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Sins of the Founding Fathers

ABSTRACT: In this paper, I offer substantial philosophical and pragmatic analyses of slavery, apprenticeships, and segregation in the United States and British West Indies. I do so to illustrate the extent to which American and British philosophy, politics, law, and economics were entwined with the oppression of African-Americans and African-Caribbeans. I argue that, as the institution of slavery collapsed and abolitionists began calling for reparations, judges and politicians ignored the claims of abolitionists and thereby perverted justice. As a result, we now have the debts of slavery, apprenticeships, and segregation to settle. I conclude that as long as we fail to settle these debts we are complicit in allowing their perversions of justice to continue. For this reason, I argue in favor of granting reparations to African-Americans and African-Caribbeans.
Keywords: reparations for slavery – trans-Atlantic slave trade – American slavery – British slavery – Philosophy of Race.
Schlagworte: Wiedergutmachung für Sklaverei – Transatlantischer Sklavenhandel – britische Sklaverei – Rassenphilosophie

I. Introduction

> The Americans may say or do as they please, but they have to raise us from the condition of brutes to that of respectable men, and to make a national acknowledgement to us for the wrongs they have inflicted on us … As unexpected, strange, and wild as these propositions may to some appear, it is no less a fact, that unless they are complied with, the Americans of the United States, though they may for a little while escape, God will yet weigh them in a balance, and if they are not superior to other men, as they have represented themselves to be, He will give them wretchedness to their very heart's content.[1]

This fiery condemnation comes from David Walker's 1829 "Appeal to the Colored Citizens of the United States," but it might as well have been an appeal to the "colored" citizens of the Americas. After all, the wrongs that Walker attributes to Americans also apply to the Brits, Dutch, French, Portuguese, and Spanish.[2] Moreover, after reading it, I am inclined to say that David Walker was a prophet, and that God had indeed weighed

1 Alfred Brophy, *Reparations Pro and Con*, 19. Soon after the publication of his "Appeal to the Colored Citizens of the United States" the state of Georgia issued a bounty for him: $10,000 alive or $1,000 dead. Shortly thereafter David Walker was found lying dead on a street near his home.
2 Of course, each of these nations participated in slavery.

"White" and "Black" people in Sacred Scales, found that Europeans are not superior to Africans, and determined that the price of slavery was the wretchedness of war. In fact, if President Abraham Lincoln was correct in his Second Inaugural Address, and Providence requires that "all the wealth piled by two hundred years of unrequited toil" be sunk, and "every drop of blood drawn with the bondman's lash" be repaid "by another drawn with the solder's sword,"[3] then the United States has a debt that has yet to be repaid, one that is shared by Great Britain, France, Holland, Portugal, and Spain.

Unfortunately, however, even the crimson scourge of war was not enough to dissuade all from participating in oppression. To be sure, after slavery was abolished in the Americas, many re-established oppression in the form of apprenticeship programs and Jim Crow segregation. This only exacerbated the debt because it allowed "White" people to continue the disenfranchisement of "Black" people by preventing them from voting, running for public office, receiving appointments to political offices, receiving judicial appointments, receiving adequate housing, education, and medical treatment, or otherwise participating in public life in a meaningful way.

Of course, we have made considerable progress since slavery, apprenticeships, and segregation in the Americas. Indeed, in 2003, President George W. Bush spoke from the hallowed ground of Goree Island and condemned "'the racial bigotry fed by slavery.'"[4] He ended his speech with an acknowledgment of the fact that "many of the issues that still trouble America have roots in the bitter experiences of our past."[5] Slavery, apprenticeships, and segregation are no less condemned in the United Kingdom. In fact, during Parliament's Debates on the Bicentenary of the Abolition of the Slave Trade, William Hague acknowledged that slavery was a horrible practice from which "80 % of Britain's overseas income was derived."[6] Following Hague's lead, Vincent Cable argued that "modern British society owes much of its prosperity to" the unjust and uncompensated labor of African-Caribbean slaves. He ended with an acknowledgement of the fact that there are still serious problems resulting from the "long-term legacy of … discrimination" against "Blacks."[7]

Acknowledgement is an excellent first step, but it hasn't been followed by policies that are uniquely designed to eliminate the continuing effects of oppression and discrimination on African-Americans and African-Caribbeans living today. So, many lawyers, politicians, professors, and social activists have begun to demand reparations from the United States and Great Britain. For example, in 1999, U.S. Representative John Conyers from Michigan introduced *House Resolution 40* to study the continuing impacts of slavery and segregation on African-Americans, and to recommend effective

3 Lincoln's Second Inaugural Address. http://www.loc.gov/rr/program/bib/ourdocs/Lincoln2nd.html.

4 United States H. Res. 194 quoting from President George W. Bush's speech at Goree Island, Senegal. See U.S. House of Representatives, H. Res. 194. https://www.govtrack.us/congress/bills/110/hres194/text.

5 Ibid.

6 British Parliament, Bicentenary of the Abolition of the Slave Trade (2007) http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070320/debtext/70320–0007.htm.

7 Ibid.

governmental remedies.[8] Similarly, Jamaican attorney Lord Anthony Gifford is leading the charge to place the case for "Black" reparations before Parliament.[9] Conyers and Gifford are joined by many others, including U. S. Representative Chaka Fattah of Pennsylvania, U. S. Representative Julia Carson of Indiana, U. S. Representative Danny Davis of Illinois, Attorney Johnnie Cochran, Attorney Deadria Farmer-Paellmann, Professor Charles Ogletree, Professor Robert Westley, Professor Verene Sheperd, Attorney David Comissiong, Attorney Melissa Fussell, Professor George Belle, and Professor Sir Hilary McD. Beckles.

Of course, there is great opposition to reparations. In fact, Alfred Brophy tells us that compensation for slavery is the most contested idea in the United States. Indeed, he argues that only 4 % of Americans support it, and many Americans become so enraged at the very suggestion of it that they cannot finish a telephone survey about reparations.[10] In the 1990's David Horowitz was happy to be at the center of the controversy. He published op-eds in newspapers, toured college campuses giving vitriolic anti-reparations speeches, and gave many television interviews. Finally, in 2002, he published the highly controversial *Uncivil Wars: The Controversy over Reparations for Slavery*. In short, Horowitz argues that America has no debt from slavery because it was legal at the time in which it occurred. Today, Nahshon Perez has taken up the mantle. In *Freedom from Past Injustices*, he offers a philosophical analysis of identity in an attempt to show that the case for reparations is untenable. He argues that since living is better than not living, any historical wrong that is causally connected to the existence of the descendants of those wronged cannot be a ground for reparations. After all, the descendants of those wronged would not be alive if the harm had not occurred. It is easy to see the implications of his argument: since living is better than not living, and since slavery is causally connected to the existence of "Black" people, "Black" people cannot claim to have been harmed by slavery. Therefore, African-Americans and African-Caribbeans ought not to be granted reparations.

In what follows, I offer substantial philosophical and pragmatic analyses of slavery, apprenticeships, and segregation in the United States and British West Indies. I do so to illustrate the extent to which American and British philosophy, politics, law, and economics were entwined with the oppression of African-Americans and African-Caribbeans. I argue that, as the institution of slavery collapsed and abolitionists began calling for reparations, judges and politicians ignored the claims of abolitionists and thereby perverted justice, even while gross violations of the *14*th and *15*th *Amendments* occurred. As a result, we now have the debts of slavery, apprenticeships, and segregation to settle. As long as we fail to do so we are complicit in allowing their perversions of justice to continue. For this reason, I argue in favor of granting reparations to African-Americans and African-Caribbeans.

