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From Historical to Enduring Injustice

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Advocates of remedying historical injustices urge political communities to take responsibility for their past, but their arguments are ambiguous about whether all past injustices need remedy, or just those regarding groups that suffer from current injustice. This ambiguity leaves unanswered the challenge of critics who argue that contemporary injustices matter, not those in the past. I argue instead for a focus on injustices that have roots in the past, and continue to the present day, what I call enduring injustice. Instead of focusing on finding the party responsible for the injustice, I argue that we use history to help us understand why some injustices endure, which I suggest is partly due to the limitations of liberal justice. I conclude with a conception of responsibility for repairing enduring injustice that deemphasizes searching for the causal agent, and instead focuses on how to repair the injustice, which I explain through an expansive conception of shared space.

Keywords: *historical injustice; past injustice; collective memory; responsibility*

Many Armenians are maddened by the Turkish government's refusal to acknowledge the Armenian genocide of 1915, which was committed by the Ottoman Empire. Many Crimean Tatars want to return to their historic homeland in the Ukraine, though when Josef Stalin kicked them out the Ukraine did not exist as an independent country. Starting in the 1870s Chinese immigrants to the United States and their progeny faced a wave of official and unofficial harassment (while immigration from China was outlawed). According to John Higham, the historian of American immigration,

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“No variety of anti-European sentiment has ever approached the violent extremes to which anti-Chinese agitation went in the 1870s and 1880s. Lynching, boycotts, and mass expulsions . . . harassed the Chinese.”¹

Genocide, expulsion, past official discrimination: these are all cases of what may be called historical injustice, yet the current arguments about historical injustice do not provide the conceptual framework with which to discuss these injustices. The advocates of rectifying historical injustice argue that the shape of the history of injustice matters, and that governments have a responsibility to rectify injustices done in their name in the past. (I presume historical injustice to have occurred in the past, and where none of the parties to the injustice are still alive.)² This model of historical injustice, however, says little to the three historical injustices mentioned above. The Armenians do not want compensation but acknowledgement; the oppressors of the Tatars no longer exist; and it is unclear if and why Chinese Americans deserve compensation for the injustices their ancestors suffered, since Chinese Americans generally no longer suffer from these injustices. The issue of current suffering is exactly what is taken up by the critics of those who want to rectify historical injustices. These critics argue that the power of the claims for restitution or compensation fades over time. Those skeptical about rectifying or compensating for historical injustice argue that what liberal states should concentrate on now is correcting current injustices. They argue that if victims of historical injustice are still oppressed, then there is a strong case to be made to try to undo this oppression; but the force of the commitment to change is fueled because the injustice is current, not because of the past. They also maintain that there are simply too many historical injustices for people today to worry about. Furthermore, they suggest, injustice today is more important to solve than worrying about the past.

The advocates focus on two powerful cases of historical injustice—those of Native Americans and African Americans—but these two cases do little to answer the objections of the skeptics, since members of these two groups are still victims of injustice.³ My argument is meant to help the advocates of repairing historical injustice respond to the criticisms of the skeptics by reframing the issue at hand and by refocusing the issue of responsibility. Instead of looking at historical injustice, I argue for a focus on enduring injustice. Enduring injustice has roots in the past, and continues to the present day; an enduring injustice endures over time and often over space as well. What makes an enduring injustice particularly perplexing is how difficult it is to repair. This difficulty is rooted in the solutions offered to injustice by most versions of liberal justice, which typically focus on individual rights and modest redistribution of resources. Cases of enduring injustice,

however, often encompass matters of exile, mistrust, sacred land, and acknowledgement of the past, all of which lie outside the bounds of liberal justice. Ending an enduring injustice typically means devising solutions that take the past into account, which is why a solely contemporary focus is insufficient.

Some historical injustices no longer persist as an injustice but as an enduring harm. I mean by this that the past scars some groups, but not necessarily because group members live under unjust circumstances. Some groups want the cruel events in the past acknowledged, not because doing so will enable them to live just lives, but because they find the denial of these terrible events an affront today. My focus here will be on enduring injustice, which my language will reflect, but I will also discuss acknowledgment and harm.

The advocates of repairing historical injustice assume that the political community in which the injustice persists through time, and the descendants of the victims and perpetrators, can be roughly identified, with the latter responsible to repair the injustice. They often link history to responsibility to repair the injustice, but this leaves many enduring injustices beyond repair. Instead of looking at history as a way of assigning responsibility, I argue that history should be used to see why the injustice persists. This means, in part, looking at why the history of the injustice matters from the point of view of the victims' descendants. Doing so leads very quickly to issues of collective narrative and collective memory, which play an important role in issues of governmental trust, ancestral connections to land, and dignity. Collective memories tie the past to the present, which the skeptics too readily overlook. Only by taking the history of an enduring injustice into account can the liberal state understand how to repair the injustice.

The Problem with Repairing Historical Injustice

The list of victims of injustice throughout history runs long: workers, immigrants, people of the "wrong" religion, indigenous peoples, and on and on. Which historical injustices are the ones that now deserve compensation? The advocates for compensating for historical injustice usually agree that the best candidates for compensation are intergenerational groups, not individuals, and I follow their lead here.⁴ What needs to be determined is which groups are eligible for compensation or restitution. Many advocates focus on indigenous peoples or African Americans, but do not say if only these groups are eligible for compensation or repair for

historical injustices or whether other groups might be as well.⁵ If Canada restored rights to aboriginal peoples, former Prime Minister Pierre Trudeau maintained in an argument echoed by some skeptics, then Canada would have to grant rights to French Canadians, the Acadians, and Japanese Canadians, all of whom were treated badly at some point in Canadian history.⁶ Those in the United States could add many more groups: not only Blacks and Native Americans, but also Jews, Irish Americans, Italian Americans, Catholics, Asian Americans, and others.⁷ Skeptics can argue that there are too many groups that have suffered from historical injustices to repair or compensate for them all, and so liberal states should forget about the past and concentrate on the present.

