

ARE OFFICIAL APOLOGIES FOR PAST SLAVERY MORALLY APPROPRIATE?

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ABSTRACT

Theorists of transitional justice regard official apologies as one major instrument for countries to take responsibility for historical wrongs. One such wrong is the slavery past of western countries, for which Afro-descendant activists have requested official apologies yet countries have been reluctant to apologize officially. Should there be official national apologies for past slavery? One prominent philosopher who has criticized others' pro-arguments yet has defended an affirmative answer, notably in the U.S. slavery past case, is Janna Thompson (2020). This article takes a critical stance towards contemporary slavery apologies, through an analysis of various moral arguments against apologizing for slavery as well as Thompson's defenses of it, with illustrations from the Dutch and U.S. slavery past cases. It will present four reasons for why post-slavery governments cannot properly apologize for their nations' slavery past, and three reasons for why descendants of enslaved people cannot properly be recipients of slavery apologies. Essentially, contemporary official slavery apologies are questionable due to a morally unbridgeable gap between contemporary post-slavery society and the slavery past itself. Thus, this article suggests that restorative transitional justice may only work within a historically restricted timeframe.

KEYWORDS

Historical injustice; official apologies; reparatory justice; slavery; transitional justice

INTRODUCTION

This article discusses slavery apologies as a conceivable instrument of transitional justice, that is, the just handling of regime atrocities.¹ Initially, transitional justice meant retributive justice, or highlighting the prosecution and punishment of individual human rights violators. However, this legalist method proved restricted due to scale limits, and unable to tackle historical wrongs attributable to societal factors or different regimes. Therefore, restorative justice, which pursues communal

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reconciliation and healing, has become popular among scholars and public officials as a preferable transitional justice approach. Restorative justice advances strategies such as official apologies and reparations. Official apologies entail expression of contrition by government leaders for collective or past regime offenses. Reparations entail the transfer of tangible resources to victims or their families as financial compensation. In the past quarter of a century, past regime wrongs have become the focus of demands for apology or reparation. Governments have launched truth and reconciliation projects, apologized for past injustices, offered compensation, and redesigned educational programs. However, regarding wrongs that precede living memory, such as slavery or colonialism, answering the increasing call for historical justice by offering apologies, not to mention reparations, is a highly sensitive, hotly debated issue in various countries (Amstutz 2013: Ch. 6; cf. 2005: 107-113, 197-199; Immler 2021: 2; Neumann and Thompson 2015).

For the slavery past of western countries Afro-descendant activists have requested official apologies (followed by reparations). Yet countries have been reluctant to apologize officially.² Should there be official national apologies for past slavery? One prominent philosopher who has criticized others' pro-arguments yet has defended an affirmative answer, notably in the U.S. slavery past case, is Janna Thompson (2020).³ However, in this article, I will take a critical stance towards slavery apologies, the crimes of slave trade and chattel slavery notwithstanding. Thus, I will offer an analysis of various moral arguments against apologizing for slavery as well as Thompson's defenses of it, one with illustrations from the Dutch and U.S. slavery past cases. Concretely, I will present four reasons for why post-slavery governments cannot properly apologize for their nations' slavery past, and three reasons for why

² A number of European and U.S. cities, and various U.S. states, have officially apologized for their role in slavery. The U.S. House (2008) and U.S. Senate (2009) have proposed slavery apology resolutions, but they have never passed a joint bill. After decades of discussion and hesitation, the Dutch government has officially apologized for the state's role in the national slavery past on 19 December 2022 - in direct response to the recommendations of the government-installed Advisory Board of the Slavery Past Dialogue (ABSPD 2021). It is unique for a country in Europe to offer official slavery apologies and attach financial means (i.e., 200 million euros for 'awareness increase' about the slavery past and 27 million euros for a slavery museum). Still, the government's (unofficial) early-November announcement immediately flared up the debate around Dutch slavery apologies, notably about whether also (high) financial reparations should be paid to black slavery descendants (cf. Palm 2022).

³ Janna Thompson (1942-2022) has discussed slavery apologies in various publications, a number of which I will cite, but her 2020 article is her most direct recent treatment. In addition, she has examined slavery reparations in a short book (Thompson 2018). Here I will not separately discuss financial reparations for slavery, a topic that also raises issues about the relation between corrective justice and distributive justice.

descendants of enslaved people cannot properly be recipients of slavery apologies.⁴ Essentially, my thesis is that present-day official slavery apologies are dubious due to a morally unbridgeable gap between current post-slavery society and the slavery past itself. Thus, I submit that restorative transitional justice may only work within a historically restricted timeframe.

Three issues require explanation before the analysis can begin. First, I should clarify what (officially) apologizing for an historical injustice such as slavery means. ‘Apologies’ express not just regret but guilt. They ‘entail blameworthy wrongdoing’, which ‘entails control over the occurrence of the wrong’ (Schedler 2007: 126). To offer an apology for one’s more serious wrongdoing means to request ‘forgiveness’ and to hope that ‘reconciliation’ will occur; but while one may not simply expect the victim to forgive or support reconciliation, a ‘sincere’ apology will be an essential condition for such restorative aims in any case (Schedler 2007: 126-129, 131-132; Amstutz 2013: Ch. 6). Now if an apology for a grave wrongdoing is to be truly sincere, it should imply a willingness to offer ‘reparation’ (Pettigrove 2003: 324), or ‘to make amends to the extent practicable’ (Schedler 2007: 132). As with apologies more generally, apologies for historical wrongs involve two parties: one that offers the apology, one that receives it. However, with perpetrators and victims long dead, only a ‘representative’ of the perpetrator could admit guilt to ‘representatives’ of the victims (cf. Thompson 2020: 1043). To offer official apologies for a nation’s slavery past, then, means public guilt admission by a post-slavery government to descendants of people enslaved under some predecessor regime. Reparations should accompany the apologies in order to finalize their sincerity and help them engender forgiveness and reconciliation.⁵

⁴ Parts of the discussions for ‘supply-side’ reasons 1 and 3 and ‘recipient-side’ reasons 1 and 3 (parts that do not refer to Thompson, Miller, Pettigrove or Schedler) draw on Kamminga (2022: 10-19).