8 Appendix 3, Slavery Study Bill, H. R. 40, 106th Congress, 1st Session (1999), in Alfred Brophy's *Reparations Pro and Con*. Conyers' Resolution was not passed.

9 http://jis.gov.jm/lord-gifford-makes-case-for-slavery-reparations/.

10 Alfred Brophy, *Reparations Pro and Con*, 4–5.

II. The Philosophy of Racism in the Western World

There is lively academic debate about whether or not Western European ancient and modern philosophers can be criticized for developing concepts that were used in justifying the trans-Atlantic slave trade. Philosophers like Rachana Kamtekar and Julie Ward argue that many ancient Greek philosophers developed and used concepts that functioned in ways similar to the racism that we see in the writings of some modern and contemporary philosophers.[11] For example, Kamtekar points out that Plato often made judgments about entire groups of people based on stereotypes. To be sure, in the *Republic*, Plato argues that "'Thracians, Scythians, and other northerners are high-spirited,'" that "'Greeks love learning,'" and that the "'Phoenicians and Egyptians love money.'"[12] Aristotle, Julie Ward argues, employs similar reasoning in the *Nicomachean Ethics*. He argues that "'barbarians are by nature more slavish than Greeks, and those in Asia more so than those in Europe.'"[13] Similar judgments can be found throughout the writings of Plato and Aristotle. So, it is clear that some ancient philosophers drew conclusions about entire groups of people based on stereotypes.

Notice, however, that neither Kamtekar nor Ward goes so far as to conclude that the ancients were, in fact, racists, certainly not in the biological sense of the term. They avoided drawing this conclusion because Plato's and Aristotle's use of stereotypes reflected their cultural biases rather than their biological determinations about the fundamental natures of Thracians, Scythians, Greeks, Phoenicians, Egyptians, or barbarians.[14] Indeed, for both Plato and Aristotle, what distinguishes Greeks from barbarians and gives them their rank and order on the social and political hierarchy is their capacity to exercise virtue. Moreover, it is well established that both Plato and Aristotle believed that one's ability to exercise virtue depends in part on one's education.[15] Or, rather, to put it in another way, if one is raised in a culture that cultivates the virtues then one is more likely to become a virtuous citizen. Conversely, if one is raised in a culture that does not cultivate the virtues then one is less likely to become a virtuous citizen. Hence, Plato's and Aristotle's use of stereotypes are based largely on their judgments about culture, not race; it's just that they believed Greek culture was better than others at cultivating the virtues in people. In light of this, Western European ancient philosophers cannot be deemed racists, at least not in the biological sense of the term. Therefore, they cannot

11 For example, in "Distinction without a Difference? Race and *Genos* in Plato," in *Race and Racism in Modern Philosophy*, Rachana Kamtekar argues that Plato categorizes people according to genos in a way that resemble racial classifications, 1. Similarly, in "*Ethos* in the Politic: Aristotle and Race," in *Race and Racism in Modern Philosophy*, Julie Ward argues that Aristotle's conception of barbarians plays a similar role as that of race, 14.

12 Rachana Kamtekar, "Distinction without a Difference? Race and *Genos* in Plato," in *Race and Racism in Modern Philosophy*, 6.

13 Julie Ward, "*Ethos* in the Politic: Aristotle and Race," in *Race and Racism in Modern Philosophy*, 28.

14 Rachana Kamtekar, Distinction without a Difference? Race and *Genos* in Plato," in *Race and Racism in Modern Philosophy*, 5–9; and, Julie Ward, "*Ethos* in the Politic: Aristotle and Race," in *Race and Racism in Modern Philosophy*, 18–19.

15 For example, see Aristotle, *Nicomachean Ethics*, 1103a5–10.

be criticized for having a role in developing concepts that were used in justifying the trans-Atlantic slave trade.

But, the same cannot be said of the Western European modern philosophers. Scholars like David Goldberg and Paul Lauren argue that many moderns developed race-based concepts that were used in justifying the trans-Atlantic slave trade. In order to illustrate this they show that much of enlightenment political philosophy was grounded in racist reasoning, and then they highlight the ways in which such reasoning influenced the development of the Western world. For example, Lauren points out that Swedish physician Carol von Linnaeus made great use of "the … chain of being," placing Europeans at the top and Africans at the bottom of the hierarchy of man, next to the category of beings he labeled "monstrous."[16] Indeed, von Linnaeus's position entails that, God, in his infinite wisdom, made Africans barely better than monsters. Following Linnaeus's lead, David Hume argued that

> the negroes, and in general all the other species of men (for there are four or five different kinds) [are] naturally inferior to the whites. There never was a civilized nation of any other complexion than white, nor even any individual eminent either in action or speculation. No ingenious manufactures amongst them, no arts, no sciences… [And yet] in Jamaica they talk of one negro as a man of parts and learning… 'tis likely he is admired for very slender accomplishments, like a parrot, who speaks a few words plainly.[17]

The theory that there is a natural hierarchy of the races had a huge impact on the development of institutions in the Americas. The celebrated British philosopher John Locke provides us with an example of this. First, Locke was a major architect of slavery in the developing regions of the "new world." For example, he wrote the *Fundamental Constitution for the Carolinas* (the region of the U. S. that is now North Carolina, South Carolina, Georgia, and Florida) in which he included provisions that allowed the colonists of the Carolinas to own slaves.[18] To be sure, in sections *107* and *110* of the *Constitution for the Carolinas*, he writes: "no slave shall be … exempt from the … dominion his master has over him," and "every freeman of the Carolinas shall have *absolute and arbitrary power* over his negro slaves …"[19] Secondly, Locke was heavily invested in the trans-Atlantic slave trade. In fact, he was a shareholder in the *Royal African Company*, a slave trading company that was sponsored by British Monarchs Charles II and James II[20] to transport slaves from Africa to the Americas.

16 Paul Lauren, Power and Prejudice, 21.

17 Here, I am referring to Andrew Valls's account of Hume's writings in "A lousy Empirical Scientist," in *Race and Racism in Modern Philosophy*. New York: Cornel U. P., 2005. 128–129. Ital. mine. The quote is taken from David Hume's *Essays and Treatises on Several Subjects* (London, 1758), vol. 1, 12511.

18 See the Fundamental Constitution for the Carolinas, John Locke's Works 8th edition, vol. 10, 175. Also see Theo Goldberg's *Racist Culture*, 27.

19 Fundamental Constitution for the Carolinas, #107 and #110. See John Locke's Works 8th edition, vol. 10, 175.

20 Richard Dunn, *Sugar and Slaves*, 231.

Finally, Locke's political philosophy had a huge impact on many of the Founding Fathers of the United States of America. In fact, John Adams,[21] Richard H. Lee,[22] and Thomas Jefferson directly credited John Locke with influencing their political thinking. Jefferson went so far as to call Locke one of the three greatest men who ever lived.[23] Following Locke's lead, those who drafted the *U. S. Constitution* introduced *Articles* allowing U. S. citizens to own slaves.[24]

Similarly, John Locke had a huge impact on slavery in the British West Indies. For example, Locke was a member of King William's *Board of Trade*. More importantly, as a member of the *Board*, Locke's role included drafting policies that allowed British citizens to own slaves in the West Indies.[25] The result of such policies was that Antiqua, Barbados, and Jamaica all had slave codes describing Africans as "slave apes,"[26] "differing only from brute beast ... by their shape and speech,"[27] and therefore utterly unfit to be given the protection of English law.[28] Hence, in light of all this, we must conclude that some Western European modern philosophers can be deemed racists and criticized for their role in developing concepts that were used in justifying the trans-Atlantic slave trade.