The arguments of the advocates suggest there are no limiting conditions to the category of historical injustice; their examples, however, are quite limited, and if we look only at the two cases that advocates of redressing historical injustice typically use, it becomes unclear why the historical aspect of the injustice matters. The advocates use history to emphasize the responsibility of the political community for injustices incurred in its past, which is quickly revealed in the titles of their books and articles: *Taking Responsibility for the Past*, "Coming to Terms with our Past," "Responsibility for the Past," and *Sins of the Parents*. A typical argument is as follows: "Each generation of citizens, whether native- or foreign-born, inherits the burdens of membership—the national debts, as it were—together with the benefits of membership."⁸ What is added by calling the injustice historical is unclear, since many skeptics agree that political communities are responsible for remedying current injustices. These skeptics do not deny that African or Native Americans suffer from injustice today, and do not suggest that liberal states should ignore these injustices.

Some advocates do make some headway in explaining why the history of an injustice matters, but by focusing on one or two cases they fail to help us understand what the general problem is in cases of historical justice. Janna Thompson argues that the injustices suffered by indigenous peoples are often caused by the way treaties with them were ignored by Western governments. While true, Thompson's argument does not help us understand the problem in other historical injustices. Indeed, when Thompson turns to Black Americans, she switches to a different argument, and says that the historical injustice there was the harm done to family lines. McCarthy says that there are many historical injustices, but they warrant separate treatment from his subject of Black Americans.⁹ Yet if there is nothing that unites the different cases of historical injustice beyond current oppression, why not simply focus on the latter?¹⁰

Enduring Injustice and Enduring Harm

The reason why the examples of indigenous peoples and African Americans are so powerful is not only that they have suffered from injustice in the past, but also that these historical injustices continue on to the present. Together, they constitute what I call *enduring injustice*. Enduring injustice has an historical and a contemporary component. All enduring injustices are also historical injustices, but the reverse is not true, since some historical injustices no longer persist today. Liberal justice readily solves many contemporary injustices; until they persist through time, they are not enduring. Many immigrants, for example, face injustices, but they are not enduring if their children or perhaps grandchildren do not face them. Not only do indigenous peoples and African Americans currently endure injustice, but also this injustice, has lasted over time. Advocates of remedying historical injustice seem to want to repair enduring injustice, not all historical injustices, though they do not clearly say so. By shifting to enduring injustice, the problem of injustices with historical roots becomes better defined and more manageable, as the number of cases declines considerably. (I will shift my language to discuss enduring injustice instead of historical injustice since I believe this accurately describes the issue at hand.) It also leads to an important question: why do some injustices endure, while others fade away?

Many forms of injustice are remedied with the protection of individual rights and a fair system of distributive or liberal justice. (I will not defend a particular system of distributive justice here, since any version that emphasizes the protection of rights and calls for some redistribution of wealth to the needy will suffice for my argument.) It may take some time for the injustice to disappear with these remedies, but in time it often does. The Huguenots suffered terrible injustices in France a few centuries back. The Huguenots recovered from their losses; having similar views about property and economy to the Catholics, they were able to integrate themselves in the European states that accepted them, and in France as well, once a policy of toleration and then eventually a policy of protecting individual rights and equality were established. In many cases, liberal states emerged slowly, with the barriers of discrimination gradually lifted. English Catholics, Chinese Americans, German Americans, and Japanese Canadians, among others, have all become well integrated into their societies as discrimination against them faded.

What unites most cases of enduring injustice, however, is a *failure* of liberalism. The injustice from the past has not been remedied; it continues

today in some form, and it seems that without a change in policies, it will continue into the future. A better defense of individual rights, and a modest or moderate redistribution of wealth, will often not solve the enduring injustice (though sometimes these things will help). At best, the liberal solution to the injustice will only partly alleviate the injustice, while sometimes liberal justice will not speak at all to the injustice. When injustices endure, it is often because they lie beyond the bounds of liberal theory; if the solution to these injustices was a matter of simply applying liberal justice, there would be fewer enduring injustices today. A failure of liberal practice is sometimes to blame, but even in these cases secondary issues arise that are hard for liberal justice to solve (mistrust is the example I explain below). An enduring injustice is a contemporary injustice with historical roots, and cannot be easily remedied without taking this history into account.

There are instances when a group is not living under conditions of injustice but the historic injustice haunts the group, as it is not properly acknowledged or memorialized. It gnaws at the group, unsettled, and is what I call an *enduring harm*. Acknowledging the harm will not change the physical living conditions of the group, but it will sustain group members' dignity. The ideas of acknowledgement and memorial also lie outside liberal justice. Sometimes cases of enduring harm and enduring injustice will overlap, but they need not. An enduring injustice will frequently be felt as an affront to the group in question, and so it will often be a harm.

Taking enduring injustice and enduring harm seriously means accepting the importance that collective memory has for many people. Many of the advocates of alleviating enduring injustice agree that collective memory is important, but they make this point in order to show why political communities are responsible for the enduring injustice. I hope to show how collective memory must be taken into account when political communities try to repair an enduring injustice, an idea that the skeptics resist. Powerful people like Prime Minister Trudeau can readily dismiss the past (though they often take pride in their own groups' past); and indeed the argument of many of the skeptics is that as bad as historical injustices are, the world changes over time, often radically so. They contend that the clock cannot turn back, and there is no way to know how to compensate the ancestors' victims, since how these descendants have suffered because of the past injustices is impossible to determine.¹¹ I share the future orientation of the skeptics of repairing enduring injustices, but I will argue that building a just (or at least a decent) future for many of the victims' descendants is not possible without taking into account their collective memory of the past.

People do not live absent a context; they are storytelling and story-living animals. Collective memories are important because our identities, individual and collective, are shaped through memory: "Acquiring a group's memories and thereby identifying with its collective past is part of the process of acquiring any social identity."¹² Belonging to a group situates people in the world. It gives a point of reference and a point of pride for group members. It helps tell group members who they are and who they are not. People belong to many groups, as liberals often point out. Intergenerational groups are particularly important, however, when it comes to enduring injustice; national, ethnic, racial, and religious groups all fit the bill.¹³ These are groups that often continue through time, that pass down stories, memories and cultural practices, traditions, and symbols from one generation to the next. My claim is not a deep communitarian one that people's identities are ineluctably determined by unchosen group attachments, since the injustice or harm that is felt through generations does not lead to political principles that are able to guide a society; nor am I suggesting that people have only one main identity. Still, much of human behavior cannot be made sense of without taking collective memory into account. I explain the importance of collective memory through the examples of collective narrative and mistrust. Injustices endure when a collective narrative is broken and is not rebuilt, repaired, or forgotten, or when collective memory understandably leads to a deep mistrust of the government (and often, broken collective narratives lead to mistrust). Solutions to enduring injustice need to take collective memory into account, which is why a focus solely on contemporary injustice is inadequate.