⁵ One reviewer requested me to clarify my focus on ‘apologies’ in relation to the goals of ‘forgiveness’ and ‘reconciliation’. In response, I offer the following considerations. While official apologies are rooted in a moral vision of political forgiveness and reconciliation, and thus aim to restore peaceful, cooperative, and solidary relationships (Amstutz 2013: Ch. 6), the *appropriateness* of apologies does not depend on whether or not they effectively result in forgiveness or reconciliation. Whether or not an apology is appropriate, thus whether or not one party should admit guilt to another one, is an intrinsic affair. In a sense, the dependency goes in the other direction. Thus, if we find an apology inappropriate in a particular issue, there may be no just cause for seeking or granting ‘forgiveness’ or aiming at ‘reconciliation’ in that issue. (People involved may still have a justified need for reconciliation, but then this need will be rooted in some other cause.) In addition, as human rights specialist Rhoda Howard-Hassmann has concluded from various historical examples, ‘[n]ot only do apologies not necessarily result in reconciliation, but reconciliation might not necessarily require apology’ (2013: 53; cf. note 11). Thus, for my purposes in this article, a more in-depth additional discussion of forgiveness or reconciliation does not seem necessary. For more separate and extensive accounts of forgiveness and reconciliation in theory and practice, see Amstutz (2005), Digeres (2001),

Second, I should justify the philosophical importance of engaging with the transitional justice of slavery apologies, as philosophers have recently come to criticize transitional justice as a suspiciously conservative top-down approach. According to these critics, injustices that caused enduring social, political, and economic effects require a ‘forward-looking structural injustice approach’ as well as ‘backward-looking reparations’ (McKeown 2021: 771). Justice should ‘transform’ unequal and intersecting power relationships and structures of exclusion, so that victims’ socioeconomic rights become fulfilled as well (Immler 2021: 2-3; cf. Laplante 2013; McKeown 2021; Evans and Wilkins 2019). Regarding the Dutch slavery past case, Nicole Immler argues that the current debate ‘on the value (and the cost) of an apology’ is narrowly misguided, as ‘in Afro-Caribbean and Surinamese communities a much broader notion of repair circulates, focusing on structural injustices. [Transformative justice] engages with those subaltern voices...“from below”, which [emphasize] ‘human rights violations of the past and structural inequalities...in the present’ (Immler 2021: 2, 13).

Yet, even if ‘transformative justice’ rightly draws forward-looking attention to empowering people to overcome their marginalization, it fails as a critique of a transitional justice inquiry of slavery apologies. Two points matter for my article. First, ‘transformative justice’ troublingly suggests the uncritical acceptance of whatever activists ‘from below’ claim as just and representative for ‘their communities’. Second, even if we accept Immler’s reading that Dutch activists aim for ‘transformative justice for the slavery past’, there can be no doubt that what ‘those subaltern voices from below’ have insisted on and fought for consistently is an explicit official apology (followed by financial reparations). As prominent activist Mitchell Esajas of the Black Archives in Amsterdam has put it: ‘We do not beg for an apology, we demand it’ (Niemantsverdriet 2019, translation mine; cf. ABSPD 2021; Brassem 2021). Thus, even if apologies (with reparations) could not suffice for full justice for a slavery past, we may sensibly examine if they should come about as partial contributions to slavery justice.

Third, I should mention that, philosophically, we do not need to consider the following two arguments often advanced against apologies regarding trans-Atlantic slavery: slavery was a universal phenomenon, and Africans themselves sold enslaved people to Europeans. This is because neither of these arguments, even if correct on their own, could nullify the immoral character of western countries’ own slavery past – not to mention the typically numerical, racist, and industrial features of trans-Atlantic slavery (Oostindie 2007: 5-6). Indeed, such arguments aim to draw attention

Schaap (2005), Murphy (2010), and Hayner (2011). My thanks to the reviewer for most of these literature suggestions.

away from western criminal slavery activities. Such a purpose seems also typical of the ‘objection’ that, in the past, slavery was regarded as morally acceptable, when, in fact, its inhumanity was acknowledged in Europe already from the late medieval period into the Enlightenment.

WHY POST-SLAVERY GOVERNMENTS CANNOT PROPERLY APOLOGIZE FOR SLAVERY

Taken together, my four reasons below for why current governments cannot properly apologize for slavery – ‘supply-side’ reasons for being critical about slavery apologies – aim to show why present-day peoples and, more directly, their governments may not apologize for slavery as something that lies beyond the scope of what they may apologize for. As regards Thompson, I will suggest that her (helpful) criticism of others’ supply-side arguments for slavery apologies are more convincing than her own defense.

Reason 1: awkward position of black descendants in changed intergenerational politics

Thompson seeks a justification for offering slavery apologies in something seemingly enduring: ‘the persistence of obligations and the existence of a group agent or a succession of group agents which are expected to take responsibility for fulfilling them’ (2022: 16). Thus, ‘group agents are...essentially intergenerational, and they require members to make sacrifices for a future that they will not experience,...or to pay reparation for a wrong committed many generations ago’ (Thompson 2022: 18). We should surely want such agents to exist, Thompson believes, because individuals have moral interests that go beyond their own lives. They care about their children and later descendants, hope that their creations and communities will benefit future generations, and want their descendants’ lives to be free from unaddressed injustices (Thompson 2022: 18). The key intergenerational group agent is the ‘polity’, which is:

a stable organization of citizens who are bound together by history and a customary way of conducting their political life...Citizens have a duty to ensure that [their government] is worthy of support, and since it acts in their name they are implicated in and co-responsible for what it does (Thompson 2020: 1051).