III. A Labyrinth of Oppression: Slavery in the U. S. and U. K.

The trans-Atlantic slave trade is well documented. Dutch, English, French, Portuguese, and Spanish slave-traders purchased and stole Africans from their homelands along the west coast of Africa, stripped them of their names, cultures, languages, religions, and forced them into servitude in various parts of North, Central, and South America, a stark contrast from how Europeans arrived in the Americas. Nevertheless, all slave resistance was met with the most abominable forms of torture imaginable: tar and feathers, bells and horns, hot irons, the pillory, the bullwhip, the barrel, mutilation, amputation, castration, lynching, burning at the stake, impaling with stakes, and having the flesh torn from their bodies by dogs, all while other slaves were made to watch.[29] William Moore, a former slave from Alabama, described the torture he witnessed in this way:

21 John Adams's "Thoughts on Government," 79–80. Adams also means other enlightenment political thinkers.

22 Jerome Huyer, *Locke in America*, 3.

23 Thomas Jefferson's *Three Greatest Men* manuscript Holograph Press, 1789.

24 For example, see *Article 1, Section 2, Clause 3*; *Article 1, Section 9, Clause 1*; and *Article 4, Section 2, Clause 3*.

25 William Uzgalis's "The Same Tyrannical Principle Locke's Legacy on Slavery" in *Subjugation and Bondage*, 56.

26 Richard Dunn, *Sugar and Slaves*, 77.

27 Ibid., 247.

28 Ibid., 239.

29 The phrase bells and horns refers to the practice of forcing slaves to wear "a circle of iron, having a hinge behind, with a staple and padlock before, which hang under the chin, is fastened round the neck. Another circle of iron fitted closely round the crown of the head. The two are held together in this position by three rods of iron, which are fixed in each circle. These rods, or horns, stick out three feet above the head, and have a bell attached to each. The bells and horns do not weigh less than twelve to fourteen pounds." This

> Marse Tom was a fitty man for meanness. He just 'bout had to beat somebody every day to satisfy his craving. He had a big whip called a bullwhip. He get mad at a nigger and stake him on the groun' and make 'nuther nigger hold his head down with his mouf in the dirt, and he would whip the nigger till the blood would run out and red up the groun'. We little niggers would stan' roun' and see it done. Then he would say to one of us, 'Run to the kitchen and get some salt from Jane.' Then he would sprinkle the salt in the cut open places, and the skin would jerk and quiver and the man would slobber and puke. Then their shirts stick to their backs for a week or more.[30]

Of course, the practice of forcing slaves to watch the torture of others undoubtedly served the twofold purpose of physically punishing resisters and of impressing upon the minds of would-be resisters that their European "masters" possessed absolute and arbitrary power over them, from which there was no appeal, not even to heaven. But the physical and psychological torture of slaves was only the beginning. The political, legal, judicial, and economic institutions of the United States worked in tandem with one another to establish, reinforce, and perpetuate a labyrinth of oppression against "Blacks." As we shall see below this was equally true of British political, legal, judicial, and economic institutions in the West Indies.

Nevertheless, by the time the United States liberated itself from Britain, slavery had become one of the most contested issues in North America. In fact, debates about slavery dominated much of the Constitutional Convention. The anti-slavery representatives argued for only counting free persons for the purpose of determining the number of Congressmen that could be elected to the House of Representatives. By contrast, the pro-slavery representatives wanted to count free persons as well as slaves for the purpose of determining the number of representatives that could be sent to the House. This, of course, would give slaveholding states larger populations and therefore greater representation in Congress. Those arguing for slavery were so adamant that they threatened to undermine the entire Constitutional Convention if slaves were not counted. After much disagreement the delegates compromised: they settled on counting the entire population of free persons and $3/5^{ths}$ of the population of slaves for the purpose of determining the number of representatives that could be elected to the U. S. House of Representatives.[31]

The result was that slave states gained greater representation in the House than they would have had otherwise. They were thereby able to introduce and amass greater political support for pro-slavery laws like the *Fugitive Slave Act of 1850*. Of course, among the effects of the *Fugitive Slave Act* were that slaves could no longer appeal to anti-slavery states for sanctuary or freedom. For example, prior to the passing of the *Fugitive Slave*

description of bells and horns comes from John Brown's *Slave Life in Georgia: A Narrative of the Life, Sufferings, and Escape of John Brown, A Fugitive Slave, Now in England*. Slaves endured these and worse punishments at a time when the 8th Amendment outlawed cruel and unusual punishment for American citizens. Spear Pitman, a former slave, tells of how slaves were sometimes made to watch the torture of other slaves. See James Mellon, *Bullwhip Days*, 248.

30 James Mellon, "William Moore," in *Bullwhip Days*, 331.

31 See Article 1, Section 2, Clause 3 of the *United States Constitution*.

Act, runaway slaves were allowed to live and work in many anti-slavery states without fear of being returned to their owners by the officials of the state. Moreover, runaway slaves were sometimes allowed to use the legal systems of anti-slavery states in order to sue for their freedom.[32] Even more, the courts of such states sometimes decided in favor of runaway slaves, thereby granting them freedom. This is how the Supreme Court of Iowa ruled in the case of *In Re Matter of Ralph*.[33]

But not everyone was happy about the judicial conciliations that were being made for runaway slaves. In fact, slave-traders and plantation owners took them as a direct assault on the institution of slavery and on their rights as articulated in *Article 4, Section 2, Clause 3* of the *US Constitution*.[34] They therefore pushed Congress to develop federal laws that would strengthen the institution of slavery. The result was the *Fugitive Slave Act* of 1850, which levied fines against state officials who refused to return runaway slaves to their owners and prohibited state courts from granting freedom to runaway slaves on the ground that slaves were the property of their masters. Today, William Taney is notorious for having articulated such a ruling in the case of *Dred Scott*.[35] He wrote: the "Black" race

> had for more than a century ... been regarded as beings of an *inferior order*, and altogether unfit to associate with the white race, either in social or political relations; *and so far inferior, that they had no rights which the white man was bound to respect*; and [therefore] the *negro might justly and lawfully be reduced to slavery* ... And in no nation was this opinion more firmly fixed or more uniformly acted upon than by the English Government and English people. The opinion thus

32 See John Graweere Case, Virginia State Court, 1641; Elizabeth Key Case, Virginia State Court, 1655, Philip Cowen Case, Virginia State Court, 1664; Fernando Case, Virginia State Court, 1667; *Brom and Bett v. Ashley*, Massachusetts State Court, 1781; *Jennison v. Caldwell*, Massachusetts State Supreme Court, 1781; *Peter v. Steel*, Pennsylvania Supreme Court, 1801; *In Re Matter of Ralph*, Iowa State Supreme Court, *In Re Matter of Will*, Kentucky Court of Appeals, 1809; Murray v. McCarty Supreme Court of Virginia, 1811; Marguerite, a free women of color, v. Chouteau Pierre, 1825; Jack v. Martin Supreme Court of New York, 1835; *Dred Scott v. Sanford*, U. S. Supreme Court, 1857, and *Ableman v. Booth*, U. S. Supreme Court, 1859. Freedom lawsuits also made their way through the courts of Great Britain.

