Gratitude over Existence and Intergenerational Justice

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Abstract

This paper develops corollaries of a line of reasoning about the nonidentity problem into the field of intergenerational justice. In part one I analyze the idea of gratitude over existence, as part of a response to the nonidentity’s problem with procreation being of ethical value. This analysis features two basic points. The first is a distinction between harm and beneficence, and the second is a conception of a person as having abstract identity prior to, and in addition to, specific identity. Both are central to my account of gratitude over existence as an ethical obligation. In part two, I apply aspects of this reasoning to the issue of reparations over historical injustice. I formulate a conception of reparations-as-bequest, and show how it is distinct from reparations over lingering injustice. The distinction between abstract and actual identity is found to cut in this case in the opposite direction to how it did concerning gratitude, as for this type of reparations descendents figure by their abstract identities alone. Ideas pertaining to gratitude over existence reenter the analysis, as they are found to condition these reparations concerning the possibility of forgiveness. Both gratitude and forgiveness involve moral agency, which requires actual identity. On a more general note, this paper attempts to engage the fundamental ethical nature of gratitude over existence, and consider how an account of this sidelined ethic informs relevant contemporary concerns.
Introduction

Gratitude over existence is, upon many contemporary philosophical accounts, considered illogical. Even gratitude generally, as an ethical ideal, commands meager attention in contemporary ethics. This is intriguing, considering that for many medieval systems gratitude over existence lay at the foundation of an ethical consciousness. This paper follows on from my analysis elsewhere of the nonidentity problem. In this paper I focus on gratitude over existence and reparations over historical injustice. I employ the same approach for responding to the nonidentity problems in both cases, and note how these issues diverge and how they inform each other.

The nonidentity problem dictates that actions which even indirectly affect the actual identities of future people cannot be said to harm them, because without them the person would not exist. A person cannot have a claim against any action without which the moment of her own conception would have shifted even slightly. A thoroughgoing adoption of such logic is often considered to similarly dictate that the creation of people cannot be an ethical value within any person-affecting conception of ethics. No specific individual who would have independently existed is benefited by birth. Procreation is therefore not beneficence, nor can gratitude over it be an ethical value.

In a previous paper I have argued that it is a mistake to restrict beneficence to specific independently existing people. In short, I accept the classic assertions of the nonidentity problem that one cannot claim to have been harmed by existence. But I distinguish between harm and beneficence. Beneficence does not require a fixed identity. Specific identity is necessary in
ethical discourse in order to broach ethical dilemmas that feature comparisons between individuals, and also for counterfactuals, but not for the definition of beneficence itself. Both beneficence and gratitude suffice with a general conception of identity. Therefore, gratitude over existence makes sense, and is an ethical value. In that paper I discussed whether within person-affecting ethics it is possible to compare the value of beneficence to different future people whose existence is itself to be thus decided upon. I used this analysis to respond to the nonidentity problems concerning conservation and depletion of natural resources, formulating an account of conservation ethics and dealing with some hard cases.

This present paper applies my approach to the nonidentity problem to the issue of gratitude over existence, and builds out of this discussion a particular conception of reparations over historical injustice. This paper has two parts. In the first I develop further the concept of gratitude, focusing particularly on gratitude over existence and its relevance for my approach to the nonidentity problem. In the second part I consider the corollaries of such reasoning for historical justice in the realm of intergenerational reparations, and formulate a conception termed *bequest reparations*. Reasoning concerning gratitude informs the discussion of bequest reparations on a variety of levels. Since gratitude has been sidelined in contemporary ethical discourse it is promising to find that reincorporation of gratitude reasoning into ethical discourse offers a response to typically contemporary dilemmas.
Part I

Gratitude over Existence

Nonidentity beneficence

Various traditional cultures, and many people, hold that gratitude over coming into existence makes good sense and has (at the very least, some) ethical contours. Such gratitude would typically be directed at God, parents, or even doctors. Now, an ethic of gratitude presupposes that the original act to which the gratitude responds was one of beneficence. And, assuming relevant standard conditions met, such beneficence would also constitute an ethical act. Thus, gratitude over existence assumes that creating a person is, in itself, an act of beneficence. This is generally formulated as an intuitive belief, and, notwithstanding much philosophical wrangling, I contend that it involves no illogical assumptions. Its typical refutation, along the lines of the nonidentity problem, notes that no independently existing entity is benefited by creation. You can benefit a future person who is as yet undefined, but how can you benefit someone who without the benefit itself would not exist? There is no particular person who you are making better off. Since the moment of conception defines a person’s identity, no ethical claims can be made about anything that affects it. Until conception there is no defined identity that can be a concern of ethics, and the very acts which are of ethical concern are going to themselves define the identity of their own subject.¹