Now in the U.S. case, all citizens ‘had collective responsibility for the laws and policies of their government and for reform of its institutions’, Thompson (2020: 1051) infers. Thus, ‘[t]hrough their officials’, or ‘through the leader or decision-making body that represents’ their polity, U.S. citizens (and those of other countries) may be morally obliged to apologize for the polity’s wrongs, such as slavery (Thompson 2020: 1052).

Rooted in a rejection of ‘ahistorical liberalism’ (Thompson 2009), Thompson’s position finds support in Alasdair MacIntyre’s influential view that we derive our moral obligations from our belonging to a tradition-constituted community and thus should accept responsibility for whatever our country did in the past, good or bad (MacIntyre 1984). The opposite liberal-individualist attitude typifies white Americans who deny any responsibility for slavery: ‘I never owned any slaves’ (MacIntyre 1984: 220); or Americans who, more subtly, accept a restricted responsibility within which the costs for black Americans are weighed against the benefits they themselves indirectly have had from slavery. Against this, MacIntyre holds, ‘being an American’ (1984: 220) may constitute one’s moral personality. The past within which we were born shapes our current relationships (MacIntyre 1984: 220-221).

However, even if a Thompson-MacIntyre perspective provides a sounder moral basis for addressing past injustices than ‘ahistorical liberalism’ – granting this to be so conforms to this article’s interest in restorative transitional justice – Thompson’s current defense of slavery apologies is seriously limited in scope. Thus, even if we accept that Thompson’s intergenerational polity logic has moral force for the U.S. case, in which slavery occurred on domestic territory – though note that my next reasons will contest its validity even in this case – it cannot properly apply to cases such as the Dutch one, in which slavery happened elsewhere, outside domestic territory. Let me explain this first – admittedly, still limited – reason for why current governments cannot properly apologize for slavery in detail.

What Thompson neglects within her polity-based justification, if that is to have a more universal significance, is that, through citizens’ generations, western polities’ demographics may have critically changed after slavery, notably because of descendants of slavery victims having come to join them as citizens. In such cases, it is doubtful whether present-day polities may still be seen as the same polities as during slavery, even if intergenerational co-responsibility persists. The problem of Thompson’s defense of offering slavery apologies, then, is that it effectively implies that such formerly slavery-practicing western polities have remained ‘white’, which would mean that black slavery descendants – if indeed they are to be the recipients of the apology (Thompson 2020) and not (also) co-givers – could not really belong to it. For an immigration country it is problematic to apologize for a past injustice, but this

is especially so when descendants of the unjustly treated migrated to the country and their offspring now live there (Miller 2007: 159). That Thompson's defense may put black slavery descendants into a morally awkward position I now illustrate with the Dutch case.

A collective apology for the Dutch slavery past may well conflict with the Netherlands' post-slavery development from a slavery-practicing mono-cultural country to a multi-cultural one due to the arrival of large groups of black slavery descendants as well as many people from elsewhere. In the past century, the country has changed from one of mainly white people to one of people of various color, background, and origin. Many descendants of people enslaved by the earlier Dutch community have moved to the Netherlands; almost half of the Surinamese population, hundreds of thousands of people, moved voluntarily to the Netherlands before and around the independence of Suriname (earlier a Dutch colony) in 1975. The Netherlands could only have stayed the same 'white' country by keeping out migrants, including descendants of enslaved people from Suriname, the Antilles, and Indonesia, who do have become Dutch community members.

Now employing Thompson's (or MacIntyre's) argument to justify Dutch slavery apologies leads to two options, which both are uncomfortable for black Dutch polity members. If we, in line with Thomson's defense of apologies as it effectively is, continue seeing the Dutch polity somehow as white-mono-cultural, apologies offered would become white, which implies placing the black population outside the Dutch polity. Now, we should surely avoid this entirely. Therefore, we should opt for the actually more plausible, multi-cultural view of the Dutch polity, within which the black population do enjoy full equal membership. Undoubtedly, this will also be how Thompson herself would want to see the Dutch polity as well as the U.S. one. However, if official slavery apologies are offered from *this* perspective, black slavery descendants within the Dutch community would not only be apology recipients but, together with white (and other) Dutch people, providers as well. After all, the black as well as the white population are part of the Dutch intergenerational polity. The black population would have to accept co-responsibility for what the Netherlands did in the past, including the burden of its evil slavery past and the profitable effects thereof. Surely, such an outcome would be absurd.

One could object that my dichotomous critique of Thompson ignores that immigrant minorities often find themselves marginalized, so that in case of official apologies it is false to see black slavery descendants as co-apologizers rather than just receivers if they wish to keep polity membership. For consider what David Miller argues:

[I]mmigrant minorities...share in the national inheritance: they benefit from the physical, human, and cultural capital accumulated by previous generations. The extent of their benefit depends on how effectively they are included within the scope of institutions of social justice that treat all citizens equally. [Arguably, insofar] as nations can be regarded as cooperative practices in which costs and benefits...are fairly distributed among the members, each member falls within the scope of collective responsibility[, including]...national responsibility for the past. In the case of minority groups, the issue is...how far they are...receiving a fair share of the national inheritance...Groups that are currently marginalized...should not [then] be asked to contribute towards the rectification of historic injustice; on the contrary, they would be among the potential beneficiaries of such redress (Miller 2007: 160-161).