33 *In Re Matter of Ralph*, Iowa State Supreme Court, 1839. This case involves a slave named Ralph who was allowed to travel to the free state of Iowa to work in lead mines. After five years of living and working in Iowa Ralph's owner, Montgomery, sent bounty hunters to Iowa to capture and return Ralph to Missouri. Ralph appealed to the courts for his freedom. The case worked its way through the state's legal system until it reached the docket of the Iowa Supreme Court. The Iowa Supreme Court ruled that Ralph was a free man by virtue of the fact that he lived and worked in a free state. See http://www.iowacourts.gov/Public_Information/Iowa_Courts_History/Civil_Rights/. Similarly lawsuits were being heard in British courts. For example, see Somerset v Stewart (1772) 98 ER 499.

34 This, of course, refers to the *Fugitive Slave Clause* which states that "No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

35 *Dred Scott v. Sanford*, US Supreme Court, 1857. This case involves a slave named Dred Scott who travelled to the free state of Illinois with his owner. Upon his owner's death Scott travelled to the slave state of Missouri where he appealed to the courts for his freedom. The case worked its way through the state and federal legal systems until it reached the docket of the U. S. Supreme Court. The U. S. Supreme Court ruled that slaves are the property of their owners and therefore it denied Scott's appeal for freedom and returned him to his owners. See http://www.pbs.org/wgbh/aia/part4/4h2933.html.

> entertained and acted upon in England was naturally impressed upon the colonies they founded on this side of the Atlantic. And, *accordingly, a negro of the African race was regarded by them as an article of property, and held, and bought and sold as such, …*[36]

But that's not all. The prospect of amassing wealth was an important factor in the decision to allow slavery to exist in the United States. During the Constitutional Convention the anti-slavery advocates argued for abolishing the slave trade or for levying heavy taxes against the exports from slave labor. By contrast, the pro-slavery advocates argued against prohibiting the slave trade and taxing the exports from slave labor. After all, prohibiting the influx of slaves would have slowed the growth and expansion of plantations and hampered the development of new slave-trading markets throughout the South. This would have hurt the large profits of southern slave-traders. Similarly, levying heavy taxes against the exports of slave labor would have undermined the system of exporting the products of slave labor abroad and thereby hurt the large profits of slave-owners. Again, those arguing for slavery were so rigid that they threatened to undermine the Constitutional Convention if the trans-Atlantic slave trade were abolished or if the exports of slave labor were taxed heavily. So the delegates compromised, again. They decided not to prohibit the trans-Atlantic slave trade, at least not until 1808, and not to heavily tax the importation of slaves or the exportation of the products of slave labor.[37]

The results were that slaves poured into the country in large numbers[38] and the profits from the slave trade soared. In fact, by 1820, more than ten million African slaves had been brought into the United States.[39] Moreover, by 1860, the population of slaves outnumbered the population of free persons in Mississippi and South Carolina; slaves were nearly fifty percent of the population in Alabama, Georgia, and Louisiana; and slaves represented a large proportion of the populations of North Carolina, Virginia, and Texas.[40] More importantly, the large numbers of slaves translated into large profits for those who participated in the slave-trade. For example, in a conversation about the profitability of slavery, "James Madison told a British visitor … [that] he made $ 257.00 dollars" per year on each of his slaves and only "spent $ 12.00 or $ 13.00 dollars [per year] on" their maintenance.[41] Since Madison owned approximately 100 slaves[42] this meant that he made approximately $ 24,400.00 dollars per year from slavery. This equals

36 William Taney's Dred Scott decistion. http://www.pbs.org/wgbh/aia/part4/4h2933.html. The Court decided 7–2 against Dred Scott. Ital. mine.

37 See Article 1, Section 9, Clause 1 of the *US Constitution*.

38 Slaves continued to be brought into the country until 1808 when the trans-Atlantic slavery trade was abolished in America. See Article 1, section 9, paragraph 1 of the *United States Constitution*.

39 John Keane, *The Life and Death of Democracy*, 314. Also see W. E. B. DuBois's *Black Reconstruction in America* 1860–1880, 6. Slaves also outnumbered "masters" in the British West Indies. In Jamaica slaves outnumber "masters" by a ratio of eight to one, and in Barbados and Leeward slaves outnumber "masters" by a ratio of three to one. See Richard Dunn's *Sugar and Slaves*, p. 165.

40 See http://www.civilwarhome.com/population1860.htm.

41 Howard Zinn, *A Peoples History of the United States*, 33. Of course, Madison was not the only U. S. President to own slaves. For a list of other Presidents who owned slaves see http://www.factcheck.org/askfactcheck/who_was_the_last_us_president_to.html.

42 See http://www.montplier.org/explore/community/enslaved_faq.php.

$ 465,500 dollars per year by today's standards.[43] And Madison was not alone; other Founders who participated in slavery include George Washington, Thomas Jefferson, Charles Pinckney, Richard Lee, Edward Rutledge, Charles Carroll, and Samuel Chase.

IV. Not to Be Outdone

The Brits were not to be outdone by the Americans, especially when it came to making money from slavery. To be sure, "Thomas Leyland, three times mayor of Liverpool, made a profit of £12,000 pounds" on a single "voyage of his ship Lottery."[44] This equals £1 million pounds by today's standards. Moreover, Leyland was joined by the social and political elite of the British Empire, including Humphrey Morice, Henry Lascelles, Joseph Earle, Sir John Knight, Sir Robert Cann, and Sir William Daines. In fact, the prospect of amassing wealth was so enticing that even the celebrated enlightenment liberals could not resist: Thomas Hobbes became a shareholder in the *Virginia Company*;[45] François-Marie Arouet (Voltaire) became a shareholder in the *Compagnie des Indes* (Dutch West India Company);[46] John Locke became a shareholder in the *Royal African Company*, Sir Issac Newton became a shareholder in the *South Sea Company*, and Bishop George Berkeley became a plantation owner in Rhode Island.

Nevertheless, like the Americans, the Brits found it increasingly difficult to maintain slavery. In fact, African-Caribbean slaves were reputed to be determined, resilient, and ingenious. Some secretly ran away to join Maroon communities. Maroon communities were settlements of runaway slaves who joined forces in the mountains of the Caribbean islands (there were also Maroon communities in South America). The Maroons, as they were called, were particularly adept at rallying disaffected slaves, organizing town raids, and defending their settlements, which frustrated the Europeans to no end.[47] They responded by sending waves of marechausse (mercenaries) to eradicate the Maroons, but these efforts failed.[48]

Maroon communities also organized revolutions, none as successful as that of Toussaint L'Ouverture's. In short, L'Ouverture led a massive revolution of 300,000 slaves on the island of St. Dominque against the French in the summer of 1791. Toussaint's revolution continued until 1804 when the French were expelled and the island was declared free and independent--the name of the island was changed to the Republic of Haiti sometime afterwards. More importantly, L'Ouverture's triumphant revolution im-

43 I used the comparison model at http://www.measuringworth.com/uscompare/ to calculate how much Madison would have earned by today's standards.

44 http://revealinghistories.org.uk/how-did-money-from-slavery-help-develop-greater-manchester/articles/the-economic-basis-of-the-slave-trade.html.