Sacred Spaces, Communal Land, and Exile

The skeptics usually assume that liberal justice can solve injustice. In a comment that represents much of the skeptics' view, Richard Vernon argues, "Restitutive claims would at least be very much less compelling in a distributively just world."¹⁴ In many cases, distributive justice can rectify injustice. Yet the assumption behind Vernon's argument—that redistributive justice, along with protection of individual rights, can always or mostly put an end to an enduring injustice—is flawed. Similarly, Jeremy Waldron talks about tribal *owners* of land, wondering if they might have sold it if it wasn't wrongly taken from them. His examples include his aunt's inheritance and a stolen car.¹⁵ Lost land, on this view, can be compensated for with either money or different land. What can be lost can be replaced: this is certainly true for money and cars. While Waldron does say that his argument

may not apply to cases “where the dispossessed subject is a tribe or a community, rather than an individual, where the holding of which it has been dispossessed is particularly too important for its sense of identity as a community,” it is hard to put much stock in this caveat, since the main subject of Waldron’s essay is tribes (indigenous peoples) whose identity is very much tied with the land.¹⁶ Waldron’s brief caveat is overwhelmed by the rest of the argument, which is devoted to showing that the land claims of indigenous peoples have faded over time. Waldron’s focus on land is followed by many skeptics, who also concentrate on land in their arguments, and see it as a commodity.¹⁷

This economic approach to justice suggests that if a good is wrongly taken, then that good should be given back, or compensation given for the good. Further, since the worth of a good taken long ago cannot be correctly calculated, it is best to concentrate on injustices today, not those done in the mists of time. Many of the advocates also discuss enduring injustices in economic terms, suggesting compensation or reparations are an appropriate way to repair the injustice; this is particularly true when the discussion turns to Black Americans.¹⁸

Wealth and redistribution would help in many cases of enduring injustice, but it is also the case that their usefulness is often limited. In many cases of enduring injustice the collective narrative of the group was severely disrupted: its attachments were broken, or severely harmed, its people scattered or killed, or its sacred places invaded. Monetary compensation and protection of individual rights will do little to repair the injustice in these instances. In many cases of enduring injustice, the way of life led by the groups was disrupted some time ago, and the harm of this disruption is still felt in some way.¹⁹ A longing is often felt—a longing to return to one’s ancestral home or to return to an old way of life. These longings often remain because many of the descendants of the victims feel ill at ease in the world today. Their culture, their way of life, has been broken, and they remain unable to fit into a new culture or to fully repair their own. If collective memory had no meaning to people, these breaks in collective narrative would matter little.

The importance of collective memory is readily seen when land is at issue. Certain land is sacred for many peoples. Hills, stones, and mountains are sometimes sacred ground to indigenous peoples, like Ayers Rock (Uluru) in Australia or the Black Hills in the United States. The Black Hills are considered sacred by the Lakota Sioux, a place where special ceremonies were performed. The U.S. federal government assured the Sioux rights to the land in the 1850s by treaty. After gold was found there, the

United States broke the treaty to seize the land. This land too was, and still is, mined. The Sioux eventually sued, and won in the U.S. Supreme Court which found the treaties giving the land away to be fraudulent. The Sioux were awarded compensation (\$570 million today, including interest), not the return of the land.²⁰ The Sioux have refused to accept the money, as they maintain that this sacred land cannot be bought.

Indigenous peoples are not the only peoples who look at land as something other than a commodity. Israel, after all, is often called the Holy Land. During the wars in Yugoslavia after the fall of the Berlin Wall, some commentators suggested that the Serbs looked upon Kosovo as “their Jerusalem.” Christians have treasured and storied monasteries and churches not only in Israel, but also in Lebanon, Syria, and Turkey. Some Hindus look at India as holy ground; India contains rivers holy to Hindus.²¹ Sometimes what is sacred is a parcel of land, but other times the group wants to live on the sacred land; until that happens, they feel themselves in exile. The Crimean Tatars want to return to their land. This normal-sounding sentence, however, is pregnant with moral implications, since many of the people who want to return never lived in the Crimea. They look at the Crimea as their ancestral homeland.

The idea of sacred land only makes sense if the ideas of collective memory and collective narrative have meaning. The Black Hills are sacred to the Lakota Sioux because their spiritual history is tied to the Hills. One Lakota Sioux explained,

All of our origin stories go back to this place. We have a spiritual connection to the Black Hills that can't be sold. I don't think I could face the Creator with an open heart if I ever took money for it.²²

If the Lakota had no collective memory or narrative, the Black Hills would be just another place, and there would be little problem for them to sell it for money. A focus on contemporary justice that aims to ignore the past cannot account for the importance of the Black Hills to the Lakota.

Similarly, the claims of the Tatars only make sense by taking into account the past. An account of liberal justice would ask if the Tatars receive unequal treatment where they live, or if their rights are violated. These questions, though, do not capture the injustice of exile or of separation from a sacred place. The Tatar homeland is kept alive in exile through stories, paintings, and other symbolic ways.²³ Exile is not only a loss for those expelled, but also often a loss for their children, as the collective narrative in which they live is broken. Some children may find their new homes sufficient; perhaps they can establish a new narrative (and identity)

where they live. If they do not, however, then once again an injustice is enduring. The home that is yearned for will often then be the ancestral one: what other home can be longed for? The Tatars want to return so they can maintain their nation. In the contemporary world, national identities live through institutions—universities, schools, media, professional organizations, government bureaucracies, and so on. When a nation lives together, and its numbers are large enough to maintain these sorts of institutions, it can maintain its identity.²⁴

Taking away land is only one way to severely disrupt a group's collective narrative. The U.S. did not just take away considerable amounts of tribal land; it also often pursued policies that aimed to destroy tribal structures, and "Europeanize" the Sioux and other tribes. Many tribes used their property communally. The Dawes Act in the late nineteenth century forced most tribes to divide their communal land into individual plots, which was part of a policy to try to make Indians like white citizens.²⁵ This policy ended in 1934, only to begin again with the unfortunately named Termination policy in the 1950s, which strove to break up ("terminate") indigenous tribes by ending their communal control of land, giving plots of land to some individuals, while others were given money and encouraged to move to urban areas. Like the Dawes Act, Termination was widely considered a failure (though it took the U.S. government less time to realize this the second time around), partly because the cultural structure of some tribes was destroyed.²⁶ Property ownership, learning English, going to school, and learning how to farm did not turn Native Americans into liberal and white women and men. The collective narrative of many indigenous peoples was broken, and one cannot simply ignore this break when thinking of ways to change their living conditions. No one can go back into time and make things whole again for Native Americans, but strategies to end their enduring injustice must take into account ways to heal the break in their collective narrative and their traditional way of life.