Yet such a Miller-invoking objection does not work. Note that Miller acknowledges that to immigrate into a country means to accept, in principle, co-responsibility for the nation's past. Note also that, within Miller's own line of reasoning, since contemporary western societies are rooted in equality albeit not always meeting the equality standard, arrived black slavery descendants should at least accept partial responsibility for the national past and to that extent co-apologize. However, Miller's argument goes wrong where it fails to appreciate that full citizenship rights for all members and fair distribution of costs and benefits among all members are basic and so should be granted before everything else. Thus, overcoming marginalization of minority groups should have priority, so that these groups will have become able to contribute towards rectifying historic injustice, though should not be offered an apology if their full membership is to be maintained. By neglecting this, Miller effectively tolerates unequal treatment of minorities for the sake of apologizing. Anyway, we should want to avoid the absurdity of black slavery descendants co-apologizing, wholly or even only partially.

In sum, the troubling limitation of Thompson's polity-based depiction of an apology is that it places black slavery descendants who have immigrated into the country that enslaved their ancestors in a morally untenable double position. Instead, what would be appropriate is just to approach immigrated black slavery descendants as truly equal members of the polity (and to facilitate them in becoming polity leaders themselves).⁶

Reason 2: slavery not part of inherited guilt

A second reason for why post-slavery governments cannot properly apologize for their countries' slavery past concerns the scope of what contemporary generations

⁶ In the next section, I will return to the impact of immigration on polity change, as that also matters for why descendants of enslaved people cannot be proper recipients of slavery apologies (reason 3).

could properly apologize for. Thus, present generations are not to regard slavery itself as part of an inherited national guilt that could justify an apology on their behalf. This reason, if correct, weakens Thomson's intergenerational polity argument as discussed above more generally, that is, when applied to the U.S case as well as to other cases.

Writing about the U.S. case, Glen Pettigrove argues that, while 'we' may have to apologize for 'present injustices that are the continuing result of slavery', only 'our parents' have the standing to apologize for their own slavery guilt (2003: 338, 314). Let us recognize, he says, 'a social inheritance resulting from American slavery that has been unjustly enjoyed by the non-African-American majority at the expense of the African-American minority' (Pettigrove 2003: 338). Surely, this warrants a present-day collective apology. Yet, Pettigrove insists, 'it will not be an apology *for slavery*', but it will be 'an apology for some other injustice, for which slavery set the stage' (2003: 338-339). The issue is that, after slavery, all members of the collective are new, so that they resemble 'the thief's children', not the 'parents-thieves' themselves. Hence, as the children, 'we will only be able to apologize for our own guilt in failing to return what is not rightfully ours. We will not have the standing to apologize for the...guilt of our parents' (Pettigrove 2003: 314). As Pettigrove concludes, 'while we have a way of seeing twenty-first century agents as bearing guilt *related to* slavery, the notion of guilt stemming from the image of indebtedness does not leave room for twenty-first century guilt *for* American slavery' (2003: 342). Thus, for us to apologize for the slavery practiced by our ancestors (which was within their control but not ours) would be inappropriate.

Pettigrove's argument is valuable in various ways. First, it highlights a further flaw in Thompson's intergenerational polity argument as discussed earlier. Again, Thompson (cf. 2009: 207) may be right that membership of an intergenerational polity entails accepting historical responsibility, not just for the preservation of the polity's institutions and the remembrance of the polity's exemplary members, but also, to a certain extent at least, for the provision of financial compensation for the polity's injustices. However, while Thompson admits that members 'do not have a blood guilt because of the sins of the forebears' (2009: 207), she overlooks that this is precisely why the contemporary generation of citizens lacks standing to apologize for those very sins. Second, Pettigrove's argument sets an upper limit for present-day guilt: we may have to apologize collectively for slavery-induced injustices insofar as these exist, but we cannot credibly apologize for slavery itself anymore today.

Reason 3: government discontinuity

A third reason for doubting the appropriateness of a contemporary government apology for slavery concerns government discontinuity in a direct sense. One

argument often mentioned in favor of slavery apologies is that national governments have juridical authority to address and repair the wrongs of predecessor governments (e.g., ABSPD 2021; legal philosopher Wouter Veraart in Brassem 2021). However, such an argument lacks moral force regarding the issue of slavery apologies. As we shall see, constitutional changes that prevent the wrong from reoccurring have created a wide moral gap between successor governments themselves. If correct, this reason, too, affects Thompson's intergenerational polity defense, as polities cannot properly utilize the 'officials' and 'leader or decision-making body' that currently represent them for the purpose of apologizing for the historical injustice of slavery.

As George Schedler argues, a later government cannot properly aim to repair the injustice committed by an earlier one when that would mean that 'innocent parties (especially those who put an end to wrongful practices)' would 'be held responsible for the wrongs', that is, for what the perpetrators did (Schedler 2007: 135, cf. 136). Thus, a '*discontinuation* rule' applies when 'the later government has abolished the practice and is run by different persons' (Schedler 2007: 135). In the U.S. case, Schedler explains, a recognition of discontinuation should keep us from holding the present-day federal government responsible for the perpetration of slavery or its enablement. As he writes:

Unlike the antebellum federal government [that] oversaw a slave-owning republic, the present-day federal government operates under the thirteenth amendment [that] resulted from the struggle in which union government engaged during the Civil War. This precludes it from taking responsibility for perpetrating slavery...[In addition,] slavery was abolished with the thirteenth amendment and civil rights guaranteed with the fourteenth. Once the constitution was amended, the federal government no longer enabled slavery (Schedler 2007: 140; cf. 141).