45 Paul Lauren, *Power and Prejudice*, 23.

46 Barbara Hall, "Race in Hobbes," in *Race and Racism in Modern Philosophy*, 44. Moreover, Voltaire too made a fortune. In 1621 the Republic of the Seven United Netherlands gave the *Dutch West India Company* exclusive rights to provide slaves to the Caribbean. See Raymond Winbush's *Should America Pay*? 104.

47 Tyson, George (ed). *Toussaint L'Ouverture*, 7.

48 Ibid.

mortalized rebellion in the minds of slave-masters and slaves alike. For slave-masters, it punctuated their fear of being massacred in the midnight melee of a slave rebellion. For slaves, it demonstrated that they could organize, fight, and liberate themselves through force.

It therefore motivated slave revolutions throughout the Americas, most notably in Jamaica. In December of 1831 Samuel Sharpe led a slave revolution against the British on the island of Jamaica. Although Sharpe's rebellion was put down in short order its impact was significant: major sugar plantations "were burned and pillaged; white families fled to the coasts" trembling in fear; and the British colonists responded with their usual hot-blooded brutality.[49] In the aftermath of the rebellion, slaves "were flogged to death in the streets of Montego Bay," whether they had taken part in the rebellion or not; at least 300 of Sharpe's men were captured and executed, many in brutal ways; and "incensed white colonists tore down the chapels of dissenting ministers and organized the Colonial Church Union to defend the two orthodoxies" they believed in: Anglicanism and slavery.[50] This made it clear that the colonists were committed to the institution of slavery, come what may! It therefore fell to Parliament to seek a solution that would satisfy both "White" and "Black" people.

Towards this end, Parliament established a committee in the House of Commons to determine if "the danger of rebellion and its ugly consequences would be gravely magnified by withholding … freedom from [the] slaves."[51] The Committee found that "the constant peril of insurrection rendered full emancipation necessary," and it recommended abolishing slavery.[52] Thus, upon the recommendation of the committee, Parliament passed the *Emancipation Act of 1833*. But there was a catch: emancipation did not end involuntary servitude. Rather, it preserved it in the form of transitional apprenticeships. In fact, Parliament's *Emancipation Act* granted "freedom" to the slaves but required them to remain on plantations and work as unpaid apprentices for a period of six years while they learned to become "upstanding Christians," and, in return, the British government promised to compensate plantation owners 20 million pounds for their losses when full and complete emancipation went into effect.[53] This solution was thought best because it gave colonial governments time to adjust their political, legal, judicial, and economic institutions so as to accommodate the newly freed slaves; it gave slave-holders time to adjust their farming practices to an economy based on compensation; and, it gave Abo-

49 Green, William. *British Slave Emancipation*, 113.

50 Ibid.

51 Ibid., 114.

52 Ibid., 115.

53 Ibid., 118–119. The British government was not alone in compensating slave-owners. Some slave-owners in the United States also received compensation after emancipation. For example, in 1862 President Lincoln signed the *Act for the Release of certain Persons held to Service or Labor in the District of Columbia* thereby ending slavery in the District of Columbia. Sections 2 & 3 of the *Act* establish that any slave owner who is loyal to the Union may claim compensation up to $300.00 for his losses as a result of emancipation. See http://www.archives.gov/exhibits/featured_documents/dc_emancipation_act/transcription.html.

litionists time to make "respectable Christians" of African "savages."[54] Or, at least, this is how historians explain it today.

My view, however, is that slaveholders simply wanted more time to extract uncompensated labor from their slaves while they figured out how to establish *de facto* slavery (segregation) after full emancipation went into effect. In fact, the slaveholders did everything they could to prevent real emancipation. While abolitionists traveled throughout the British West Indies attempting to transform slaves into "upstanding" Christians, instructing them in Christianity and European social practices,[55] former slave-holders conspired to keep African-Caribbeans in servitude "with arbitrary local laws, high rents for land use, debts that amounted to extortion, and [the] burning [of] 'Black' settlements that were 'too distant' from plantations."[56] To make matters worse, Caribbean politicians deliberately failed to overhaul of their political, legal, judicial, and economic institutions. In fact, by 1838, just two years before the transitional apprenticeship program was to end, none of the institutional changes necessary for accommodating emancipation had gone into effect.[57] This inflamed Parliament because it forced them to decide between allowing the colonists to establish *de facto* slavery, and releasing thousands of newly freed slaves into societies that could not accommodate them. In 1838, Parliament decided to terminate the transitional apprenticeship program and grant full and complete emancipation to all slaves in the British Empire.

V. The Case for Reparations

Of course, slavery ended in the British West Indies in 1833, and the apprenticeship programs ended in 1838. By comparison, things moved much slower in the United States: slavery ended in 1865, and Jim Crow segregation lingered in the throes of death from 1954, beginning with the *Brown v. Board of Education* decision, until 1964/65 when Congress passed the *Civil Rights Act* and the *Voting Rights Act*. The last remnants of the trans-Atlantic slave trade finally collapsed in 1888 when Princess Dona Isabella signed the *Golden Act* into law, making Brazil the last country in the Western world to abolish slavery.

Nevertheless, abolition did not end the conversation that David Walker introduced decades earlier. Quite the opposite, historically the question had been: Should "Black" people receive reparations for slavery? But, today, conversations about reparations have been extended to include abuses that occurred during the apprenticeships and segregation. For example, in *The Case for Black Reparations*, Boris Bittker tells us that "the first point to be made about proposals for reparations is that they seek to redress *injuries caused* by a system of legally imposed *segregation* that … violated the equal-protection

54 Ibid., 126, and 130.
55 Ibid., 126.
56 http://cruel.org/econthought/texts/carlyle/negroquest.html.
57 Green, William. *British Slave Emancipation*, 163.

clause of the *14th Amendment*" to the *U. S. Constitution*.[58] The second point, I would add, is that the case for reparations has gone global. In fact, at the 2001 United Nations World Conference against Racism, Discrimination, Xenophobia, and Related Intolerance (WCAR) the delegates from Africa and the Caribbean demanded that the conference include a reparations agenda.

Since WCAR, Hilary Beckles has sought to advance the case for reparation by offering analyses of the debts owed by the U. K. and U. S. As Beckles explains it, the U. K. and U. S. amassed millions at the expense of African-Caribbean and African-American slaves. For example, by the middle of the eighteenth century, "the annual exports from the West Indies alone … were over £3 million pounds."[59] This is equivalent to £250 million pounds by today's standards. Nevertheless, to remedy this unjust enrichment, Beckles estimates that Britain owes Jamaicans approximately £7.5 trillion pounds. Beckles conducts a similar analysis of America and concludes that the United States owes African-Americans approximately 9.3 trillion dollars in reparations.[60]

But, even if we accept Beckles's calculations, reparationists would still have their legal work cut-out for them. First and foremost, they would need to overcome the statute of limitations. That is, since slavery, apprenticeships, and segregation happened long ago, the time allotted for bringing reparations lawsuits has already elapsed. Therefore, reparationists would need to overcome the time-lapse problem before they can articulate legal claims to reparations.[61]

Generally speaking, reparationists articulate two solutions to the statute of limitations objection: the doctrine of tolling, and the doctrine of "stepping in." For example, in *Reparations Pro and Con*, Alfred Brophy explains that the doctrine of "tolling" allows courts to suspend the statute of limitations in special circumstances.[62] In this way, reparations lawsuits could move forward despite the fact that slavery, apprenticeships, and segregation happened long ago. Alternatively, Congress or Parliament could "step in" or "pass statutes that give the descendants of slaves the right to sue for past wrongs."[63] Either way, the time-lapse objection does not undermine the case for reparations because courts, Congress, and Parliament could give special legal dispensation to the descendants of African-American and African-Caribbean slaves, allowing them to seek reparations even though the statute of limitations has already elapsed.

