in which he enriched himself as governments spent money trying to defend their currencies. He is an out-and-out one-worlder, and sworn enemy of every kind of national and ethnic difference—with one exception. He is a big supporter of ethno-state Israel.

Fred Hooper, Mussel Shoals, Ala.

Sir — When the Enron Corporation declared bankruptcy, it was a good example of what happens when corporate greed gets out of control. Now the na-

tion is faced with an example of political greed—the recent amnesty vote in the House of Representatives—by Republicans who want to legalize millions of illegal Mexicans in the (probably vain) hope of getting their votes. How much longer will voters put up with the stupidity and cupidity of "leaders" whose only interest is themselves. Will the insanity ever end?

Harlan Hamilton, New York City

Sir — Last week, I started a new job at a book store. It is downtown, heavily trafficked by blacks, and has a large African-American section. The other day, a black man and woman came in with their daughter. The girl, no older than four, walked straight to a book with a cover picture of Martin Luther King on it, and asked her father, "Who was the white man who shot him?"

Name Withheld, Buffalo, N. Y.

Sir — In the April issue, in the item called "Bill Clinton—Black Superstar," you write that the National Guard "enforced integration" at Central High School in the 1950s.

In 1957, Arkansas Governor Orval Faubus mobilized the state's National Guard to help resist a federal judge's order to integrate public schools in Little Rock. President Eisenhower not only federalized the Arkansas National Guard but sent in 1,000 paratroopers from the 101st Airborne Division to make sure nine black children could attend Central High School. To have deployed an elite airborne unit to enforce Washington's control over a municipal school system is one of the most absurd episodes in American history.

Name Withheld, Washington, D.C.

Sir — I was glad to see the report on the AR conference in the last issue. I was even more pleased to see a reasonably balanced Newhouse News story about the conference in my local paper!

Your organization must do more outreach. Subscribers already know what is happening; it is the millions who don't read AR who must have their eyes opened. Any conference you put on that gets press coverage is invaluable in that it lets others know about the work you are doing.

Burt Schrag, Louisville, Ky.



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output. Reparationists thus in effect demand that American whites work solely for blacks for a year or more, or that the whole white race carry that burden for a good part of a year. My wife once proposed this bargain: Whites should give blacks a large lump sum in exchange for a promise never to ask for more or say one more word about whites, racism, slavery or all the rest. I explain below why the black end of this deal would be hard to keep, and anyway no society could survive the diversion of so much energy at one go.

Of course, to object to reparations only because of the cost prompts an obvious question: What if whites *could* afford it? If whites insist on citing poverty as their excuse, then if future productivity some day makes it possible to pay, pay they must. To plead only poverty admits the debt, and once the reparations principle is granted, all that remains to be discussed is the payment schedule. Perhaps each white could work for blacks two weeks annually for 25 years, in shifts so as to minimize the economic shock. Perhaps blacks could be exempted from taxation for a few centuries. Clearly, whites simply disarm themselves by whining that they are short on cash, although respectable white opinion may be counted on to fall into this trap, for fear of saying anything more offensive. We had better turn to less polite objections.

Under this heading fall requests for specifics where reparationists are vague—chiefly about who is going to pay, and for what. Is it to be the federal government, state governments, corporations, individuals, or someone else? There are vast problems with assessing

individuals, particularly those whose ancestors owned no slaves. How have blacks been harmed by a New Englander whose family had always promoted “civil rights,” or by anyone whose grandparents didn’t come to America until 1930?

It is impossible to calculate the gains even of indirect beneficiaries of slavery. Take a man whose great-grandfather clerked in a store that sold shirts made with cotton harvested by slaves; surely he owes less than descendants of the people who owned the slaves, but how much less? Suppose it were somehow determined that half of great-grandpa’s salary was tainted by slavery, but that wise investments increased his wealth twenty-fold. Do his heirs owe half their holdings to blacks, or just one-fortieth?

Reparationists must answer these difficult questions because the damages they demand are compensatory, not punitive. Slaveholders and other wrongdoers are no longer alive to be punished; a present-day white, having harmed no one, owes at most what he has gained from wrongs done by others, so tallying his debt demands detailed knowledge of what he actually gained. No one has this information, and the further in the past the wrongs were done, the less accessible it becomes.