I maintain that this line of reasoning, while correct in essence, is mistaken in its conclusions concerning beneficence and gratitude. I agree with its insistence on remaining within person-affecting ethics, and on providing an account of harm and beneficence in terms of affects

on actual individuals.\footnote{Cf. Derek Parfit, \textit{Reasons and Persons} (Oxford: Oxford University Press, 1987), 363, 366.} Furthermore, I accept the claim of the nonidentity problem that one cannot lodge a complaint, or make a claim, from the vantage point of nonexistence. For example, one cannot logically sue against one’s existence.\footnote{David Heyd, \textit{Genethics: Moral Issues in the Creation of People} (Berkeley: University of California Press, 1992) 32; David Heyd, “Are ‘Wrongful Life’ Claims Philosophically Valid?” \textit{Israel Law Review} 21 (1986): 574-90.} It is also obviously true that the moment of conception defines one’s actual specific identity, in the sense of personal predicates, and that these make a real difference to who one actually is.\footnote{Parfit, \textit{Reasons and Persons} 354; George Sher, “Compensation and Transworld Personal Identity,” \textit{Monist} 62 (1979), 387.} However, I maintain that we must distinguish between negative and positive effects.\footnote{This part of my argument is similar to that of Parfit, ibid. 488; but my focus on abstract identity solves, I believe, complexities that Parfit falls into at the next stage of his argument, ibid. 489, which ultimately draws him out of person-affecting ethics. See also J. McMahan, “Problems of Population Choice,” \textit{Ethics} 91 (1981).} A person whose actual identity is dependent upon negative conditions cannot logically make a claim that she was harmed, since she has no existence without these harmful conditions. Anything constitutive of identity simply cannot be considered harm, as without it the person would not exist. Viewing the actual person as the specification of a previous abstract identity will alter nothing, as the idea that the condition under scrutiny is considered a harm undercuts that person’s actual identity.\footnote{Here I side with Heyd against other theorists. See \textit{Genethics} 104-105.} However, beneficence is different to harm in this respect. With beneficence, a person who was originally viewed as an abstract person, and is eventually realized as a specific identity, is found to have been benefited. It matters not that the actual person could not be who she is without the beneficence. She still benefits. In gauging the value of beneficence we need not consider counterfactuals. Gratitude isn’t about making claims against anyone, and hence imagining an alternative state of affairs. It is unnecessary to try to imagine existing without the beneficence, because no one is making a claim that some other state of affairs would be preferable. We are just taking note of the fact that
the actual state of affairs is itself positive. Being benefited is just about the fact that a benefactor’s previous concern or care is now a source of benefit for a beneficiary.

In my work on the nonidentity problem I argue that people are construed as abstract identities before their actual identities are fixed, and that these should be considered actual future people, rather than possible (or ‘general’) people. There is no reason to view them as less real concerning beneficence just because their actual identities are yet to be fixed, even for the purposes of assessing actions that determine their actual identities. Once we have the open conception of abstract identity, prior to the decisive moment at which actual specific identity is decided, we can acknowledge that even a specific existence is itself a benefit aimed at some future person. Harm to such definitions of abstract persons cannot be called wrongs in person-affecting ethics, but benefiting such persons is totally on par with benefiting a previously (and independently) defined person.

In making this claim I take issue with Derek Parfit’s late rendering of the issue, in which he speaks of general people.7 Parfit does away with the person-affecting condition,8 thus equating both harm and beneficence to general and actual people. Parfit considers at length whether they should have equal or quantitatively weaker claims upon us than actual people, and finally concludes that there should be no distinction.9 I disagree. I side with David Heyd in maintaining that people whose identities are to be determined by an ethically laden course of action cannot be said to be harmed by that action.10 I also maintain that beneficence to them is not equal to that of people who will necessarily exist in the future irrelevant of the action under

8 Ibid., 220, and 236. Note the clarification on 236: “General people are not individuals.”
scrutiny. There is always a problem with comparison between actual and abstract identities since the latter can lodge no complaint. In my previous article I considered in what cases beneficence to them might nevertheless morally outweigh that of actual people, particularly concerning questions of conservation and depletion of natural resources. But this discussion is not of essence to the argument of this present paper. For our purposes here, it is sufficient to establish that there can be beneficence to abstractly defined people, even if that beneficence is their very existence, and that this is so even from a person-affecting perspective.

Specific identities are necessary in person-affecting ethical arguments only to evaluate the concerns of one person over those of another, not for the basic purpose of defining beneficence itself. Concerning beneficence it is sufficient that a general category can be formulated in advance, and that some individual will end up filling that category in the future. The person so defined in advance is a real future person (not a possible person), only defined under a wide and abstract category. Since it is unnecessary that at the moment of beneficence the actual recipient be defined, and since no claim is being made against the beneficence, therefore it is no less an act of beneficence if actual identity is hinged upon it.

A person who plants a tree with the purpose of benefiting anyone who sits in its shade thinks in terms of a general category. Whoever ends up benefiting from the tree’s shade consequently becomes a beneficiary. By sitting beneath the tree, one configures oneself within the original equation of beneficence, and constructs for oneself an obligation of gratitude to the benefactor. There is a sense in which the planting is an ethical act even if no one actually ends up benefiting from it. But, as we shall presently consider, when someone does benefit, the original beneficent act creates a relationship between people, and the ethical obligation of gratitude is an expression of this relationship. Even if somehow people’s procreation choices ended up being
affected by the forest, such that the planting of trees contributed to determining the personal predicates of those who benefit from them, planting the trees is still an act of beneficence towards these people.