58 Boris Bittker, *The Case for Black Reparations*, 19. Ital. mine.

59 http://revealinghistories.org.uk/how-did-money-from-slavery-help-develop-greater-manchester/articles/the-economic-basis-of-the-slave-trade.html

60 Hilary McD.Beckles, *Britain's Black Debt*, 170–171. Beckles relies on calculations done for Larry Neal to estimate America's debt, and on calculations done by a team assembled by the BBC to estimate Britain's debt.

61 U. S. courts have consistently dismissed reparations lawsuits on statute of limitation grounds. See Alfred Brophy's discussion of *Cato v. United States* and *In re African-Americans Descendants' Lawsuits* in *Reparations Pros and Cons*, 121–122.

62 Alfred Brophy, *Reparations Pro and Con*, 125.

63 Ibid., 127. Robert Wesley articulates a similar position in "Many Billions Gone: It's time to Consider the Case for Black Reparations" in 19 BC Third World L. J. (1998), 433.

Still, whether reparations claims are brought before courts, Congress, or Parliament, those arguing for reparations must be able to demonstrate that slaveholders were engaged in illegal, not just immoral, activity. Otherwise, there would be no *legal* grounds for requiring individuals, corporations, or countries to pay reparations to the descendants of African-American or African-Caribbean slaves. This is David Horowitz's "slavery was legal" objection. More importantly, it presents a serious challenge to the case for reparations because it entails that granting reparations would require western countries to apply *ex post facto* law, which, of course, no court, Congress, or Parliament is willing to do.

Like most, I believe that, in principle, courts must never apply law *ex post facto*, otherwise they would obliterate the principle that the law must be promulgated and thereby undermine our standard for distinguishing between legal and illegal activity. For this reason, the descendants of African-American and African-Caribbean slaves ought not to be allowed to seek reparations through the courts for harms that occurred while slavery was legal. Notice, however, that this does not prevent the descendants of African-American and African-Caribbean slaves from seeking reparations through political institutions. I'll return to this discussion shortly.

Nevertheless, also notice that the problem of *ex post facto* law does not undermine the case for reparations, certainly not for harms that occurred after the passage of the *13th*, *14th*, and *15th Amendments* to the *U.S. Constitution*. After all, whether we judge by the segregationist's standard of separate but equal, or by the integrationist's standard of equal protection, Jim Crow segregation was a clear violated the *14th Amendment* to the *U.S. Constitution*. For example, Melvin Oliver and Thomas Shapiro tell us that the wealth gap between African-American and European-American families has gotten worse since the 1960's. Indeed, in 1967, the net wealth of the average African-American family was $ 3,779.00 while the net worth of the average European-American family was $ 20,153.00 dollars.[64] This means that the wealth gap between African-American and European-American families was 16,374.00 dollars in the late 1960's. However, in 2013, the Pew Research Center found that the wealth gap between African-American and European-American families had ballooned to over $84,000.00 dollars.[65]

The increase in the wealth gap can be explained by examining America's housing policies during the 1930's through 60's. On October 29, 1929 the U.S. stock market crashed causing a ricochet effect that pushed America and many other nations into a depression. By the time Franklin Delano Roosevelt took office the United States was in the thick of it: unemployment had climbed to 25 %, the price of goods dropped by as much as 60 %, domestic production fell by 46 %, international trade fell by 50 %, and mortgage lending and new home construct had virtually stopped. President Roosevelt's solution was to introduce a series of federal programs, The New Deal, designed to kick-start the economy and place America on the road to recovery, among them was the

64 Melvin Oliver and Thomas Shapiro, *Black Wealth / White Wealth*, 101–102.

65 www.pewsocialtrends.org/2013/08/22/kings-dream-remains-an-elusvise-goal-many-americans-see-raical-disparities.

Federal Housing Authority (FHA), started in 1934. The FHA had the job of making home mortgages easier to obtain. The Administration's hope was that by making home loans readily available Americans would take advantage of them and this would reignite the construction industry; and they were right. The policy of making mortgages easier to obtain "enabled over thirty-five million families between 1933 and 1978 to participate in home ownership" and thereby accumulate equity and personal wealth.[66]

But, remember, the Federal Housing Authority was established during the height of American segregation, and many government officials were as influenced by American racism as were most people. To be sure, the FHA's *Underwriting Manual* "stated that 'if a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same … racial classes'" and "'restrictive covenants'" are the "'best way to ensure neighborhood stability.'"[67] Of course, restrictive covenants were neighborhood agreements preventing European-American homeowners from selling their suburban homes to African-American home buyers. So, in order to be approved for a suburban home loan underwritten by the FHA European-Americans had to enter into restrictive covenants. The effect of this was that European-American families qualified for FHA loans for newly built homes in suburban neighborhoods while restrictive covenants prevented African-American families from buying newly built homes in suburban neighborhoods, a clear violation of the equal protection clause of the *14th Amendment*.

To make matters worse, as African-Americans migrated to Northern cities they were redlined into urban neighborhoods which caused massive overcrowding.[68] For example, in the decade just prior to the Great Depression the number of African-Americans migrating to New York City caused the population in "Black" neighborhoods to grow by 66%.[69] This led to high unemployment rates, overcrowding in schools, and a rise in the crime rates in the city, all of which were compounded by the fact that banks refused to give mortgages and home improvement loans in urban neighborhoods. This meant that older homes in urban neighborhoods would slowly deteriorate and depreciate in value while newly built homes in suburban neighborhoods would be maintained and appreciate in value. This too is a clear violation of the equal protection clause of the *14th Amendment*.

Today, more than sixty years later, we find that European-American families have accumulated equity in their homes and therefore wealth for themselves while African-American families have accumulated little to no equity in their homes and therefore little to no wealth. Of course, the Supreme Court has since outlawed restrictive covenants, redlining, and the *Fair Housing Act of 1968* prevents racial discrimination in the housing market, but none of this undoes the accumulative effects of the FHA's past discriminatory policies. Even more, since home ownership is the primary way in which most Americans accumulate wealth the increase in the wealth gap from the 1960's until

66 Melvin Oliver and Thomas Shapiro, *Black Wealth/White Wealth*, 16.
67 Ibid., 18.
68 Michael Owens, *God and Government in the Ghetto*, 69.
69 Ibid., 68.

today can be traced back to the past discriminatory policies of the FHA. Therefore, I submit that we ought to remedy the losses incurred as a result of discrimination in housing by granting reparations in amounts up to $84,000.00 dollars to African-Americans who were affected by redlining, restrictive covenants, and the FHA's discriminatory policies, and to the descendants of those who were affected but have since died.[70]

Moreover, we need not look exclusively into America's history to find examples of federal and state agencies actively engaging in discrimination that negatively affects African-Americans living today. For example, in January of 2015, the U. S. House of Representatives reported that many state anti-drug taskforces were guilty of "perpetuating racial disparities," "participating in corruption," and committing a wide-range of "civil rights abuses," including "falsifying government records, witness tampering, fabricating evidence, false imprisonment, stealing drugs from evidence lockers, selling drugs to children, large-scale racial profiling," "habitual use of racial epithets" and indiscriminate "round-ups and arrests of African-Americans."[71] These abuses are not limited to a small number of random incidents that resulted in insignificant penalties and fines. Quite the opposite, the House reported that the abuses occurred in Alabama, Arkansas, Georgia, Kentucky, Massachusetts, Missouri, New York, Ohio, Texas and Wisconsin. This often resulted in African-Americans serving lengthy prison sentences, followed by years of parole coupled with penalties and fines, and felon disenfranchisement.[72] Of course, there are calculable economic losses to African-Americans who are profiled, fined, arrested and imprisoned by policing agencies that engage in racial discrimination. Such losses include the loss of wages, property, liberty, and sometimes loss of life. Thus, I submit that we ought to remedy such losses by granting reparations to African-Americans who have been affected by discrimination in the criminal justice system, and to the descendants of those who were affected but have since died.