Because individual fault is incalculable, reparationists tend to look to “government” to pay. But which government(s)? The states seem the natural targets, since their laws regulated slavery and, subsequently, segregation. Indeed, the federal government ended slavery, overrode state segregation, and eventually came to require favoritism for blacks, so it hardly seems fair to foist a bill for damages on the party that tried

hardest to stop them. To be sure there were federal fugitive slave laws, and the federal judiciary upheld slavery in *Dred Scott*. Still, on balance, the national government was instrumental in relieving the conditions reparationists decry. But if the states are to pay, then which states? Surely not those that banned slavery or entered the Union after it ended. (Further complications are raised by territories that became states: Are states responsible for their territorial history, or are they new entities? Reparationists must make this clear.) The best candidates are the members of the old Confederacy, but, apart from the shallowness of their pockets, once again, many of their current residents—the taxpayers who would foot the bill—have no connection to past wrongs. For these reasons, one may expect the claimants to discover sooner or later that the debt is a “national” problem, which “all Americans” have to solve together.

But however the scope issue is resolved, there is a second: Is a government—local, state or federal—respon-

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**Black slums receive a  
“Marshal Plan” about  
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cades amounts to another  
trillion dollars.**

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sible only for what it does, or also for what it merely permits by failing to outlaw? The distinction is important because most of the practices for which repayment is demanded, particularly slavery and discrimination in jobs and housing, were private. Antebellum governments neither owned slaves nor forced anyone to buy them; they simply allowed ownership. Likewise, while some states did segregate some of their own institutions (schools, for example) and require some private segregation (on trains, for example) much of the discrimination reparationists complain of was undertaken by private individuals using their property in ways consistent with but not required by law.

One might defend a wider view of government responsibility on the grounds that government must protect rights actively, not only by respecting them itself but by preventing others from breaching them. There is something to the idea that permitting great wrongs is



state negligence, but it can be taken too far.

To begin with, there is a general presumption against *post facto* judgment. Normally, no entity is held to account for something that was legal when it was done, as were slavery and discrimination. What would reparationists say if states a century from now were fined for once having allowed private corporations to discriminate against whites via quotas? Likewise, if blacks are entitled to *post facto* compensation for acts that were legal when committed, why not everyone else? Should women sue because, in the past, they could not vote? Should workers sue because their ancestors had to work more than 40 hours a week and did not get maternity leave?

Even waiving the general case against *post facto* guilt, not every private misdeed can be laid at the feet of government: Vandals, not the city, are respon-

sible for defacing a neighbor's wall, although stationing police on every corner would have stopped them. A line must be drawn somewhere, beyond which governments are innocent of the abuses of the freedoms they allow.

Finally, even if states are held to absurdly strict standards today for what happened in the past, they may still be innocent of many acts for which they are retrospectively scolded, because these acts themselves were innocent. Slavery, discrimination in jobs, housing and service, and social stigma are usually lumped together in one ugly pile to which "government" turned a blind eye, but they are quite different. Slavery does infringe rights that any government should protect (although, to repeat, back pay for manumitted slaves would be owed only by former owners). But it is hard to see the right violated by, say, refusing to hire blacks. An employer's

hiring choices are covered by his right to free association. The blacks he refuses to hire are no worse off than they would have been had he never existed, so how does he harm them? Since laws against private discrimination may well themselves be wrong, governments were hardly to blame for not passing them sooner.

Still another precept reparationists ignore is that not every beneficiary of

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### **If blacks are entitled to *post facto* compensation for acts that were legal when committed, why not everyone else?**

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an injury must help repair the victim. Let us grant for now—lest we be rude—that today's whites are richer than today's blacks because of slavery. It still does not follow that all of today's whites owe today's blacks anything. Suppose Smith and Jones own the only two restaurants in town; a firebug burns down Smith's place, causing Jones's business to improve. So long as Jones had no hand in the arson, he owes Smith nothing. The recent terrorist attack on New York prompted some businesses to move to New Jersey, yet no one thinks New Jersey owes New York reparations even though New Jersey is now richer. As far as Jones is concerned, Smith's fire might as well have been a kitchen accident. Note that the arsonist's motives do not matter: Whether he did it from psychosis, a desire for gain, admiration of Jones, hatred of Smith, or hatred of Smith's race, Jones is not guilty. Assuming that contemporary whites have benefited from racial wrongs, white beneficiaries, to be liable, must have abetted these wrongs, failed to stop them, or at least culpably ignored them. It is impossible to show this since the disputed wrongs, particularly slavery, took place before any whites living today were born.