Not all collective memories need to be honored; these memories ought to match up with historical accounts of what actually happened for there to be a justifiable claim of redress.²⁷ I do not mean that every detail of the collective memory must be correct, but that the general outline of the story is true. Peoples can also wrongly use a collective memory to make demands upon others, even if there is no current injustice. When should the past remain in the past? I cannot answer this question with any kind of finality. Judgments will have to be made about which historical injustices are also enduring, and which have stopped; these judgments will have to be made politically and through negotiations (though nothing I say here

precludes the possibility of building monuments and memorials to past injustices that are no longer enduring).²⁸ My argument suggests that the history of an injustice cannot automatically be dismissed, but judgments still need to be made about whether an injustice or harm endures and should be repaired.

Acknowledging the Past

Collective memory plays an important role when some groups want a past injustice acknowledged. Many Armenians want the Turkish government to acknowledge the massacre by the Ottoman Empire of over one million Armenians in 1915.²⁹ Their claim is not primarily one of compensation or restitution (though some Turks may fear that comes after acknowledgment, and some Armenians may have hopes to match these fears). Many Armenians (and others) are maddened by the Turkish government's campaign to deny the occurrence of the Armenian genocide. This denial of an event enshrined in the collective Armenian memory is insulting to the Armenians—it is actively undermining what Armenians find crucial to their dignity.³⁰

The liberal language of justice and injustice does not capture the problem when the issue is one of acknowledgement and enduring harm. Those who want to deny the importance of collective memories cannot explain, if the past is so unimportant, why the descendants of the perpetrators of injustice so often deny or suppress the unjust actions of their ancestors or of previous governments so vigorously. Calls to ignore past injustices ignore the close link between memory and identity for many, including the descendants of both perpetrators and victims. Ignoring injustices of the past may be better than denying them, but to the descendants of the victims both are harmful affronts to their dignity.

The Armenians are also asking for a change in the self-understanding of at least some, if not many, Turks. Many nations have narratives of victimhood; they see their history in terms of threats that they have bravely fought off, or the long suffering they have endured. Children are frequently taught to be proud of the way their nation has handled adversity, making a narrative of abuse and massacre of others hard to swallow. Changing the understanding of one's nation does not mean just inserting a paragraph in a history book; to accept the ignored history of abuse means that one's national pride must be nuanced, with its points of pride balanced with shame.³¹ Accepting a nuanced view of one's national history is clearly not easy to do, yet the past and the present are connected. (The connection

between the past and present is highlighted in George Orwell's *1984*, where the past is constantly rewritten in order to fit the current view of the present.) Part of what is at stake in collective memory is the reminder to us all of the horrors that have taken place in the past, to perhaps help prevent them from taking place again (though the effectiveness of this is another matter). If many people could be convinced that the Armenians did not die in a genocide, and that many other atrocities didn't take place, then governments could do the same thing time and time again. Without memory, there is no understanding.³²

Mistrust and History

A second set of enduring injustices is in part a failure of liberal practice, though these often overlap with a disruption in collective narrative. A group (like African Americans) may feel the sting of discrimination and subordination through time, and the liberal state may be unable or unwilling to ensure equal treatment. This failure of liberal practice means that justice probably cannot be achieved if the state redoubles its efforts at the redistribution of wealth, because the failure of liberal practice almost always raises a secondary issue that liberal justice is hard-pressed to solve: the victimized group will often mistrust government and perhaps liberalism as well, and for good reason. This mistrust will often have to play a role in the state's response to the injustice, as some advocates point out.³³ Their arguments on this point are persuasive, and so I will not repeat them here, except to note that this mistrust is historically based.

Collective memory (and so history) matters here because justifiable mistrust is not the consequence of one or two mistakes by a government—random mistakes are to be expected—but are a result of repeated mistreatments over time of members of the same group. The history and memory of the enduring injustice fuel the current mistrust. The advocates of ending enduring injustice do not point out incisively enough that this lack of trust, when justified, is an obstacle to overcome when devising ways to end the enduring injustice. The skeptics might say that focusing on contemporary justice may end the mistrust, but this is not always the case. This memory will cast a pall today; efforts by the government to pursue justice will be treated with suspicion.

The failure of liberalism and the resulting mistrust that indigenous people have toward the U.S. and Canadian governments mean that better enforcement of individual rights may in fact cause more resentment and

harm than justice (which is true for some other, if not most, indigenous peoples in Western countries). Liberal justice cannot simply be applied to Native Americans. Treating Native Americans on reservations as individual citizens of the U.S. government will do little to end the enduring injustice they face. To repair the injustices they face will often mean the state recognizing some amount of tribal autonomy. Doing so often results in a violation of liberal justice, since some tribes discriminate against women and Christians, which causes some liberals to object to tribal autonomy.³⁴ The history of the relationship between Western governments and indigenous peoples puts the justice of the authority of the former into question, however. Many Native Americans understandably do not trust the U.S. government to protect them very well, though it is not only trust at issue; the liberal emphasis on the individual has not resulted in Native American well-being. In Canada, where the issues are similar, John Borrows explains this in the voice of the Trickster, a First Nations character. When faced with Trudeau's idea of treating all Canadian citizens as individuals and as equals, the Trickster comments, "This is interesting, he thinks, that once you devastate a people, and make them unequal, you then promise equality. Is this justice, he wonders?"³⁵ The rhetorical force of this question only makes sense if one assumes that collective history and narrative are meaningful. If liberal justice means disaster for the group in question and its members, then the kind of justice applied needs to be considered carefully. When trying to determine how to move forward, the mistrust felt should be accounted for, along with the non-Western modes of life that some indigenous peoples adhere to.³⁶

I do not have the space here to detail the policies needed to rebuild trust between African Americans and the U.S. government (group autonomy is not a feasible option in this case), but surely this must be attempted. Acknowledgement of enduring injustices in a robust way—through museums, monuments, and so on—is one way to show that the government is committed to a new path. One problem with flying the Confederate flag over government buildings is that this suggests there is not much of a break with the racial injustice of the past. While the advocates of remedying what I call enduring injustice emphasize the importance of the government's continuity through time, what governments often ought to do is show that they are very much *not* like their predecessors. What Black Americans rightly want are signs from the government that it is no longer committed to the racist policies of the past; one way to do this is to show a break with previous governments, though other ways are needed as well.