Thus, in the U.S. slavery past case, the discontinuation problem is valid, for one could not properly ask the postbellum government 'to apologize for what it has outlawed' constitutionally (Schedler 2007: 141). Obviously, then, one cannot properly ask a twenty-first century postbellum federal government to apologize for slavery.

In the Dutch case, a similar reasoning applies, albeit in the absence of civil war. Thus, the government-led reforms of the constitution towards equal treatment of all citizens (notably Article 1) have made present-day governments radically different from those during slavery. Moreover, the Dutch government, like almost all European governments, has signed the binding 1950 European Convention on Human Rights, which explicitly prohibits slavery (Article 4). Therefore, it is hard to see how a contemporary Dutch government could genuinely apologize for the national slavery past.

Reason 4: agential identity change

My fourth and final supply-side reason for doubting the rightness of a present-day slavery apology concerns identity change of the group agent that committed the historical injustice; thus, it broadens the government discontinuity reason just discussed. Slavery apology supporters often stress the continuity of the injustice-committing group agent through time, so that a contemporary agent may properly apologize (cf. ABSPD 2021; Brassem 2021). Yet, as we shall see, the claim of agential continuity as a basis for slavery apologies is weak due to moral-cultural and institutional identity change. In fact, Thompson offers serious grounds for rejecting agential identity continuity.

Regarding the problem of moral-cultural discontinuity, Miller makes clear why it hampers the identification required for properly apologizing for a historical wrong:

If the source of [a ‘pure’ historic] injustice is the fact that our predecessors acted on moral beliefs very different from our own, then that very fact may make it difficult for us to identify with them in a way that makes apology possible (Miller 2007: 158).

Now Thompson’s acknowledgement of the problem goes even deeper, focusing on ‘identity’ rather than ‘identification’. Her argument is that if a group is supposed to accept ‘blame for acts that members committed because of their culture’ but ‘has significantly changed its culture’, it is questionable why we should think ‘that it is now the same as the one that committed the wrong’ and thus ‘can...apologize for what the other did’ (Thompson 2020: 1045). In view of Miller’s and Thompson’s arguments, and considering that western countries with a slavery past have culturally changed from tolerating the enslavement of black people to condemning it and virtually all western people have come to find slavery (slave trade, chattel slavery) deeply wrong, there exists no agential continuity that could support a genuine contemporary apology for slavery.

As regards the problem of institutional discontinuity, it seems implausible to regard western countries with a slavery past as the same agents that legally or practically supported slavery. As Thompson notes about the United States, ‘some American institutions have changed since the days of slavery, and the constitution has been altered’; thus, we may well ‘have doubts about whether the present United States is the agent that supported slavery’ centuries ago (2020: 1047). More broadly, in her view, ‘the changes that have occurred in the constitution, laws, and politics of the country are significant enough to make continuity of identity problematic’ (Thompson 2022: 11; cf. 2020: 1048; Schedler 2007: 135). Similarly, in the Dutch case, a parliamentary democratic rule of law based on a (previously noted) human equality-defending constitution has come about that is so very different from the

earlier slavery-supporting political systems that to speak of identity continuity seems too much of a stretch.

Thus, acknowledging agential identity change entails a final – and arguably particularly relevant⁷ – reason for why contemporary western governments may not apologize for their countries’ slavery past. Indeed, the West’s eventual decision to abolish slavery during the nineteenth century matches the identity change of the agents involved.

WHY CURRENT DESCENDANTS OF THE ENSLAVED CANNOT BE PROPER RECIPIENTS OF APOLOGIES

Taken together, my three reasons below for why descendants of the enslaved cannot be proper recipients of apologies – ‘recipient-side’ reasons for being critical about slavery apologies – aim to explain that current descendants cannot properly act as representatives of their enslaved ancestors due to various significant dissimilarities. As regards Thompson, I will suggest that (again) her (valuable) criticism of others’ recipient-side arguments for slavery apologies are more compelling than her own defense.

Reason 1: wrongness of ‘contemporary impact’

One heavily stressed argument for slavery apologies concerns ‘the contemporary impact of the slavery past’. For current descendants of enslaved people, the argument goes, the impact of slavery is still palpable through mental injury or racism and discrimination. However, I shall argue that this argument is dubious overall, notwithstanding the existence of injustices of racism and discrimination in present western societies, the Dutch and U.S. ones included. This entails a first reason for why descendants of the enslaved cannot qualify as slavery apology recipients.

One might think that the existence of present impact is shown by what descendant activists say: only black descendants ‘know’ what it feels like to have enslaved people as ancestors and the painful impact this can have. Yet, while descendants’ stories of pain provide a proper starting-point, their accounts cannot suffice for being entitled to an official slavery apology. First, subjectively felt pain is inconclusive for bringing others to a sincere formal apology, especially when the associated story, even if ‘true’, remains inaccessible to them. It is hard to see how someone could genuinely apologize if she cannot ‘know’ for what exactly, just having to accept the painful story of the recipient.

⁷ As one reviewer stated, the present reason is ‘particular and very relevant’.

Second, experiences of black slavery descendants suggest variety and avoidability. Surely not all of them suffer from, or attach much significance to, slavery-induced pain, weighing the slavery past differently and choosing to deal with it differently. Existing black anti-apology views offer clear evidence in this regard (Sowell 1997, 2010; Cobb 2009; Hill 2018; cf. Niemantsverdriet 2019).⁸ Arguably, descendants of the enslaved could make slavery less palpable in their own lives and reject apologies. Remarkably, Frantz Fanon (1967: 225-231) defended an attitude of unaffectedness as obligatory, suggesting that black people should not hold contemporary white people responsible for the slavery of long ago and let the slavery past govern their own lives; their forebears were dehumanized, but they should declare themselves free from that past.