A propos whites' supposed enjoyment of the un- or undercompensated fruits of black labor, reparationists frequently claim that "blacks built America." This is patently untrue. At no time have blacks been a substantial part of the US population, and until the Second World War they lived largely in the rural South; they were a part of southern agriculture but played virtually no

## **New Wrinkle to the Shakedown**

**B**lacks have thought of a new approach to reparations, and are suing companies that did not even own slaves but may have profited in some way from the existence of slavery. In March, black activist Deadria Farmer-Paellmann brought a class action suit in a Brooklyn federal court naming three defendants—Aetna Inc., CSX Corp. and FleetBoston Financial—and promises to go after many more in the future.

Miss Farmer-Paellmann charges that one of the predecessor companies of Aetna, the largest insurer in the country, wrote policies on slaves against accidental death, just as it wrote policies on freemen. She says the profits from this business were immoral, and the successor company must pay punitive damages. The claims against the other companies are similar. FleetBoston is the successor to Providence Bank, founded by a Rhode Island businessman who reportedly trafficked in slaves. Providence Bank financed the slave-trading business and presumably profited from it. CSX, a railroad conglomerate that was established in 1980, had a predecessor company that reportedly used slaves to help build and perhaps run one of its rail lines. The company itself probably

never owned slaves; it rented them from owners.

Although all the companies say the alleged wrongs took place so long ago they cannot be settled in court, Aetna announced in early March that it was considering making a public apology for insuring slaves, and might make restitution payments from the profits. Of all the reparationist charges, those against Aetna would appear to be the most preposterous. Slave owners took out insurance policies on people and property they valued: houses, cargo ships, and loved ones. Aetna was doing business with owners who were unlikely to mistreat the property whose value they clearly recognized.

If the three companies Miss Farmer-Paellmann has sued "profited from slavery," it would probably be hard to find many that did not. Any company that manufactured anything used or consumed by slaves—clothes, tools, food, etc.—"profited from slavery." Printers who printed handbills for slave auctions, companies that provided transportation for slaves, doctors who treated them, publishers that printed books about slaves—all are guilty of the crime that actually motivates these suits: the crime of being white.

role in the development of the large cities, industrial complexes, universities and public projects that support American prosperity. In fact, it is precisely those parts of the country with the largest proportion of blacks that have traditionally been the poorest, which is the reverse of what we would expect if blacks were the source of American prosperity. Canada, Australia, and New Zealand were English colonies that developed during the same period as the United States. If slavery was the basis of American prosperity, how did these countries achieve comparable levels of prosperity without it? Blacks did not contribute significantly to science, medicine or technology. America would have been different without blacks, but not poorer.

There is a final point about compensatory justice that sounds abstruse but is worth mentioning. If not for slavery, blacks living in America today, the ones who supposedly deserve reparations, would not exist. Their great-great-grandparents would never have met, and they would never have been born. It is obvious that a person cannot be harmed by an action that accounts for his existence. You harm Smith by making him worse off than he would have been had

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**Reparationists will present whites with a stark choice: Agree that black poverty is caused by white sin (and pay up), or find a better explanation. Biology is the better explanation that whites must learn to deploy.**

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you not done whatever you did; if what you did helped bring Smith into existence (for instance if it involved introducing his parents to each other), he can hardly say he would have been better off if you had not done it, since in that case there would have been no Smith at all. (This is why “wrongful birth” suits brought by unhappy children against their parents seem ludicrous.) A committed black reparationist might say his life in America is so dreadful he would prefer never to have been born at all, but otherwise he has no reply.