**The relationship of gratitude**

It would be incorrect to conclude from this that even the idea of a general category of beneficiary is unnecessary for the ethical value of gratitude. On the contrary, intention to benefit some general identity is crucial to the relationship that is productive of gratitude. The relationship of intention to benefit required for beneficence was formulated in Fred Berger’s foundational analysis of beneficence as “a response to the benevolence of others.” Berge’s general conception has been adopted or mirrored across the literature. It has admittedly been met by the strong opposition of Patrick Fitzgerald; but his contrary (equally analytical) analysis is pivotally influenced by an interpretation of Buddhist teaching, which I think assumes an alternative cultural ethical conception. According to Berger gratitude involves “a relationship of moral community.” This requires that the act be “done in order to benefit” the beneficiary. This account is crucial for my analysis in that it places the intention to benefit, as directed at some identity, at center-stage. I disagree with Berger’s additional (and to my mind unwarranted)

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14 Ibid., 123-25.
16 Ibid.
assertion that this relationship requires that the benefactor value the beneficiary.\textsuperscript{17} Were there sufficient basis for such a conclusion it might conflict with my conception of the sufficiency of abstract identity (at the stage of beneficence) for gratitude. But I do not find such basis in Berger’s argument, which is primarily about relationship, and does not distinguish between different values expressed in relationship.\textsuperscript{18} Berger’s analysis does, however, establish that the benefactor must at least have intention to benefit someone,\textsuperscript{19} that this intention involves care,\textsuperscript{20} and that this is the basis for gratitude, as a feature of a relationship.\textsuperscript{21}

Here is a multi-faceted illustration. Consider the case of a distant relation who directed her inheritance to you without knowing your personal predicates, such as age and gender. You would certainly nevertheless owe her a debt of gratitude. But do you still owe such a debt in a case where she directed it away from you, yet due to some legal glitch you fortunately won it anyway? I think not. What about a case where the benefactor exhibited a total lack of interest as to the identity of the beneficiary? For example, would you owe a debt of gratitude to someone who threw their money in the air, and you caught it? It’s a hard case. But it seems that the complexity here can be grasped by the question whether the category \textit{whoever benefits} is a sufficient identity appellation for an abstract category of beneficence. Is this a category, or merely a tautology? Whatever your opinion of that case, clearly some intended identity formulation is required for beneficence and gratitude, as a total lack of beneficent intent \textit{towards someone} certainly undercuts the relationship formative of gratitude. For example, would a debt of gratitude be due to someone who threw their money away (discarded it), when you salvaged

\textsuperscript{17} Ibid., 302, 307-308.
\textsuperscript{18} The relevant distinction is between a relationship of caring, and one of valuing, in the sense of liking someone. These are terms that Berger employs without distinction at the conclusion of his article, where he argues for ethical analysis in terms of feelings and attitudes.
\textsuperscript{19} Ibid., 299.
\textsuperscript{20} Ibid., 300, 302.
\textsuperscript{21} Ibid.
it? Clearly not. Some conception of identity is indeed required in order to create a relationship meaningful for the purpose of gratitude. Yet, at the other end of the spectrum, it is not clear that beyond some general conception of abstract identity further specification is in any way relevant for gratitude. Do you owe the relative who directed her inheritance to you more gratitude in a case in which she knew your personal predicates rather than one in which she did not? I don’t think you do.

A debt of gratitude requires that the benefactor intended to benefit some abstract category, and that someone is consequently found to be configured within that category, rendering it specific. Beneficence itself, and its response in gratitude, suffice with such an abstract category at the original point of beneficence, assuming its specification at the later stage, when gratitude sets in. Crucially, the original beneficence was not aimed at a possible person, who might or might not exist in the future, as Parfit claims in his later work. Possible people are not people, and don’t ever exist. Rather, it was aimed at an actual person, but under a more abstract identity definition. The person who later finds herself to embody that original category is not something other than it. She is that very same person, since people really can be identified and defined on a variety of levels, and at varying levels of specification.

Ethics of procreation should be formulated in this light. Gratitude over existence makes sense, and procreation is an ethical act. The act of creation is directed at an actual future person under an abstract category definition (“my future child”). That future child consequently acquires a debt of gratitude to her parents (assuming that her life’s conditions render her life worthwhile, all things considered). Parents, under natural conditions, cannot determine or even have access to

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22 Even Fitzgerald, who believes gratitude due to persecutors and beneficiaries, should agree here, due to the lack of any relationship, even negative.
23 Cf. McConnell, *Gratitude*, chap. 1, particularly page 44.
the most basic personal predicates of their child. With the act of conception they mean to benefit whoever is actually born with the gift of life. Parental love is unconditional. Whoever is born was the one who was intended, and is consequently embraced. Newborns fill abstract identity definitions with specific identities. And they consequently find themselves to owe their parents a debt of gratitude over their existence. This debt would be no greater were parents to have access to their child’s identity conditions prior to conception. Gratitude is owed over the beneficence to the abstract category, which is in no sense enhanced by more specific information concerning beneficiaries’ personal predicates.