Responsibility

Most arguments about enduring injustice, however, emphasize the continuity of governments, but if other examples beyond Native and African Americans are used, the problems with this emphasis become apparent. Nearly every argument about enduring injustice assumes either explicitly or implicitly that the progeny of the victims and perpetrators of the injustice live in the same community as their ancestors, and they want people alive today to take responsibility for injustices that have their origins in the past.³⁷ The responsibility for the past argument assumes that the state under which a past injustice was committed still exists. The path of history is rarely straight and narrow, however, and it is not surprising that many enduring injustices originated in states that no longer exist, or left the scene of the crime. The French and Spanish committed their share of injustices in North America but left centuries ago. The Romans kicked most of the Jews out of Palestine, but the Empire is long gone. More recently, the Soviet Union committed many injustices, but it no longer exists. Stalin expelled the Tatars and several other peoples to Soviet Asia,³⁸ and many now want to return to the home of their ancestors. One might say, as Thompson and Kukathas do, that if the communities that committed the injustices disappear, then there is no agent responsible to help fix the injustice, and there is nothing to be done.³⁹ One might think that the skeptics would use this argument—the number of governmental changes through time is one more reason to focus on current injustices, regardless of their historical roots. Why, however, should the vagaries of history be an excuse to allow an enduring injustice to fester?

What constitutes a sufficient government change to leave responsibility behind is also hard to determine. The Japanese government was not completely abolished after World War II, but it was radically transformed. Is the Japanese government today responsible for the actions of the Japanese government in the 1930s and 1940s? The Turkish government is clearly different from the Ottoman Empire that reigned during the Armenian genocide, though clearly there is some connection between some of the people in power in the Empire's waning years (the "Young Turks") and those of the Turkish government that arose a few years later. Is the Ottoman Empire the same as the Turkish Republic? The issue of continuation is hard to determine in Latin America, where the forms of government change with some frequency; Venezuela has had twenty-four different constitutions since 1811, Columbia has had twelve, and there have been thirteen in Peru.⁴⁰ While constitutions and governments change, they often look the same in

the eyes of the indigenous peoples there.⁴¹ The argument for responsibility opens up hard questions about whether the new regime is really a continuation of the old regime or not. Why should relief for the indigenous people in question hang on the answer, however, particularly when in many cases the answer will be opaque?

A related argument suggests that those who gained from a past injustice are responsible to make redress; their gains are ill-gotten and so they should make amends.⁴² The symmetry between unjust acquisition and responsibility is attractive, but not all enduring injustices caused economic gain. It's not clear that the Ottoman Empire (or Turkey) gained economically from the Armenian genocide, or that the expulsion of the Tatars from the Crimea was economically efficient. In other cases, it may simply be impossible to determine the economic gains or losses. It also may be the case that the descendants of both the perpetrators and victims gained economically from the enduring injustice. Descendants of Black American slaves are, as a group, better off economically than the average African. These issues, however, sidestep a more fundamental question: why should repairing the injustice turn on whether the perpetrator gained economically from the injustice?

Taking Responsibility for the Present and Future

Justice does not mean that people or communities take on responsibility for the past, but rather that political communities take responsibility for the present and future. Injustices that occurred in the past cannot be undone, as the skeptics claim. Political communities can and should work to undo current injustices. A political community may not be responsible for an enduring injustice, in either its history or its present form, but it still may have a responsibility to help end the injustice. History may help us better understand the form of an injustice and its possible remedy; history may also bring peoples together in ways that both sides dislike or resent, but the world and its injustices rarely work neatly.

To make this argument I want to build upon the basic model of political responsibility: that members of a political community have a responsibility toward one another to live in conditions of justice (or at least decency), or that the government they share is responsible to ensure justice. I assume this model, rather than defend it, since all those involved in the enduring injustice debate do so. In many cases—indigenous peoples and African Americans—the conventional model of political responsibility will suffice. I want to expand this model in one small but important way, and argue that political responsibility reaches out, at least, to those who share space. Those who

inhabit a political community share space, which often defines the community. A space can be shared, however, by people who do not concurrently occupy it. The descendants of a community who once lived in a place, but were expelled or mostly killed, have some claim to that space too. They are not members of the political community that occupies that land now, and so are outside most of the current arguments on enduring injustice, but the injustice that led to their expulsion should not mean that they have absolutely no claim to the land they formerly occupied. Doing so equates might with right; it means the injustice is enshrined in political exile. If a political community aspires to reach justice, it would be unfair and morally arbitrary to argue that the descendants of those who were expelled or victims of massacres of genocide have no claims to the land, particularly if the injustice is enduring.

The argument that with time the injustice fades assumes that the people who have moved in to the land (and their descendants) have their lives intertwined with the space that they now inhabit. As time passes, their lives are ever more part of this space, and to expel them would be an injustice.⁴³ The attachment of the current residents to the land, however, does not mean that the descendants of the people who were expelled no longer have their lives intertwined with that space. The collective narrative of a people may center on the land from which they were expelled, or the horrors of the past may mean a terrible memory tied to a particular space that they do not want or are unable to forget.