Aside from these historical and philosophical points, the demand for payments to blacks calls to mind a larger

issue that arose about quotas: It seemed unfair to pass over young whites in favor of less-qualified blacks who allegedly would have been more qualified in a just world, when the whites were not themselves to blame for the black’s substandard abilities. Indeed the whole reparations debate recapitulates the affirmative action debate. And this leads to rude questions: Weren’t quotas supposed to be reparations? Didn’t Jimmy Carter call affirmative action “compensatory discrimination” back in 1975? Wasn’t that what quotas were all about? Didn’t we have this conversation almost forty years ago?

Reparationists suffer from convenient historical myopia. Compare these words of Lyndon Johnson in 1964:

“You do not take a person who has been hobbled by chains and liberate him, bring him to the starting line of a race and then say: ‘You are free to compete with all the others,’” with these of Randall Robinson in 2000:

“No nation can enslave a group of people for hundreds of years, set them free—bedraggled and penniless—pit them, without assistance, in a hostile environment against privileged victimizers, and then reasonably expect the gap between the heirs of the two groups to narrow.”

Verbosity aside, Mr. Robinson’s metaphor is the same. Affirmative action was to make blacks whole by restoring the position they should have had at life’s starting line—just what reparations are supposed to do now.

Because quotas became the order of the day, blacks have largely gotten whatever compensation they might have been owed. Peter Brimelow, writing in *Forbes* on Feb. 15, 1993, estimated that by the early 1990s racial preferences cost \$350 billion a year, and they have no doubt become more expensive with further entrenchment. Some portion of this cost is the sheer inefficiency of finding, training and tolerating the errors of inept blacks, but much income is transferred. For instance, there are more than one million blacks enrolled in American colleges, and to judge by data that have emerged from reverse discrimination cases at the University of Texas, the University of Michigan, and elsewhere, virtually all black students hold places that were denied to abler whites. In this way, the life prospects of whites forced to attend inferior institutions have been exchanged for those of the blacks ad-

mitted ahead of them (although one must adjust for the probable failure of blacks to exploit these opportunities as well as the abler whites would have). Giving a black a better job than any equally-qualified white could obtain has a similar effect. Reasonable assumptions about the value of a college degree and the relative value of degrees from more and less prestigious institutions suggest that quotas could be transferring as much as



billions of dollars annually. There have been quotas for more than thirty years, so if estimates of the cost of affirmative action are correct, it has already accounted for a good chunk of any reparations that might be owed.

Growing ruder still, one may also subtract from any debt the cost to whites of black crime. Blacks commit about two thirds of all robberies in the US—half of which, or about 300,000 at current rates—victimize whites (white-on-black crime is rare). These crimes give blacks resources properly belonging to whites. Blacks commit felonies of all kinds at three to ten times the white rate, and even when their victims are not white, their crimes are a burden that would be considerably lighter in an all-white society.

Public relief or “welfare” can be seen in the same light. Blacks fall below the threshold that triggers it three to four times more often than whites. White taxpayers therefore give blacks tens of billions of dollars every year; in my book *Why Race Matters* I note that black slums receive a “Marshal Plan” about once every three years, a rate that every few decades amounts to another trillion dollars. For reasons explained below, however, the case for counting this expenditure as paying off “debt” is more complex than I earlier thought.

First, though, we should deal with a bad reason for arguing that welfare and robbery are not forms of redress, namely

that they were never intended as such. This is true, but insofar as they shrink the gap between whatever blacks presumably deserve and what they actually have, they tend to balance the scales of justice. Suppose I smash your Ming vase. Soon after, but out of generosity rather than a desire to make you whole, I give you an equally valuable Ming vase for your birthday. Surely you could not demand another one, on the grounds that I still hadn't paid for the one I broke. This resolution of my debt may be emotionally unsatisfying, since the thought counts in personal relations, and you would like an admission of fault; nonetheless, I owe you nothing more. You are as you were at the outset, and I am relieved of any debt.