The acknowledgement of gratitude

Gratitude over existence extenuates some specific characteristics latent in gratitude generally. As discussed above, gratitude is an acknowledgement of intentional beneficence, by beneficiary to benefactor. In light of the often abstract identity conditions of beneficence before a specific beneficiary is defined, according to my previous argument, gratitude is commonly the acknowledgment that one does indeed embody that intended abstract identity. Gratitude thus involves a self-conscious reflection upon oneself. It is an ingenuous and open-hearted response to the concretization of beneficence. In cases of particular consequence, gratitude involves a person acknowledging a debt to another over something that has been incorporated as an element of her identity. For personal identity is uncannily, but continually, tainted with the footprints of external agents. In such cases, gratitude is the acknowledgement that part of oneself is actually the effect of another’s agency. It is therefore unsurprising that gratitude is also the

acknowledgment of oneself as being configured within an equation of beneficence. You acknowledge being the specific person who actually fills the abstract conception of a beneficiary, and in so doing you typically accept also that other person’s agency in your life. Gratitude is about acknowledging both that you are that person who another benefited, and also that those benefits are actually a part of who you now are. It is relevant that in some languages gratitude and acknowledgment translate as the same word (e.g. Hebrew).

Because this is typically a self-depreciatory process, it involves a degree of humility. Gratitude is thus associated with a creator-creation relationship which compromises the pride of total autonomy, and is typical of a theistic consciousness.25 Indeed, for many theologies a debt of gratitude to a beneficent Creator forms the basis of obligation towards him,26 and consequently to other human beings, by his moral direction. Obligations to parents can also be formulated in this light, applying the debt of gratitude over existence to a more modest subject, but for the same reason.27 Milton’s Satan’s assertion of autogeny, that he is “self-begot”,28 expresses a rebellious assertion of autonomy from the perspective of a theistic narrative. It might have Manichean roots,29 but it is from the perspective of a Monotheistic consciousness representative of secularization. Indeed, Kant offers gratitude to God as an exemplar for gratitude from duty.30 Thus the nonidentity problem’s undercutting of the possibility of gratitude over existence is more central to contemporary ethics than one might assume at first glance. The displacement of gratitude over existence reflects specifically secular tendencies, even if it is not a necessary

27 Babylonian Talmud, Kiddushin 30b.
corollary of any secular conception. I would argue further that even the sidelining of gratitude itself, as an ethic, in contemporary ethics is deeply relevant to a proper assessment of the discipline of ethics today.

Kant sowed the seeds of paradox into gratitude theory.\textsuperscript{31} He argued that one can never properly repay the debt of gratitude to a benefactor, because she will always remain the first to have acted. Kant presented this as a problem, concluding that receiving favors from others constitutes a liability.\textsuperscript{32} Since Kant considered beneficence an ethical value, it is transparent that he thus erected some type of paradoxical social predicament. The Kantian problematic of gratitude was exposed and scrutinized by Claudia Card;\textsuperscript{33} but she sought a solution, I believe, in the wrong place. She put pressure on gratitude’s association with debt, suggesting comparisons instead to the idea of a trusteeship, and arguing that the weight of gratitude is not as over-bearing as Kant supposed it to be.\textsuperscript{34} Irrelevant of the merits of such a maneuver (which problematically engages Hume\textsuperscript{35}), the critique is, I believe, misdirected. The problem with Kant’s approach is not the weight he places on the debt of gratitude, but his conception that such a debt constitutes a liability. In fact, this one-upmanship perspective upon ethics\textsuperscript{36} is itself the conception that the ethic of gratitude, properly comprehended, should counter. A ‘debt’ of gratitude is precisely about accepting that one is not actually going to repay it in full, and that that is fine.\textsuperscript{37} This requires humility. Healthy social interaction involves the awareness that we are grateful to others

\textsuperscript{31} The original seed is Aristotelian. But given Aristotle’s conception of the magnanimous man, it does not construct a paradox. See *Nicomachean Ethics*, chap. 4.
\textsuperscript{32} Kant, *Lectures on Ethics*, 222.
\textsuperscript{33} Card, “Gratitude and Obligation,” 116-119.
\textsuperscript{34} Ibid., 115-25.
\textsuperscript{35} Ibid., 120.
\textsuperscript{36} Note Kant’s formulation (222): “For even if I repay my benefactor tenfold, *I am still not even with him*, because he has done me a kindness which he did not owe. He was *the first in the field*, and even if I return his gift tenfold I do so only as repayment” (my italics).
\textsuperscript{37} Berger, “Gratitude,” 302.
who we will never be able to totally repay. Indeed, we have no interest to shake ourselves free of the shackles of this debt. Gratitude is ultimately about a creator-creation relationship. It begins with one’s comprehension of one’s relationship with one’s parents, and consequently seeps into all our meaningful interactions with other human beings.