One claim about land focuses on return, which is kept alive when the descendants of those expelled do not feel at home in what they consider to be an alien land. The collective narrative of at least some significant portion of the group leads them to long to go back home. The injustice of expulsion that their ancestors suffered some time ago still haunts their lives; the injustice endures. The expellees do not have a right to the exact houses of their ancestors, but the presumption should be that their return should be facilitated, or at least not prevented, by those currently occupying the land. The general space should be shared, which can be done in different ways. This presumption of return can be overridden, but there needs to be a very good reason why this is the case.⁴⁴ The Russians in the Crimea may complain that it is too morally arbitrary to give them the responsibility of helping repair the enduring injustice suffered by the Tatars. Yet the fact that the Russians live in the Crimea is also morally arbitrary; they can hardly claim that they deserve to live there, since they or their recent ancestors were allowed to move there following Stalin's expulsion of the Tatars. Indeed, where people live is usually a matter of luck, accident, or fortune (or perhaps misfortune

or bad luck). People do not control where their ancestors moved, and few control the visa policies of states, the wars that may have engulfed a region, and so on. However people may have made it to a land, their lives often have become interwoven with it; and when this happens, they have some claim to that land. Sometimes those expelled (or their descendants) will learn to make their way in their new land, but when this does not happen their claim to the ancestral land should be respected in some fashion.

A second land claim is about sacred space. Serbians should have access to their holy places in an independent Kosovo (if this occurs); Muslims should have access to the Dome of the Rock in Jerusalem. I will explain this argument by looking at places of cruelty that have special meaning to the descendants of the victims since they are so intimately tied to their history, but where return either is not wanted or is impossible. Bloodied places where terrible events took place—mass killings or destruction—are akin to sacred space. The idea of commemorating the dead is not unusual; that's what graves do, and most states have memorials to their war dead. There is no reason, however, that there should be memorials to only their dead. Auschwitz is under Polish sovereignty, but the Polish government ought not feel free to do what it wills with Auschwitz. It instead has an obligation, to the victims' descendants at the least, to maintain Auschwitz as a memorial and museum, even though Germans ran Auschwitz. Many people would rightly be appalled if the Polish government sold Auschwitz to someone who razed the place, and then built an amusement park on it. They would be appalled because the Polish government would be violating that space and the memories it holds; it would be in particular a violation of Jewish memory. The museum and memorial signify not only the event, but the place as well. Memorials can have meaning to all people, but they have special significance to the descendants of the victims, since that place has a special space in their collective narrative. It may become a place of pilgrimage, part of the people's way of tracing their past, and of understanding who they are. The idea that states do not have complete control of their territory is in fact something that nearly every state has agreed to, since to date 178 states have signed the World Heritage Convention. Once a place is designated a World Heritage site, it "belong[s] to all the peoples of the world, irrespective of the territory on which they are located"; the signatories express "a shared commitment to preserving our legacy for future generations."⁴⁵

Memorials on bloodied space are also, importantly, a way for the people who keep the memorial to keep their distance from what happened. A terrible event happened in this place, the memorial symbolically states, but the political community that maintains this place does so to remind us that what

happened here will not happen again; the political community maintains the memorial in part to show that it too mourns what happened. The memorial should become part of the community's self-understanding; whether the current community is responsible for the past atrocity is unimportant. They have a responsibility to keep up the memorial, since they are sovereign over this sacred space. The memorial is about the past, but it is also a reminder about how those in the political community and those beyond should act in the future. What is so frustrating about the Turkish refusal to acknowledge the Armenian genocide on its soil is that the Turks are not putting distance between themselves and the genocide. The idea that remembering is one way in which to help prevent another massacre or genocide is not simply academic; many Christian refugees are now fleeing Iraq, with some heading toward Turkey. An acceptance of non-Turks and non-Muslims is important for Turkey as its population becomes more diverse; its reluctance to accept diversity may explain why it turns down some Christian applicants who want to flee religious persecution in Iraq.⁴⁶ Yet these Christian Iraqis desperately need help, which the Turks might readily give if they had a more plural understanding of themselves and if they would acknowledge their history in a more forthcoming manner.

Moving Forward

One argument made by those interested in remedying enduring injustice is about political strategy. Frustrated at the enduring (and not just historical) injustices suffered by Native and African Americans, these political theorists want the American political community to better understand its history so it will be more supportive of efforts to end these injustices: "part of the cure [of racism] lies in broadening and deepening the public memory of slavery and segregation."⁴⁷ My aim here has not been to develop a political strategy, and I certainly will not argue against more understanding, yet my argument does suggest that deepening the memory of the dominant community is not the best way to repair enduring injustices. Citizens may be sympathetic to the suffering of some peoples, but they will want to know why this history means much today. They might argue that if people simply work hard today they can flourish, regardless of their history. The current liberal regime, they may suggest (as did Prime Minister Trudeau), aims to treat all citizens equally and justly today and in the future. The past may be unfortunate, but it cannot be changed.

I have suggested here that the responsibility for the past argument is limited because enduring injustices are not solved so readily with the appropriate dose of liberal justice, not because of a lack of historical memory. The path toward repairing enduring injustices lies through explaining to the dominant community why conventional methods of liberal justice will not solve certain enduring injustices. An understanding of history will help with this, mostly as a means to comprehend the limits of liberal justice. The focus on the limits of liberal justice also escapes a common objection to the idea that a political community is responsible for its past. Many argue that they are not responsible for the past, and some point out that they or their recent ancestors are recent immigrants, which they claim means they cannot be responsible for the past. Advocates of rectifying enduring injustice have a response to this argument, of course, which is to shape the debate around the concept of citizenship and the political community, resulting in what I have argued is a too narrow conception of responsibility. My argument suggests, however, that there is no need to debate about responsibility for the past. Members of a political community are responsible to one another, and to those who have a defensible claim to the land they share; their responsibility is to try to build a just or at least decent society now and for the future. Liberal justice is undoubtedly powerful and has lifted many from the depths of oppression, but it has its limits and when these are reached, a responsible community will look elsewhere to try to alleviate the injustice. The concept of enduring injustice that focuses responsibility on the present has, I think, a better chance of convincing liberal political communities to respond to injustice than arguments that center on the history of the injustice and responsibility for the past. Whether this argument will be convincing enough to liberal political communities I cannot say, but it is ultimately an appeal to contemporary justice and decency, and so how the political community responds to the appeal is revealing about its self-understanding and its aspirations toward justice.

Notes

1. John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New York: Atheneum, 1963).

2. When a government is the perpetrator, I mean all or nearly all of the people alive at the time of the injustice are now dead. By this definition, Holocaust victims or Japanese Americans sent to internment camps in the United States during World War II who are alive today are not part of the conceptual framework of historical injustice.

