

## It's Futile to Put a Price on Slavery

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A visit to any courthouse, public hospital emergency room or welfare office in a large city confirms that our society is still marred by the social and economic disadvantage of African-Americans.

Yet, with overt racial discrimination less prevalent nowadays, many Americans are asking why a concern about social deprivation should take particular notice of race. This is a fair question.

One answer is that black disadvantage remains a special problem because it originates from slavery, to which there is this conservative retort: "So what? Slavery ended a long time ago."

This has prompted a new demand from advocates of African-American interests: reparations, a money settlement that is to be given as compensation for past racial injury.

Of course, the reparations issue has been around since the end of slavery, starting with "40 acres and a mule." But lately the issue has gathered steam. Representative John Conyers, a Michigan Democrat, has sponsored a bill that would establish a commission to study the issue. Randall Robinson, president of TransAfrica, a lobbying group, eloquently argues for reparations in his book, "The Debt: What America Owes to Blacks."

Prominent intellectuals, including Charles Ogletree, a professor at Harvard Law School, and Henry Louis Gates, chairman of Harvard's Afro-American studies department, were considering a class-action lawsuit asking for reparations, according to a March article in The Boston Globe.

Although I am not without sympathy for this position, I believe that framing the argument in these terms is a mistake. We need some reckoning with the racist past, but reparations encourage the wrong kind of reckoning. Winning compensation would, in the end, allow conservatives to get away with their "so what?" retort.

Let me illustrate with a rough analogy. In South Africa, after the transition to majority rule, a Truth and Reconciliation Commission was empowered by the new government to pardon those who had committed political crimes during the long years of apartheid -- as long as the perpetrators of the crimes testified fully and truthfully to what they had done. Pardons were granted even to those who had killed blacks for the white regime.

In return, the undisputed truth of what had transpired under apartheid was established, and it is impossible to revise or challenge the record. The "so what?" retort is easily answered in South Africa -- now and in future generations.

Yes, the United States and South Africa are vastly different. But the South African case shows why compensation can never be the foundation for a satisfactory reckoning with the racist American past. Debts are things that are calculated and (sometimes) paid off. But the oppression of millions of human beings, orchestrated and abetted by national and state governments, is an atrocity of an altogether different order.

The heirs to this atrocity -- long established Americans and newly naturalized citizens alike -- should be confronted continually with the horrors of what their country wrought. They should be challenged to understand the contemporary consequences of these historic crimes.

The tort-law model underlying reparations advocacy -- he who causes damage to another is obliged to make the injured party whole -- is hopelessly insufficient here. It relies heavily upon being able to demonstrate in quantitative terms the nature and extent of injury.

How would one even begin to arrive at a sum for the reparation payments?

Who can say what the out-of-wedlock birth rate for blacks would be, absent chattel slavery? How does one calculate the cost of inner-city ghettos, of poor education, of the stigma of perceived racial inferiority? The severity of slavery's "injury" is far more profound than any cash transfer will be able to reverse.

Moreover, reparations would allow the majority of Americans to look at the situation as one where "we" do something for "them"-- alleviate their suffering, solve their problems, quiet their protests and then, once the debt is paid off, wash our hands of society's inequities.

Instead, we should follow another model, one that decrees that "we," meaning all Americans, should right the inequity for the sake of our country. We must attend to this matter so that our national fellowship and comity will not be emaciated, so that our moral pronouncements on the world stage will not be made into a hollow mockery.

As in South Africa, the deepest and most relevant "reparation" would entail constructing and inculcating in our citizens an account of how we have come to be as we are -- one that avoids putting the responsibility for the current problems of African-Americans wholly on their shoulders.

The "so what?" retort is historically naive and morally obtuse, but it is very American. So, too, is the clamor for reparations. After all, we are a problem-solving people who do not sit easily with the ghosts of our past. But the tragic legacy of slavery is a problem that simply will not yield to another application of American ingenuity. It will be with us for some time.

Drawing (J. Abbott Miller)