I have argued that the tendency to sideline gratitude is misplaced upon philosophy’s own grounds, as a discipline, since gratitude over existence makes sense from a purely analytic perspective. Thus, Theology is not required in order to reincorporate gratitude into ethical theorizing. In general terms, it is a mistake to conflate the nonidentity problem with the similar question of why there is something rather than nothing. Both questions feature the logical quandary of arguing from the perspective of non-existence, but they do so in different ways. In the theologically leaning question concerning existence itself the argument is a purely logical one. Nonidentity problems, in distinction, feature in the realm of normative ethics, as questions concerning the meaning of person-affecting acts when a person’s existence is not yet independently given. The logical problem in the second case ensues from a substantive question in the definition of beneficence, rather than a purely logical puzzle.

Nevertheless, Theology does provide a useful model in order to trace gratitude’s potential contributions to ethical discourse. Theology identifies gratitude in a relationship with the ethics of creation. Indeed, gratitude helps us understand something fundamental about beneficence when beneficence is itself creative, or constitutive, of its subject. This intimates a form of person-affecting ethics which is generally overlooked, one that is evoked by the perspective of a creative agent and its relationship with its creations. Theology develops this perspective

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prolifically. But an attentive consideration of human relations should expose ethically meaningful creative agency in our common interactions with other mortals. It is most obviously present in procreation, and it is thus central to an appraisal of intergenerational ethics. But it is ultimately ubiquitous, given people’s perpetual mutual dependence on each other for character-development, and how this is continuously constitutive of identities.³⁹ Indeed, it is a critique of the neo-Kantian perspective on ethics that it is insufficiently responsive to mutual interpersonal self-definition.⁴⁰

Part II

Bequest Reparations

Reparations over historical injustice

The nonidentity problem with intergenerational reparations over historical injustice is that the claimants, or collectors of reparations, often owe their own existence to the injustice itself.⁴¹ Typically, the more pervasive and invasive an injustice is in the lives of its victims the more it is likely to affect procreation options, and consequently, the actual identities of progeny.⁴² To raise two typical examples, both descendents of slaves and of holocaust survivors owe their particular identities to historical evils.⁴³ Admittedly, descendents are presumably not mere claimants in

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their own right, but rather collect some inherited debt. But the logical problem of identity persists to haunt the conception of inherited debt also. For how can such payments be reparations when the logic of the payment of the inherited debt relies on the commission of the injustice itself? The collector of the debt owes her own existence to the source of the debt. Certainly she cannot lodge a complaint against it formulated from the perspective of her actual identity. But, furthermore, it is even unclear how her collection of the debt can do away with the injustice, since the injustice is bound up with her own existence. How can the collection of reparations settle and erase a debt of injustice which itself is responsible for the collector’s own identity?

If, however, we think in terms of beneficence and abstract identities things clear up. The original victims of injustice, were they given the opportunity to bequeath reparations due to them, would presumably do so to their descendents. And they would bequeath along the lines of how they generally think about beneficence to their progeny. In so doing, they would necessarily define them abstractly, for no more specific definition offers itself to ancestors. Just as the beneficence of procreation relates to abstract identities of the future, when considered from the vantage point of a parent, so does any bequest to future descendents, when considered from the vantage point of an ancestor. So, descendents do not inherit the right to reparations as particular identities, but as people who figure in an equation under abstract category definitions. What is important to realize here is that people really do actually have simultaneous definitions of identity, at various levels of abstraction and specification. Just as I am both a father and a neighbor, I am also both a sibling and a brother. I can collect reparations as a descendant, without figuring as a specific person, because reparations need not be considered an inheritance that I claim under some specific identity, but rather a bequest from an ancestor, who viewed me under an abstract definition.
Beneficence not only clarifies relationships of bequest to progeny, but also helps identify collectors of historical reparations outside of bloodlines. Other theories of reparations over historical injustice are totally free of the predicaments of ancestry, and inheritance approaches seem to some theorists unnecessarily weighed down by irrelevancies of family ties. But when the bind to descendants is viewed as a corollary of relationships of beneficence and gratitude we have both an explanation for the relevance of progeny and a vehicle to identify alternative ‘collectors.’ From the perspective of a victim’s beneficent intentions her progeny is the typical, but not singular, address.

The bequest approach to reparations also sheds light on some complex cases in which some descendants might prove to be the wrong identities for issues relating to historical injustice. Can reparations over racial injustice be collected by descendents who are of another race or ethnic group? One might be tempted to say that once abstract identity is applied to, differences between progeny must be ignored. This would be a problem for reparations, because equating even ideologically opposed groups as legitimate collectors of reparations cuts against the grain of the concept of reparations as a corrective device to a particular type of evil. A proper understanding of abstract identity, however, clarifies that the unraveling of identity involved in thinking about a specific person in abstract terms allows of gradations of abstraction. As opposed to Parfit’s term ‘general people’ (which relates not to actual people, but rather to the ushering in of impersonal ethics) abstract identity is about looking at a specific person in an abstract way. Hence, it allows for variations and gradations of abstraction. Besides one’s full-fledged identity (is it ever comprehended or even defined?), one is both a future person and also a member of an ethnic group, a parent, etc. So while my analysis of beneficence and gratitude connects ancestor

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with progeny (or successors of some other type) its application in the context of reparations requires a median type of specification within abstract categories of identity. This is facilitated by the analytical vehicle of abstract identity, which is about gradations of abstraction being applied to real people.