3. While some people dispute the point of whether African Americans are still victims of injustice, neither advocates nor skeptics of rectifying historical injustice do so, and I assume this injustice (and that of Native Americans) here.

4. The basic problem with alleviating an injustice to an individual done many years back is that it is hard to determine who is responsible for alleviating the injustice, how it might be done, or even whether the injustice has had lasting effects. A person may flee a country because of an injustice, but she and her ancestors may flourish in the new land. This argument is more fully developed in George Sher, "Ancient Wrongs and Modern Rights," *Philosophy and Public Affairs* 10, no. 1 (1981): 3-17. See also Christopher Kutz, "Justice in Reparations: The Cost of Memory and the Value of Talk," *Philosophy and Public Affairs* 32, no. 3 (2004): 277-312.

5. Duncan Ivison, Robert Sparrow, Chandran Kukathas, Burke Hendrix, and A. John Simmons only discuss indigenous peoples in their arguments. Tamar Meisels discusses indigenous peoples and Jews, Renée Hill and Janna Thompson discuss African Americans and indigenous peoples, while Michael Ridge and Thomas McCarthy discuss African Americans. Duncan Ivison, "Political Community and Historical Injustice," *Australasian Journal of Philosophy* 78, no. 3 (2000): 360-73; Burke A. Hendrix, "Memory in Native American Land Claims," *Political Theory* 33, no. 6 (2005): 763-85; Chandran Kukathas, "Responsibility for the Past: How to Shift the Burden," *Politics, Philosophy and Economics* 2, no. 2 (2003): 165-90; A. John Simmons, *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge: Cambridge University Press, 2001); Robert Sparrow, "History and Collective Responsibility," *Australasian Journal of Philosophy* 78, no. 3 (2000): 346-59; Renée A. Hill, "Compensatory Justice: Over Time and between Groups," *Journal of Political Philosophy* 10, no. 4 (2002): 392-415; Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Injustice* (Cambridge: Polity, 2002); and Thomas McCarthy, "Coming to Terms with Our Past, Part II: On the Morality and Politics of Reparations for Slavery," *Political Theory* 32, no. 6 (2004): 750-72. Kukathas also discusses victims of misdeeds by church officials. Among the skeptics, Waldron and Lyons focus on indigenous peoples. David Lyons, "The New Indian Claims and Original Rights to Land," *Social Theory and Practice* 4, no. 3 (1977): 249-72; and Jeremy Waldron, "Superseding Historic Injustice," *Ethics* 103, no. 4 (1992): 4-28.

6. For the latter of these injustices, see Barry Broadfoot, *Years of Sorrow, Years of Shame: The Story of the Japanese Canadians in World War II* (Toronto: Doubleday Canada, 1977); and Geoffrey Gilbert Plank, *An Unsettled Conquest: The British Campaign against the Peoples of Acadia* (Philadelphia: University of Pennsylvania Press, 2001).

7. The dean of an Egyptian law school has recently announced that he is investigating suing all the Jews in the world for taking items from Egypt during the Exodus. Though it would seem that the Jews would have a more powerful case for compensation for their slave labor during their years under the Pharaohs, both cases seem silly. Bruce Birnbaum, "A Family Deposition: Should Egypt Receive Reparations for the Exodus?" *Atlantic Monthly*, <http://www.theatlantic.com/doc/200401/birnbaum> (accessed February 14, 2007).

8. Thompson, *Taking Responsibility for the Past*; McCarthy, "Coming to Terms with Our Past, Part II"; Brian A. Weiner, *Sins of the Parents: The Politics of National Apologies in the United States* (Philadelphia: Temple University Press, 2005); and Kukathas, "Responsibility for the Past." The quotation is McCarthy's (757). For similar arguments about history and responsibility, see Farid Abdel-Nour, "National Responsibility," *Political Theory* 31, no. 5 (2003): 693-719; Ivison, "Political Community and Historical Injustice"; and Sparrow, "History and Collective Responsibility." I return to the argument about responsibility below. Michael Ridge is one of the few advocates who does not focus on history and responsibility. He argues that liberal states owe compensation to the actual victims of historical injustice. If they are dead, liberal states can benefit them by satisfying their desires. There are many possible desires, though, like revenge that may have negative consequences for innocent people

today. To allay this objection, Ridge argues that the desires that can be satisfied must be worthwhile and not constitute a moral vice. Under these constraints, Ridge argues that the dead would want their descendants to flourish, which he interprets to mean promoting the welfare of the descendants in the standard liberal redistributive sense, a conclusion the skeptics would agree with. Michael Ridge, "Giving the Dead Their Due," *Ethics* 114, no. 1 (2003): 38-59.

9. Thompson, *Taking Responsibility for the Past*; and Thomas McCarthy, "Vergangenheitsbewältigung in the USA: On the Politics of the Memory of Slavery," *Political Theory* 30, no. 5 (2002): 623-48.

10. Duncan Ivison gestures toward a different argument, which inches closer to explaining why the history of the injustice matters, when he maintains that indigenous and nonindigenous peoples do not share a common framework of justice. I doubt this is the case; one might say that one key problem was the way that Western peoples viewed their own rules of justice with contempt when it came to indigenous peoples, by forcing indigenous peoples to sign treaties which were often then violated by Western governments; or by simply kicking indigenous peoples off the land, even though doing so violated key Western principles of property. Despite my disagreements with his argument, I do think Ivison is right to hone in on the problem of justice, as I explain in the next section. Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University Press, 2002). For American violations of treaties and their own understanding of justice, see Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Cambridge, Mass.: Belknap, 2005).

11. Waldron, "Superseding Historic Injustice"; Sher, "Ancient Wrongs and Modern Rights"; Lyons, "Original Rights to Land"; and Richard Vernon, "Against Restitution," *Political Studies* 51, no. 3 (2003): 542-57.

12. Eviatar Zerubavel, *Time Maps: Collective Memory and the Social Shape of the Past* (Chicago: University of Chicago Press, 2003).

13. Avishai Margalit elaborates on this point in *The Ethics of Memory* (Cambridge, Mass.: Harvard University Press, 2002).