Third, we must doubt whether present-day suffering of descendants could be the result of the slavery of centuries ago, rather than of something more recent or personal. As Thompson argues, any present impact of a past injustice has to be ‘automatic’ in order to qualify, which, though, is virtually impossible to demonstrate. To quote her:

[W]rongs to which present injuries can be attributed...will [almost inevitably] be the injustices...done by and to existing people. It is true that a person may be deeply affected by the unjust treatment of her forebears...But [i]f we are to attribute such psychological suffering to a historical injustice then we have to explain how it can be regarded as the automatic effect of this injustice – rather than the result of an individual’s psychological susceptibilities or her particular upbringing (Thompson 2001: 119).

As Schedler summarizes the point, ‘either slavery caused no harm to this generation or there is no way to know whether it caused harm’ (2007: 146).

My analysis so far finds confirmation in historian Gert Oostindie’s critique of references to descendants’ collective ‘slavery trauma’ (Oostindie 2007). According to Oostindie, such references lack the evidence and precision needed for clarifying how many descendants in what ways, to what extent, feel themselves victims. Moreover, he says, the question remains if feelings of inferiority or victimhood are rooted in the period of slavery itself or in the period thereafter. In fact, historiography has come to emphasize black vitality, power, and agency rather than a collective slavery trauma. Thus, as not all collectivities involved define their plight as traumatic, the existence of a collective trauma has much of a social construction. For generations far distant from the slave ships, it is much more likely that their frustrations are something of the

⁸ In the Netherlands, recent research shows that, while about 52% of black slavery descendants (strongly) support apologies, about 26% of them (strongly) oppose apologies (Hendriks et al. 2022) – arguably, a significant minority.

present. In any case, a trans-generationally transferred slavery trauma is questionable, especially over so many generations. The problem of a generalized trauma is that psychological inheritance of slavery displays variation among people and groups, also due to varying economic, social, and demographic factors of more recent origin (Oostindie 2007: 13-17, 20). Thus, the claim of slavery trauma is too insecure to help justify official apology reception.

The Dutch case is illustrative for how hard it is to prove directness of ‘contemporary impact’, that is, slavery past-induced racism and discrimination towards black slavery descendants (cf. Gowricharn 2022). First, it is striking that those who insist on such ‘impact’ on descendants of Dutch slavery offer little hard evidence for it, but tend to stick to rather vague, often repeated statements that suggest that the existence of present impact is simply obvious. For example, the government-installed Advisory Board of the Slavery Past Dialogue seems driven by the mere belief of a palpable overall impact and the subjective impact impressions of selected conversation partners, discussants, and academics (ABSPD 2021). Where it suggests an impact of the slavery past on the Dutch labor market (ABSPD 2021: 27-28), it does not even attempt to offer (solid) evidence for this, or to consider potential counter-evidence or counter-arguments. As one prominent defender admits, the overall case for ‘impact’ still rests on ‘anecdotic examples’ rather than comprehensive evidence (historian Karwan Fatah-Black in Palm 2022).

Second, since in the Netherlands many minorities face racism and discrimination, and since other European countries without a trans-Atlantic slavery past also feature (anti-black) racism and discrimination, it is hard to regard the experiences of Dutch black descendants as typical evidence of ‘slavery impact’. Something similar applies to the U.S. case: as African-Americans without enslaved ancestors may also suffer from diminished self-respect, racism rather than slavery may offer the historical explanation (Schedler 2007: 138).

Third, insofar as ‘slavery impact’ does exist, major differences between ‘then’ and ‘now’ exist as well. Any slavery-caused suffering of descendants can hardly be comparable to the immense suffering of the enslaved; rather, it will be weaker and different. In fact, notwithstanding their experiences of racism and discrimination, or mental injury, descendants of the enslaved now live in, and share in the (relative) wealth and provisions of, countries – in the Dutch case: the Netherlands, or else Suriname, the Antilles, or Indonesia – (much) more affluent, or less poor, than the African countries from which their forebears were traded away.⁹ The implication of

⁹ According to the 2021 Human Development Index by country list, the Netherlands (0,941) is a ‘very high’ developed country, and Suriname (0,730) and Indonesia (0,705) are ‘high’ developed

the impact argument that effects for descendants broadly correspond to the suffering of the enslaved is untenable. Still, the issue is more fundamental: the impact argument's dubious suggestion that it is *legitimate* to compare contemporary racism-related injustices to trans-Atlantic slavery, that is, a 'crime against humanity' (ABSPD 2021). This requires explanation.

The argument of impact effectively belittles the evil of slavery, as it puts existing injustices of racism and discrimination, although wrong and painful, morally in line with slavery as a total, incomparable 'crime against humanity'. Thus, it turns slavery into an instrument for present purposes - as if manifestations of racism and discrimination in non-racially organized western countries that condemn, even if not always punish, such expressions, should be qualified as 'crimes against humanity', too. This does serious injustice to the inhumane suffering of slavery. Moreover, the impact argument effectively weakens present-day responsibility for racism and discrimination towards black slavery descendants, because it shifts the emphasis from the preventability of unjust present choices to the virtually automatically palpable impact of a wrong slavery past into present injustices. Against this, we should maintain the full susceptibility of these choices to moral criticism and legal punishment, and avoid the unintended but ugly outcome of a weakened present responsibility towards black citizens. Apologies, then, are appropriate at most for the *impact as such* and thus may not include the crime of slavery itself.

In sum, for all its popularity, the 'contemporary impact of slavery' argument is wrong in various ways. Morally, this first reason against descendants-as-recipients parallels Pettigrove's guilt-argument discussed earlier, according to which we, from the perspective of today, should maintain a distinction between slavery on the one hand and later injustices on the other, even if we grant a historical connection between these two.