This means that we must consider the sensitivities and ideological conceptions of the original victims in relation to the particular injustice that they suffered. Importantly, it depends neither on the conceptions of the perpetrators, nor on those of the descendents of the victims, but only on the victims themselves. For example, some Jews with strong ethnic sensibilities might not consider gentile progeny sensible addresses for a ‘correction’ of the anti-Semitism they suffer. But such descendents might nonetheless be seen by them as apt collectors of reparations over non-ethnic based social injustice. Another example: Anti-Zionist holocaust victims would not have bequeathed reparations over their suffering to the future State of Israel. Would African-American slaves have viewed things similarly, and required some particular ethnic sensibilities to feature in their descendents…?

Additionally, this line of reasoning formulates some fundamental quandaries that cut to the core of conceptions of ethnic and ideological identity over time. For example, could reparations to Protestants burnt at the stake by the Inquisition be collected by their atheist descendents? On some historicist accounts, Protestant heresy is viewed as the early stages of a trajectory towards secularism; but this was certainly not so in the eyes of the martyrs themselves. If reparations-as-bequest is founded upon the assumed intentions of the victimized ancestor, martyrdom must be interpreted on its own terms. Yet, this assertion begs the question to what extent any ethnic construct can accurately reflect a distant ancestor’s conceptions of identity?
Before moving on to our next stage of analysis we should stop to reflect upon what the bequest approach to reparations does not explain. Any theory of reparations must acknowledge, if not engage, the issues of why, when, and in what sense descendants might be responsible to pay reparations over ancestors’ misdeeds. It is not at all clear that successors to the perpetrators of historical injustice should be held to account. Not only must sons not die for their fathers’ transgressions (in either biblical or Jeffersonian terms), but also the choice of what stage in whose past requires compensation at what time and by whom is both analytically complex and perhaps even logically indeterminate. The bequest reparations approach provides comparatively little assistance in this respect, because it singles out and freezes a particular moment in the past, assuming that its relevance carries forth into the present. This is a weakness of my account, at least in comparison to intergenerational approaches to injustice that focus on effects from the past that seep into the present. A comparison to these is the subject of the following section. However, there are ample historical examples in which descendants or successors of perpetrators volunteered to give compensation. The bequest approach responds naturally to these cases by helping to identify who could be proper collectors of such reparations, and, as we shall see further on, what to expect from such gestures. From an analytical perspective it is sufficient to posit that a person could come forward with a desire to compensate over past injustice. This is likelier in the case of ideologically minded individuals than societies. However, the past century provides examples in which nation states felt the weight of particular moments of their history with a clarity that overran the indeterminacy of universal historical baggage.
Bequest versus lingering injustice

The reparations-as-bequest approach is fundamentally different to another approach to reparations, that which views reparations as compensation in the present over lingering injustice of the past. Reparations-as-bequest focuses on an obligation to past, now deceased, people over their suffering. It is not about obligation to current communities over broken commitments or persecution in the past. Nothing in my argument takes issue with such theories, or disputes the existence of such obligations. Lingering injustice is a totally different type of intergenerational problem, and reparations over it must follow a totally different type of logic. A bequest conception of reparations, in contradistinction to that of lingering injustice, has the peculiarity of being located in the past, and being harnessed to the past. It thus requires a strong claim concerning the nature of injustice of the original historical act, but suffices with weak conditions relating to present descendants’ association with the nature of that injustice. This not only means that descendants’ current improved conditions do not cancel out the obligation; it more fundamentally means that we are not talking at all about injustice surviving from the past into the present.

Jeremy Waldron has argued for the superseding of historical injustice.45 His analysis very relevantly focuses entirely on the question of lingering injustice, and its ethical relevance in the present.46 He exhibits both how problematic counterfactual assumptions prove to be, and also how weak arguments based on them seem when comparing claims of communities in the present. Simply put, he makes two types of argument, one logical and the other related to the philosophy of property rights: First, we can never know what would have happened instead had

an injustice not occurred. In fact, it is unclear that anything can logically be asserted about historical counterfactuals.\textsuperscript{47} Second, even if clear injustice does linger from the past into the present, other historical developments reconfigure the questions of rights and justice. These are twofold. On the purely philosophical level, historical entitlement theories animate the meaning that relationships of successive generations to these same objects can have for the very right of ownership.\textsuperscript{48} Additionally, changing needs of communities over time reconfigure the legitimacy of a property entitlement.\textsuperscript{49} Thus, bluntly stated, other people’s present needs override the claims of those who have been wronged. Waldron’s critique is convincing concerning reparations aimed at correcting a lingering injustice. Indeed, he means to relate to reparations over historical injustice proper. But because he focuses on the present meaning of past holdings, and critiques a simplistic historical perception of entitlement, he ultimately provides a critique of the aspect of historical injustice that lingers into the present. This makes good sense in the case of general injustice to groups, where reparations are ultimately about compensation in the present over the lingering effects of past injustice, generally construed. Even in cases lacking a particular occasion of concentrated evil, the effects of general inequality might carry over into the present. Concerning such cases Waldron’s claims are convincing. He successfully critiques simplistic attempts to unravel history, the force of which is felt in cases of lingering injustice. That is precisely why the bequest approach to historical injustice is important. It relates to a different type of problem, and is thus immune to Waldron’s critique.