Of course, discrimination in housing and policing are just two examples of the many different ways in which African-Americans have faced racial injustice. To be sure, contemporary research indicates that African-Americans also face racial injustice in employment, education, criminal justice, and other public institutions. For this reason, it is incumbent on the Congress of the United States to set-up task-forces of lawyers, politicians, professors, and social activists to engage in comprehensive reviews of public institutions, and to develop reparations remedies for those who have been discriminated against. Of course, this solution is not exclusive to the United States. In fact, given my

70 Of course, a similar analysis can be conducted of discrimination in the West Indies because the British ruling elite used economic and political maneuvers to disfranchise and dominate African-Caribbeans after emancipation.

71 See H. R. 46, Section 2, Findings of Congress. https://www.congress.gov/bill/114th-congress/house-bill/46/text.

72 Ibid. Not surprisingly, investigations by other agencies have uncovered similar abuses. For example, the U. S. Justice Department documented habitual abuses in its May 2015 *Investigation of the Feguson Police Department*. For example, see http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf. Similarly, the American Civil Liberties Union as documented widespread abuses in its August 2009 report of the *Persistence of Racial and Ethnic Profiling in the United States*. https://www.aclu.org/files/pdfs/humanrights/cerd_finalreport.pdf.

foregone analysis of the history of the United Kingdom, I submit that Parliament has a similar obligation.

VI. A Philosophical Objection Considered

Of course, not everyone agrees with my conclusion that African-Americans and African-Caribbeans ought to be granted reparations. In fact, Nahshon Perez is among those leading the charge against the case for reparations. In *Freedom from Past Wrongs*, Perez offers philosophical analyses of identity in an attempt to show that the case for reparations is untenable. In formulating his identity thesis, Perez articulates two important assumptions: firstly, living is better than not living,[73] and, secondly, past wrongs are those in which the perpetrators and the victims are deceased.[74] He then argues that any historical wrong that is causally connected to the existence (and therefore identity) of the descendants of those wronged cannot be grounds for reparations. Thus, it follows that since living is better than not living, and since slavery is causally connected to the existence of "Black" people, "Black" people living today cannot claim to have been harmed by slavery. For, without slavery, the "Black" people living today would not exist. Thus, the descendants of African-American and African-Caribbean slaves ought not to be allowed to seek reparations.[75]

Perez's first assumption is easy enough to digest. But, I find his second assumption objectionable. For, he offers no argumentation for why we should accept his assumption that past wrongs are *only* those in which *all* of the perpetrators and victims are deceased. Rather, he simply assumes it. More importantly, notice that courts and congresses already have criteria for determining when crimes have faded into the past, namely, state and federal statutes of limitations. Thus, in the absence of an overriding justification for adopting Perez's assumption about past wrongs, we ought to continue using state and federal statutes of limitations to determine when crimes are to be considered historical.

Moreover, judging by our current standards, many crimes have faded into the past even though the victims and perpetrators are still alive. This is important because it illustrates that it is sometimes acceptable to allow the victims of past crimes to seek reparations if they can show that courts or congresses ought to "toll" the statute of limitations or "step in" and give them special dispensation to sue. In fact, I offered an example of this above when I discussed housing discrimination in the 19th century. Even more, I extended my analysis to the descendants of those harmed by housing discrimination because, at that time in which the harms occurred, courts and Congress would have simply ignored the calls for reparations, or, even worse, the Klu Klux Klan would have intimidated or killed any "Black" person seeking reparations. Thus, African-Americans

73 Nahshon Perez, *Freedom From Past Wrongs*, 42–45.
74 Ibid., 8.
75 Presumably, Nahshon Perez would articulate a similar analysis regarding apprenticeships and segregation.

did not have access to the institutions through which they could have articulated reparations claims. Thus, American justice was perverted at that time.

Even more, this explains why I have argued above that the descendant of African-American and African-Caribbean slaves ought to be granted reparations through political institutions. After all, as early as 1829, David Walker began calling for reparations for slavery in his "Appeal to the Colored Citizens of the United States." Later, in 1862, U.S. Senators Lyman Trumbull, Benjamin Wade, and Charles Sumner, and U.S. House Representatives James Ashley, John Hutchins, and Thaddeus Stevens proposed *House Bill 29* which called for 400 million acres of land to be confiscated and distributed in blocks of forty acres "to each [African-American] male ... who was the head of a family ...; to each [African-American] adult male whether he was the head of a family or not ...; and to each [African-American] widow who was the head of a family."[76] Again, in 1870, General Rufus Saxton and Secretary of War Edwin Stanton convinced General William Sherman to issue *Special Field Order No. 15*, which "set aside the Sea Island and the low country area thirty miles inland from Jacksonville, Florida up to Charleston, South Carolina and granted freedmen [temporary] 'possessory titles' to forty acres each."[77] Moreover, in 1870, abolitionist and suffragette Sojourner Truth took the case for reparations straight to the doorstep of the President. She met with and urged Ulysses S. Grant to issue an executive order setting aside land in the West for the newly "freed people to earn their living on."[78]

Unfortunately, all of these claims for reparations were simply ignored or averted by judges and politicians willing to pervert justice through acquiescence, apathy, or racism.[79] Thus, given that we are beyond the racism of the 18th through 20th centuries, it is now time for us to make amends for the sin of the Founding Fathers by settling the debts of slavery, apprenticeships, and segregation. Otherwise, as long as we fail to do so, we are complicit in allowing their perversions of justice to continue.

VII. Final Analysis

In the final analysis, it is worth noting that reparations and responsibility go hand in hand. Thus, it is incumbent on those of us who argue for reparations to demonstrate that the state can pay reparations to African-Americans and African-Caribbeans without harming those who had nothing to do with, nor directly benefited from, slavery, apprenticeships, or segregation. In fact, both Horowitz and Perez take this consideration to undermine the case for reparations.[80] I do not. It does, however, help to explain why I have focused almost exclusively on state responsibility for the harms that incurred as a result

76 Alfred Brophy, *Reparations Pro and Con*, Appendix 2, A Bill (H. R. 29) Relative to Damages Done to Loyal Men, and for Other Purposes [Confiscation] (1867).
77 John Syrett, *The Civil War Confiscation Acts*, 49.
78 *The Civil Rights Chronicle*, 38.
79 See footnote #1.
80 See David Horowitz's *Uncivil Wars*, 8; and Nahson Perez's *Freedom from Past Wrongs*, 3.

of slavery, apprenticeships, and segregation. After all, as I have argued above, the U. S. and U. K. failed in their duties to protect African-Americans and African-Caribbeans from harm and in their duties to ensure justice after the harms had occurred. For these reasons, I believe that states must be held accountable for paying reparations claims.