Reason 2: 'family lines' at the moral expense of actual slavery victims

Thompson's recipient-side argument in favor of slavery apologies entails that 'family lines', important as these are to individuals' sense of rootedness (Thompson 2001: 127), may justify apologies to descendants of enslaved people. Slavery 'is an injustice directed against family lines', Thompson (2001: 133) claims. As such, slavery involves effects of descendants' suffering that *are* 'automatic' even if much later in time: 'it is the meaning of the injustice to descendants, not the immediacy of the causal relationship, which is crucial...Descendants suffer because [the injustice that]

countries; by contrast, almost all Sub-Saharan African countries (0,385-0,6/0,7) fall in the 'low' or 'medium' development categories (UNDP 2022: 272-275).

happened to their family is important to their identity as individuals' (Thompson 2001: 134). This, then, is why even today black slavery descendants may properly expect a sincere apology, Thompson (2001: 135) argues. As members of a group that still exists, they count as victims, too (Thompson 2020: 1054). Since '[s]lavery was [also] a wrong done...to...families', it would be appropriate to offer 'an apology to families addressed to their present representatives, the descendants of slaves' (Thompson 2020: 1055).

Thompson adds that slavery apologies should encompass the cruelties done to individuals' 'abduction from their homeland, imprisonment on slave ships, the brutalities they and their descendants suffered, their loss of freedom and in many cases their lives' (2020: 1055). Yet, although the dead 'cannot be present', the apology 'can be made to those who stand in their place: their descendants or members of their community' (Thompson 2020: 1056). Thus, although '[t]he dead...themselves cannot be gratified by an apology' and so 'some meaning is lost when the victim is absent', this 'does not seem sufficient to rule out apologies made for the sake of the dead', which are 'meaningful because it benefits them by fulfilling a desire that they had' (Thompson 2020: 1056).

However, Thompson's argument falls short. First, Thompson does not offer evidence for the existence, depth, and scale of black descendants' identities suffering due to the injustice done to their ancestors. Thus, how immediate, serious, and widespread painful forebear identification is among descendants of enslaved people remains unclear.

Second, the very discourse of family lines has undesirable implications for (anti-apology) slavery descendants who do not suffer from harm done centuries ago to their families. Perhaps they simply lack forebear identification, or have abandoned or been abandoned by their families, or cherish life stories of their own, or do not wish to be seen as (victimized) group members (without their consent). Thus, they would either find themselves in a position of marginalization or have to surrender to the family lines logic and come to see themselves primarily as members of suffering groups or families. Indeed, Thompson's familial communitarianism smacks of collective coerciveness, suggesting that individual slavery descendants *should* identify as suffering present family members - which Fanon, cited earlier, would reject. As Curacao political activist Disraël Orphelin says about the Dutch case: 'everyone, irrespective of their background and family history, *should* come to regard the slavery past as part of their own history' (quoted in ABSPD 2021, appendix 4G: 3, translation mine, emphasis added).

Third, Thompson's family lines argument, within which all descendants qualify as 'victims', blurs a core distinction between the enslaved and their distant descendants.

For all their possible forebear-related suffering, present post-slavery descendants are not in the position of the cruelly treated, dehumanized slavery victims their forebears were by any stretch of objective evidence. Moreover, insofar as descendants have voluntarily immigrated into the formerly slavery-practicing countries, as in large numbers in the Dutch case as noted earlier, they and their offspring have morally *disturbed* their family lines by (surely justifiably) choosing to pursue their own opportunities through membership of a country that once victimized their ancestors by enslavement. In such situations, descendants themselves have nullified the family lines argument.

Fourth, the group and family lines argument effectively marginalizes the unique position and distinctive voices of the enslaved victims themselves. Thus, whereas we cannot hear the voices of those who concretely suffered from slavery, Thompson's family lines-based defense of apologies troublingly entails that we should not care what they would have thought about justice; rather, we may assume their consent. Moreover, the family lines argument does a grave historical injustice to those many enslaved people who did not have, or could not have had, descendants, say, by having been killed or tortured on a slave ship or during slave labor. Oddly, the argument implies more concern for the people of the post-slavery present than for those of the slavery past itself.

Note that the individualist argument about the immediate victims of slavery that Thompson adds does not eliminate this issue. While for Thompson this individualist argument seems necessary for full coverage, she neglects that her initial familial communitarianism and her supplementary individualism are in tension, if not conflict, with each other. Against Thomson, we should insist that not the communitarian argument is primary but the individualist one, which goes *against* present-day slavery apologies and clarifies why today *no one* can properly stand in the actual victims' place, or 'represent' them. Indeed, that we do not know, and cannot know, what the actual victims would have wanted as regards injustice acknowledgement seems decisive, because *their* opinions of justice should have mattered foremost. Thompson ignores that we cannot know their concrete 'desire' of justice; perhaps 'the dead' wanted serious justice, such as persecution and (very) severe punishment of actual perpetrators, or perhaps compensation for immediate descendants, rather than 'official apologies' to remote and better-off descendants by uninvolved others. Thus, what Thompson calls their 'lifetime-transcending interest in obtaining justice' could mean something else, something more serious (and arguably less insulting), than twenty-first-century apologizing. Here we touch upon a qualitative difference *within* family lines that impedes the possibility of a genuine apology, one that people who do have standing to consider forgiveness could accept. We cannot

ask the victims, those who suffered the cruelties of slavery, if they could approve; that they ‘cannot be present’ (Thompson), is exactly the problem.