Because the bequest approach sets the bar high concerning the nature of the original injustice, it is exempt from pondering how history lives into the present. The obligation was set

\textsuperscript{47} Waldron, “Superseding Historical Injustice,” 8-14.
\textsuperscript{48} Ibid., 14-20.
\textsuperscript{49} Ibid., 20-25.
and sealed in the past. Even the identities of present collectors of reparations are viewed from the perspective of past conceptions, as abstract identities. The only requirement for binding present to past is that the collectors of reparations exhibit such identities that their ancestors would have viewed as relevant for a correction of the injustice suffered. Neither do their actual identities have to be able logically to settle and erase a past debt, nor do their present circumstances have to reflect any ongoing carry-over of the past into the present. Waldron’s critique stands in cases where we attempt to fulfill the bequest by a simplistic return of commodities. But since no assumption of present injustice is being made, there need not be any attempt to unravel historical configurations by such a return. In the case of bequest reparations we rather aim to identify what would stand for that which victims in the past could wish to bequeath to the present. This should not be a mere symbolic act, but neither must it be the return of an identical object. Compensation need not be limited to either extremity.

Compensation need not be financial; other social goods can feature as reparations also. For example the current Spanish offer of citizenship to descendants of expellees of the Inquisition sketches the contours of a restitution that can coherently be formulated in terms of the bequest theory of reparations. Granting citizenship cannot unravel the historical injustice, nor does it provide compensation over lingering injustice. These descendants are likely to be US citizens, and the value for them of EU citizenship in no way correlates with the social goods and personal security that their ancestors were robbed of. Furthermore, their late-medieval ancestors never were citizens of a modern nation state. However, in a modern liberal democracy, granting citizenship is an act of acknowledgment of equality in social-standing. Rewarding citizenship to descendants is a gesture reminiscent of returning the equivalent of a stolen good. A descendant

collecting citizenship today is appropriating the closest contemporary equivalent of a restitution bequeathed by an ancestor.

Can something that is purely symbolic perform the function of such an equivalent, and thus be considered bequeathed? The question is not whether reparations can be purely symbolic. They often are, with symbolic payments enjoining an apology featuring as their most common form. This is especially so when reparations aim at reconstructing mutual trust.\(^{52}\) Rather, the question is whether bequeathed reparations in particular can translate into purely symbolic terms. Symbolism is part of what defines goods, and can certainly be a part of the bequest when trying to identify an equivalent. But a good that merely symbolizes another good would presumably not constitute an equivalent for a bequest. Pure symbolism in reparations can facilitate forgiveness, and indeed atonement.\(^{53}\) But this is different from the bequest conception of reparations. This brings our analysis back to gratitude.

**Gratitude and forgiveness**

This analysis of intergenerational reparations brings out an unsettling tension in the fundamental relationship between beneficence and gratitude. Gratitude is that moment of concretization of beneficence, when actual identity merges with an abstract intention of the past. Conversely, the logic of intergenerational reparations is based on the allowance for that merger to never occur. The descendant cannot collect the bequest in the guise of her specific identity, but only as representative of her ancestor, as who she is under a wider and more abstract identity


specification than her actual identity warrants. Admittedly, some elements of her actual identity might need to be taken into consideration, such as general ethnic identifications (as argued above). But these are still a far call from actual identity, as a particular human being. Thus, in cases of reparations over past injustice (that affected procreation options) the collector of reparations never acts as a person in her own right; she is never herself. For that reason, it is unclear that collection of reparations can facilitate forgiveness. There is a dislocation here between the person’s wider identity and her specific person. Hence, it would seem that there can be no relationship facilitative of gratitude, nor of forgiveness. There can be only a speechless act of correction, by payment to a veiled recipient.

An actual person can be identified under an abstract definition, and that actual person really is the person so identified – as would have been a different actual person were he born instead. So that person can receive reparations in her ancestor’s name. But there is no such person who has only that abstract definition without some further particularization. Thus, although a person can collect reparations under an abstract definition, which captures some true aspect of her identity, she cannot actually be that abstract person for matters requiring ethical agency. There is no such thing as an actual person unencumbered of further particularization. And only actual people have feelings and ethical responsibilities.

This raises the question of what types of reparations can be collected by descendants under a bequest conception. Can such a descendant be the address for an apology over past injustice? The answer might depend upon the assumed relationship between apology and forgiveness. Concerning forgiveness, we require a clear theory (which I cannot provide here) of

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who is forgiving, and on what basis. If forgiveness is to be taken as an automatic reconciliatory response to recompense it could perhaps function without any moral agency. Just as the descendant functions under the guise of an abstract identity for the purposes of collecting a bequest, so can her forgiveness on the basis of such a collection come without further particularity. If, however, forgiveness is a moral gesture, requiring of agency, it seems to be out of place when the descendant does not act as a moral agent. So if the logic of apology requires a response of forgiveness, this whole process seems to be impotent.