Moreover, there are many ways in which the U. S. and U. K. can pay reparations without causing harm to American and British citizens who had nothing to do with slavery, apprenticeships, and segregation. For example, the U. S.'s and U. K.'s assets and properties might be liquidated in order to pay reparations claims. Others have argued that the U. S. and U. K. might allow African-Americans and African-Caribbeans to attend public colleges and universities without charge, have exemptions from federal taxes for a number of years, or utilize state property (like land that could be used for farming for example) without charge. I, however, believe that the best way for the U. S. and U. K. to pay reparations without harming those who had nothing to do with slavery, apprenticeships, or segregation is to establish investment accounts and use the interest gained from them to pay reparations claims. Either way, with a little creativity, the aforementioned reparations task-forces could figure out ways for the U. S. and U. K. to pay reparations to African-Americans and African-Caribbeans without harming those who had nothing to do with slavery, apprenticeships, or segregation.

VIII. Conclusion

In this article, I have offered philosophical and pragmatic analyses of slavery, apprenticeships, and segregation in order to illustrate the extent to which American and British philosophy, politics, law, and economics were entwined with the oppression of African-Americans and African-Caribbeans. I have argued that as the institution of slavery collapsed and abolitionists began calling for reparations, judges and politicians ignored the claims of abolitionists and thereby perverted justice. I have highlighted the fact that, as a result of this, today, we now have the debts of slavery, apprenticeships, and segregation to settle. I have concluded that as long as we fail to do so, we are complicit in allowing their perversions of justice to continue. For this reason, I have argued in favor of granting reparations to African-American and African-Caribbeans.

Bibliography

Alexander, Michelle. *The New Jim Crow*. New York: The New York Press, 2012.
Bittker, Boris. *The Case for Black Reparations*. Boston: Beacon Press, 2003.
Brown, John. *Slave Life in Georgia: A Narrative of the Life, Sufferings, and Escape of John Brown, A Fugitive Slave, Now in England*. London: Beehive Press, 1855.
Cole, David. *No Equal Justice*. New York: New York Press, 1999.
Cose, Ellis. *Bone to Pick*. New York: Washington Square Press, 2004.
Carson, Clayborne ed. *Civil Rights Chronicle: The African-American Struggle for Freedom*. Lincolnwood: Publications International, 2003.

Cudd, Ann. *Analyzing Oppression*. Oxford: Oxford U. P., 2006.
Drescher, Seymour. "On James Farr's 'So Vile and Miserable an Estate.'" Political Thought, Vol. 14, No. 2. (May, 1986), 263–289.
Du Bois, W. E. B. *Black Reconstruction in America 1860–1880*. New York: Freedom Press, 1998.
Farr, James. "So Vile and Miserable an Estate: The Problem of Slavery in Locke's *Political Thought*." Political Thought, Vol. 14, No. 2. (May, 1986), 263–289.
Feagin, Joe. *Racist America*. New York: Routledge, 2000.
Fenves, Peter. "Leibniz on the Principles of Grace and Race," in *Race and Racism in Modern Philosophy*. Ithaca: Cornell U. P., 2005.
Foner, Eric. *Reconstruction: America's Unfinished Revolution*. New York: Perennial Classics, 1988.
Goldberg, David. *Racist Culture*. Cambridge: Blackwell, 1993.
Haley, Alex. *The Autobiography of Malcolm X*. New York: Ballantine Book, 1999.
Hall, Barbara. "Race in Hobbes," in *Race and Racism in Modern Philosophy*. Ithaca: Cornell U. P., 2005.
Horowitz, David. *Uncivil Wars: The Controversy over Reparations for Slavery*. San Francisco: Encounter Books, 2002.
Hume, David. *Essays: Literary, Moral, and Political*. London: Routledge and Sons, 1758.
Johnson, Walter ed. *The Chattel Principle*. New Haven: Yale U. P., 2004.
Jones, James. *Bad Blood*. New York: Free Press, 1993.
Kamtekar, Rachana. "Distinction Without a Difference," in *Philosophers on Race: Critical Essays*. Oxford: Blackwell Pub., 2002.
Kant, Immanuel. *The Sublime and the Beautiful*. Berkeley: Univ. of Cal. Berkeley Press, 1960.
Keane, John. *The Life and Death of Democracy*. London: Simon and Schuster, 2009.
Lauren, Paul. *Power and Prejudice*. Boulder: Westview Press, 1996.
Lightner, David. *Slavery and the Commerce Power*. London: Yale UP., 2006.
Locke, John. *Second Treatise of Civil Government* in *Classics of Moral and Political Theory*. Indianapolis: Hackett, 1992.
Locke, John. *Fundamental Constitution of the Carolinas*. March 1, 1669.
Lott, Tommy. "Patriarch and Slavery in Hobbes's Political Philosophy," in *Philosophers on Race: Critical Essays*. Oxford: Blackwell Pub., 2002.
Mather, Cotton. *The Negro Christianized: An Essay to Excite and Assist that Good Work of Negro Servants in Christianity* in Electronic Texts in *American Studies*, 1706.
McD. Beckles, Hilary. *Britain's Black Debt*. Jamaica: University of the West Indies, 2013.
Mellon, James, ed. *Bullwhip Days: The Slaves Remember*. New York: Grove Press., 1988.
Middleton, Steven. *Black Congressmen During Reconstruction*. Westport: Greenwood Press, 2002.
Mills, Charles. *The Racial Contract*. Ithaca: Cornell U. P., 1997.
Nails, Debra. "Metaphysical at the Barricades: Spinoza and Race," in *Race and Racism in Modern Philosophy*. Ithaca: Cornell U. P., 2005.
Oakes, James. *The Ruling Race: History of American Slaveholders*. New York: Knopf, 1982.
Oliver, Melvin, and Thomas Shapiro. *Black Wealth / White Wealth*. New York: Taylor and Francis Group, 2006.
Owen, Michael. *God and Government in the Ghetto*. Chicago: University of Chicago Press, 2007.
Perez, Nahshon. *Freedom from Past Injustices*. Edinburgh: Edinburgh University Press, 2012.
Reiss, Timothy. "Descartes's Silences on Slavery and Race," in *Race and Racism in Modern Philosophy*. Ithaca: Cornell U. P., 2005.
Skloot, Rebecca. *The Immortal Life of Henrietta Lacks*. New York: Random House, 2011.
Syreet, John. *The Civil War Confiscation Acts*. New York: Fordham University Press, 2005.
Torpey, John. *Making Whole What Has Been Smashed: On Reparations Politics*. Cambrdige: Harvard U. P., 2006.

Uzgalis, William. "'An Inconsistency not to be Excused:' On Locke and Racism," in *Philosophers on Race: Critical Essays*. Oxford: Blackwell Pub., 2002.
Ward, Julie. "*Ethnos* in the Politics: Aristotle and Race," in *Philosophers on Race: Critical Essays*. Oxford: Blackwell Pub., 2002.
Washington, Harriet. *Medical Apartheid*. New York: Random House, 2006.
West, Cornell. *Race Matters*. New York: Random House, 1994.
Winbush, Raymond. *Should America Pay?* NewYork: HarperCollins: 2003.
Wright, Gavin. *Slavery and American Economic Development*. LSU Press, 2006.
Zinn, Howard. *A People's History of the United States*. New York: HarperPerennial, 2001.

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