Fifth, one intolerable implication of the argument that ‘family lines’ entitles present-day descendants of the enslaved to an apology is that, correspondingly, present-day descendants of perpetrators of slavery would have to be regarded as guilt inheritors and be saddled up with a matching obligation to apologize (and repair). Troublingly, Thompson’s family lines argument constructs a continuing historical dividing line between (white) perpetrators and their families on the one hand and (black) victimized families and groups on the other. However, we may not put contemporary descendants of perpetrators in a position of responsibility for crimes over which they had no control.¹⁰

Thus, Thompson’s family lines-based defense of current descendants as proper recipients of slavery apologies fails. Against Thompson, we should insist that not just ‘some meaning is lost when the victim is absent’, but most, if not all, of it. This gives us a second recipient-side reason for being critical about such apologies.

Reason 3: membership of changed polities clashes with apology acceptance

My third and final recipient-side reason against apologizing for slavery is the ‘other side’ of my first supply-side reason, and so should not need much discussion. Thus, as an argument for slavery apologies, Thompson’s intergenerational polity view would fail in those cases where black slavery descendants have given up any standing to accept slavery apologies for having moved to, or having lived in, western polities with a slavery past. This comes in addition to the point made above that descendants’ preference to live in the country of former traders and holders of enslaved people means for them to (tacitly) accept its slavery past and to reveal the weakness of the argument of family lines themselves, namely by morally disturbing their family lines.

Regarding countries such as the Netherlands, where slavery did not take place on their own territory, and to which large groups of descendants have moved, these descendants would morally (though not actually) have to give up their membership rights to equal treatment if they did accept a slavery apology from their government. Again, to make it possible for black slavery descendants to only receive the apology would have as a side effect that they will be morally placed outside the apology offering – again, (largely) ‘white’ – polity. Thus, the price tag attached to apologies (with additional reparations) is that the moral right to equal membership gets lost.

¹⁰ This objection is in line with Pettigrove’s one that, ‘[w]hile [Thompson] examine[s] the effects of the concept of inheritance on the *descendants of the victims* of historic injustice, [she does not investigate] the concept of inheritance as it relates to *descendants of the perpetrators* of the injustice’ (Pettigrove 2003: 347).

Surely, this price tag would be too high, as it implies a polity within which, in principle, the black population would not occupy an equal place.

Thus, black descendants who after slavery have chosen for membership of a contemporary western polity have morally nullified their case for apologies (even if apologies do reach them) by implicitly accepting more or less co-responsibility for the polity's slavery past. Within Thompson's polity (or MacIntyre's community) logic, then, they cannot be suitable slavery apology recipients. The sad fact that they are often subjected to racism and discrimination within the post-slavery western countries into which they have immigrated should be transformed into the full membership to which they are entitled, but it does not give them a right to an additional apology for slavery.

CONCLUSION

Present-day official slavery apologies are a morally dubious affair. I have advanced four reasons for why post-slavery governments cannot properly apologize for slavery. First, to apologize may mean placing black-descendant immigrants into a morally uncomfortable position. Second, to apologize is to disregard that present generations should not consider slavery itself as part of an inherited national guilt. Third, to apologize is to overlook the moral discontinuity between earlier slavery-supporting government(s) and later slavery-outlawing government(s). Fourth, to apologize is to ignore the deep identity change of the group agent that committed slavery. I have also developed three reasons for why current descendants of the enslaved cannot be proper apology recipients. First, the claim that the 'impact of the slavery past' justifies apologies to contemporary descendants is empirically and morally dubious. Second, the argument that 'family lines' warrant apologies to contemporary descendants entails an injustice to the actual slavery victims (and various others). Third, black-descendant immigrants' rights to full membership of post-slavery polities clashes morally with their accepting an apology for slavery.

If the grave crime of slavery could be apologized for at all, it is then no longer something that western countries could properly do in the twenty-first century, at least not at considerable moral cost. This is not to say that no present-day apology should be offered to black slavery descendants, say, for enduring racism and discrimination. However, no contemporary apology can genuinely include, and thus may not include, the past of slavery itself, for that would turn the slavery past into an instrument for current purposes. Thus, the slavery past cannot be an object for forgiveness or reconciliation today; the moral gap between 'then' and 'now' has just become too

wide.¹¹ What this suggests for restorative transitional justice is that this approach may only work within a restricted period of history, characterized more by continuity than by change. Wrongs such as slavery or colonialism that (roughly) precede living memory seem out of its reach. But then, it seems more appropriate for western countries to recognize and remember the slavery past as an irremovable stain in their national histories.

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¹¹ Could we not make a moral case for slavery apologies by pointing out that they will actually result in reconciliation as a publicly useful goal or will actually be necessary for (re)building a shared memory in divided societies, as one reviewer suggested? However, arguably such goals do not warrant an affirmative answer to the question of whether official apologies for past slavery are morally appropriate. First, as we saw Howard-Hassman arguing (note 5), the mutual relationship between apologies and reconciliation is empirically contingent. Second, it is far from clear that slavery apologies will have such beneficial effects rather than more detrimental ones. In the Netherlands, for instance, the slavery apologies debate (albeit justified as such) may well have led to more division than reconciliation for Dutch society as a whole (between 'left' and 'right' politically, between citizens with a migration background and citizens without a migration background, between the 'Randstad' and much of the rest of the country). Even if slavery apologies turn out to be beneficial overall sometime, the longevity of such a situation would remain uncertain. Third, reconciliation or (re)building a shared memory may also be achieved through slavery museums, increased awareness of the slavery past, more inclusive historical research, or days of remembrance. Fourth, even if slavery apologies do appear sustainably beneficial on balance for society, this positive effect would not eliminate the more fundamental non-utilitarian objections developed in this article.

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