I wish, however, to register a hesitation here. It is unclear whether forgiveness, as the act of a moral agent, should be totally equated to gratitude. Both require actual identities, and both are retrospective. Nevertheless, there may be a distinction between them. Gratitude requires that the person act as the actual person who is benefited. The beneficiary is grateful from her perspective as a beneficiary. But in the case of forgiveness over historical injustice it is unclear whether (assuming that forgiveness makes sense at all) it ensues from the perspective of the actual descendant, as an actual identity, or rather from the more abstract perspective of a representative of the historical victim. Now, as noted above, abstract identities are not moral agents. However, here the descendant is both the abstract identity of descendant, and also, simultaneously, a moral agent in her own right, as an actual identity. One might claim that she can therefore forgive as a moral agent and as representative of the historical victim, uniting these two different identity structures as if they were elements of a personality. I feel uneasy with this conglomeration of functions, but prefer to leave the option open.

Reparations-as-bequest is thus analyzable in light of the distinction I draw between abstract and actual identity, and my claim that an act of beneficence suffices with the former. This beneficence is also sufficient to create the initial setup for a relationship of gratitude. But
gratitude will only become a moral debt from the perspective of an actual identity, when an actual person finds herself to be benefited, and can reflect as a moral agent upon her newfound relationship. By contrast, the logic of reparations-as-bequest is facilitated by descendants figuring in the guise of abstract categories. In so doing they are dislodged from the possibility of ethically meaningful relationships, such as gratitude. So this distinction within gratitude is relevant to reparations in that it suggests that they might similarly be unable to forgive, and forgiveness is central to the whole problematic of reparations. The alternative form of reparations, that which concentrates upon lingering injustice, relates to descendants, or succeeding communities, as actual identities. In so doing, it offers the real possibility of reconciliation between the present communities that are derivative of the perpetrator and the victim. It also might not require cultural identity with historical victims, or with their at times antiquated causes. But, as above, the possibility of reparations of this type is plagued by the problems of superseding historical injustice, and smacks of a naïve conception of history and the legitimacy of holdings over time. In distinction, reparations-as-bequest is frank and non-naive, yet disturbingly distanced and morally frigid. Perhaps, in light of its motivating origin, it should indeed be that way.

Conclusion

The question of whether reparations are meant and able to facilitate forgiveness is of course pivotal to their subject-matter. We have seen that this issue can be broached via analysis of the relationship between beneficence and gratitude, and the types of identity to which they refer. The relationship between beneficence and gratitude informs discussion of reparations over
historical injustice on a variety of levels. First, gratitude is a vehicle by which we formulate the idea of abstract identity in understanding the concept of beneficence towards future people. Second, gratitude helps formulate the conception of abstract identity for beneficence, which is particularly relevant for reparations. Abstract identity underlies the idea of a bequest by ancestors of something due to them, to their descendants, precisely because it reflects their own relationship of beneficence to these same descendants. Reparations-as-bequest works with the same conditions of abstract identity that ancestors employ for beneficence, and can consequently be proposed as a fitting address for their supposed albeit unstated desire for correction of injustice. Third, gratitude as a moral response to beneficence is representative of the ethical value that such bequest reparations cannot have. They cannot facilitate forgiveness (or so it would seem), and the more creative forms of reconciliation that ensue from an animated moral relationship. The emotive and ethical responses of gratitude and forgiveness require the agency of an actual ethical actor. Gratitude and forgiveness are possible only upon the concretization of a relationship of beneficence with an actual person, and this never happens when the person acts as a collector of a bequest under an abstract identity conception.

Gratitude over existence exemplifies the potency of the mutual influence of interpersonal relations. That a person owes some element of herself to another binds the two inseparably. Such gratitude is a moral response, which sets in precisely where reparations (of the bequest variant) leave off, where a person is a real person of the present, responding to the past from the vantage point of the present, rather than that of the past. That is why the logic of gratitude coincides with that of forgiveness; they are both reflections of the present over the past, as retrospective responses. The distinction between abstract and actual identity, like the distinction between past and present perspectives of a person, is central to comprehending gratitude in relation to bequest.
Bequest employs a past perspective conserved intact. Gratitude is a response to that past. The perspective of gratitude in the present is founded upon the idea of beneficence in the past, which itself was facilitated originally in that past by an abstract conception of identity. Gratitude over existence recognizes this past perspective and reflects it back from the present. This gratitude is a present perspective which itself involves acknowledgment of a different past perspective, and builds upon it. Gratitude over existence, when relating to other human beings, is thus the acceptance that one’s identity is compounded, that one has been something somewhat abstract for someone else, and that that otherness is part of oneself. It is this very awareness that enables one to collect reparations in an ancestor’s name, to play one’s part in the correction of historical injustice.