There is a difficulty, however, in describing welfare as compensation. One might argue, for example, that once society decides (perhaps unwisely) that everyone deserves an education, and thereupon creates public schools, education ceases to be a gift to those who could not otherwise afford it. Given a right to education, American blacks deserve it independently of any debt or of the fact that they come from societies unable to provide public education.

Likewise for welfare: By promising (perhaps unwisely) to help any citizen in danger of starving, our largely white society obligates itself to help blacks disproportionately if disproportionately more blacks need help. On the other hand, white society is certainly not obliged to create a legal right to welfare for anybody so the creation of universal legal welfare entitlements may still be thought of as indirect debt-canceling gifts to blacks. And whatever the rights of the case, reparationists should have the decency to acknowledge the great luck of American blacks to be living among inventive, productive whites. At the least, it is incumbent on reparationists to make the case that welfare *isn't* a counterweight to slavery, and this they have never done.

Although rude, these reminders of the obscurity of who did what to whom, the difference between good luck and compensatory liability, and the flow of wealth from whites to blacks—even the fact that today's blacks wouldn't exist but for slavery, a fact somebody is sure to find “insensitive”—are likely to fall on deaf ears. Reparations, as noted, cover the same ground as quotas and racial preferences, and none of the ar-

guments so far raised, apt though they were and remain, has had the appropriate impact. Why? Because they seem mere quibbles in the face of stark, overwhelming race difference in wealth. Blacks here and in Africa are so thoroughly behind whites anywhere that there must be a reason, and what can that reason be but white theft? So many people find this inference obvious—or say they do—that the *fact* of white guilt usually goes without saying. And once white guilt is assumed, the only open question is how whites should expunge it—via quotas, monetary payments or both.

### The Essential Question of IQ

The issue of black poverty must be faced squarely, for given whites' strong sense of duty, no subtleties about fault or responsibility will save whites from themselves if they believe themselves to be in the wrong. Hence the need to shock, by bringing up the race differences that were likewise verboten in the quota debate. We must make it clear that blacks are known to be on average less intelligent than whites, and that this almost certainly explains why they are on average poorer. As Richard Lynn has recently documented in *IQ and The Wealth of Nations*, national wealth tracks national IQ just as individual wealth tracks individual IQ. There is no mystery here. Things people want sometimes occur naturally, but most wealth is created by transforming nature. The ability to transform nature requires insight into how it works, and a higher IQ affords greater insight. That is why whites' higher IQs allow them to produce a greater quantity and variety of more desirable things.

As all AR readers know, the evidence is now overwhelming that racial IQ differences are primarily genetic in origin. Even people who don't read AR have an uneasy sense of this. The key point is to bring this fact to bear on the reparations debate. This is why David Horowitz' celebrated anti-reparations ad, trenchant enough to rouse the left on campuses everywhere, did not go far enough because it failed to mention biological race differences. Reparationists will continue to wave the bloody shirt of poverty, presenting whites with a stark intellectual choice: Agree that black poverty is caused by white sin (and pay up), or find a better explanation.

Biology is the better explanation, and whites must learn to deploy it without hesitation.

That whites will do anything to deny home truths about race is not news. But I believe that a desire to avoid these



same truths about race difference also plays an important but ill-understood role in the minds of reparationists themselves, who will be misunderstood if glibly dismissed as mere “racial racketeers.”

I suspect reparationists and other racial partisans invert the order of injury and compensation so as to avoid accepting responsibility for their own failings. In the real world injury is the basis, the cause, of liability. B hurts A; as a consequence B owes A compensation. Now imagine long-suffering Jones in an ambiguous situation. He is not doing well. He is not sure why, but he fears the cause may be an intrinsic defect. In this state of mind he may try to shift the blame, and claim someone owes him reparations as evidence that he was harmed, and therefore not defective. He reasons: “I’m owed compensation, so someone must have hurt me; my sorry state is someone else’s fault, so I’m OK.” I suggest this may be the mechanism behind the odd intensification of blacks demands in the face of constant white concessions. To avoid the unpleasant conclusion that there is something wrong with them, blacks keep convincing themselves their failures are someone else’s fault; and to convince themselves their failures are someone else’s fault, they convince themselves that someone owes them compensation for past wrongs.

This is why concessions are never enough. If every racial claim were met and every grievance were satisfied, what



excuse would black apologists have for the fact that blacks still did not do as well as whites? Unpleasant conclusions about inferior abilities would be unavoidable. To allay this fearful possibility, racial apologists invent ever-new grievances, ever-new unmet claims, whose existence proves that the plight of blacks is due to the wickedness of others and cannot be due to internal defects.

This is why the facts about race and IQ *must* be part of the reparations debate. Until whites are prepared to make tough arguments about IQ, they will not fully convince either themselves or the reparatologists that blacks have no claim on them. Ironically, an open airing of the IQ question would be an essential part of any decision to *pay* reparations,



Michael Levin.

because no level of payments will eliminate black/white differences in out-

comes. Even if whites handed over trillions of dollars in the name of compensation, the mechanism I have described—the need to blame whites for black failure—would bring blacks back to the table with yet more unmet grievances and unpaid debts. This process will not end until enough people of both races recognize the biological basis for racial differences in achievement.

The demand for reparations is only the latest hedge. Opposition to it will be ineffective unless it takes into account the powerful symbolic and rationalizing purpose of all black demands on white society. **Ω**

*Prof. Levin teaches philosophy at the City University of New York. This article is adapted from his speech at the 2002 AR conference.*

## Reparations and the Law

**It will not be easy to win in court.**

by Stephen Kershner

Claims for reparations raise several legal issues. Given that slavery ended in 1865, there is some question as to whether such claims are allowed by the statute of limitations, which limits the period during which a suit may be brought. In New York, where activists recently filed a class-action suit against companies that allegedly profited from slavery, the statute of limitations depends on the type of suit. In this case, the plaintiffs allege that the defendants' predecessor companies misappropriated the value of slave labor and the profits that resulted from it. Any reparations suit is also likely to claim that forced labor, torture, rape, starvation, etc. were part of a system from which whites knowingly benefited.

If a suit is for replevin (the return of personal property wrongfully taken) then New York has a three-year statute of limitations that begins when the owner demands that the property be returned. If a suit is for wrongful death the statute of limitations is generally two years from the date of death. If the suit is brought for an intentional tort, such as assault, battery, or false imprisonment, the statute of limitations is one year. The statute of limitations would

appear to have expired on reparations claims of this kind, though a plaintiff may appeal for suspension of the statute, claiming that time was needed to research family or corporate records.

As Prof. Levin has pointed out in the main article, today's blacks do not have standing to sue for compensation because they were not, themselves, harmed by slavery. A person has a compensatory-justice claim only if he has been unjustly harmed. The notion of harm involves a comparison of the claimant's condition in the actual world in which the injustice occurred, with what his condition would have been had the injustice not occurred. No such comparison can be made in the case of the descendants of slaves, because if there had never been slavery, the reproduction pattern among blacks would have been far different, and today's descendants would not exist. They can hardly claim to be harmed by slavery, since it caused them to exist.

There is another obstacle to reparations suits, in that redress is sought not for slaves themselves but for descendants many generations removed. The descendants might claim to have inherited slaves' claims to compensation, but claims do not automatically pass from one generation to another. They have to be recognized to exist, and must be formally passed on just like an uncollected debt. If slaves or their children thought they had a valid claim for compensa-

tion they could have sold it at a discount like a bond in default, donated it to the Baptist Church, or used it to pay rent. The current descendants have no substantiated claims in a legal sense, so inheritance is a weak basis on which to ask for compensation years later. In any case, while these inherited claims could conceivably give rise to a moral obligation to pay damages, it is doubtful they could be a legal obligation. This is why claims of this kind should be thrown out of court and handled—if at all—in the political arena.



These legal claims are likely to fail. They probably run afoul of statute-of-limitations requirements. More important, the descendants lack standing by which to bring suit since they were not harmed by slavery, and were probably not denied their inheritance. Their case ought to fare no better in the political arena, but given the widespread black support for reparations (55 percent support it according to a CNN/USA Today/Gallup poll taken in February) and the importance of blacks to the Democratic Party, reparations proposals are likely to reappear in Congress and state legislatures. **Ω**

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