14. Vernon, "Against Restitution," 552. David Lyons argues that Native Americans have "a valid claim to a fair share of its [the United States'] resources as well as to social and economic opportunities"; Lyons, "Original Rights to Land," 268.

15. Waldron, "Superseding Historic Injustice," 20.

16. Waldron is clear in his conclusion that the main subject of his essay is indigenous peoples, which he begins this way:

It is important that defenders of aboriginal claims face up to the possibility of the supersession of historic injustice. Even if this particular thesis about supersession is mistaken, some account has to be given of the impact on aboriginal claims and on the reparation of generations-old injustices on the demographic and ecological changes that have taken place. (Ibid., 27)

17. See particularly Lyons, "Original Rights to Land"; see too Simmons, *Justification and Legitimacy*, ch. 11.

18. See Hill, "Compensatory Justice"; McCarthy, "Vergangenheitsbewältigung in the USA"; McCarthy, "Coming to Terms with Our Past, Part II"; and Ridge, "Giving the Dead Their Due." Thompson also discusses Black Americans in terms of redistribution, though she does gesture at other sorts of arguments. Janna Thompson, "Historical Injustice and Reparation: Justifying Claims of Descendants," *Ethics* 112, no. 1 (2001): 114-35.

19. I can only briefly speculate here on why some broken collective narratives are overcome, while others are not. I suspect that when the break is not particularly severe or did not forcibly overturn a way of life, the narrative can be repaired. A bent narrative can be more readily repaired than a broken one. If there is a significant element of voluntary choice in the break, then it is probably more feasible to chart a new narrative than when the break is forced. Many immigrants did not fully choose to leave their homeland, but nonetheless some element of choice is often involved in their leaving, which I suspect eases their way into their new life, particularly for their children. There may be some longing for their old life, but there is also a determination to begin a new life.

20. *United States v. Sioux Nation of Indians*, 448 U.S. 371 (1980).

21. Aileen Yoo, "Kosovo: The Jerusalem of Serbia," *Washington Post*, <http://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/overview/kosovo.htm> (accessed February 14, 2007); William Dalrymple, *From the Holy Mountain: A Journey among the Christians of the Middle East* (New York: Henry Holt, 1998); and Gavin Flood, *An Introduction to Hinduism* (Cambridge: Cambridge University Press, 1996).

22. Sacred Land Film Project, "Black Hills," http://www.sacredland.org/historical_sites_pages/black_hills.html (accessed November 20, 2006); and *United States v. Sioux Nation of Indians*.

23. Greta Lynn Uehling, *Beyond Memory: The Crimean Tatars' Deportation and Return* (New York: Palgrave Macmillan, 2004).

24. See generally Ernest Gellner, *Nations and Nationalism* (Ithaca, N.Y.: Cornell University Press, 1983); Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, 2nd ed. (London: Verso, 1991); and Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995). My emphasis here is on identity, not culture. For the importance of this distinction, see Margaret Moore, *The Ethics of Nationalism* (Oxford: Oxford University Press, 2001), ch. 3.

25. Banner, *How the Indians Lost Their Land*; Linda S. Parker, *Native American Estate: The Struggle over Indian and Hawaiian Lands* (Honolulu: University of Hawaii Press, 1989); and Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880–1920* (Lincoln: University of Nebraska Press, 1984).

26. Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abridged ed. (Lincoln: University of Nebraska Press, 1986), 344.

27. See the discussion of memory and history in Melissa Williams, *Voice, Trust and Memory: Marginalized Groups and the Failings of Liberal Representation* (Princeton, N.J.: Princeton University Press, 1998).

28. I do not want to delve into the political details about how these judgments should be made, but international organizations like the UN or European-wide institutions can devise ways to do so.

29. A classic source on the genocide is from Henry Morgenthau, the American ambassador to Turkey at the time. Henry Morgenthau, *Ambassador Morgenthau's Story* (Garden City, N.Y.: Doubleday, 1918). See also Taner Akçam, *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* (London: Zed, 2004); and Richard G. Hovannisian, *The Armenian Genocide: History, Politics, Ethics* (New York: St. Martin's, 1992). I focus on the Armenian case here, but a similar case is the denial or belittling in Japan of a massacre and rape of thousands of Chinese that took place at Nanking in 1937–1938 by Japanese soldiers. On the way the Nanking massacre has been portrayed in Japanese, Chinese, and American collective memory, see Takashi Yoshida, *The Making of the "Rape of Nanking": History and Memory in Japan, China, and the United States* (Oxford: Oxford University Press, 2006).

30. My argument here is different from the Rawlsian conception of self-respect in *A Theory of Justice*. Rawls argues that without self-respect, people will not find their plans and projects worth pursuing. Rawls's conception is individualistic, while my version of dignity here is tied to the group, and has little to do with the plans and projects of individuals, which are tied to the Rawlsian conception. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), §67. In *The Law of Peoples*, Rawls briefly mentions self-respect in a way that is more akin to my use of dignity here, as something that a people as a whole may or may not have. John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), 34-35.

31. I elaborate on this idea in Jeff Spinner-Halev, "Democracy, Solidarity and the Possibility of Post-Nationalism," *Political Studies*, forthcoming.

32. See too Hendrix, "Memory in Native American Land Claims."

33. Thompson discusses trust extensively in part 1 of *Taking Responsibility for the Past*; Ivison discusses trust in *Postcolonial Liberalism*; while Hendrix discusses it very briefly in "Memory in Native American Land Claims." See too Williams, *Voice, Trust and Memory*, for her argument on Black Americans and trust.

34. Susan Moller Okin, "'Mistresses of Their Own Destiny': Group Rights, Gender and Realistic Rights of Exit," *Ethics* 112, no. 2 (2002): 205-30; Susan Moller Okin, "Multiculturalism and Feminism: No Simple Question, No Simple Answers," in *Minorities within Minorities: Equality, Rights, Diversity*, ed. Avigail Eisenberg and Jeff Spinner-Halev (Cambridge: Cambridge University Press, 2004); Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001); and Sarah Song, *Justice, Gender, and the Politics of Multiculturalism* (Cambridge: Cambridge University Press, 2007). For an extended reply, see Jeff Spinner-Halev, "Feminism, Multiculturalism, Oppression and the State," *Ethics* 112, no. 1 (2001): 84-113.

35. John Borrows, "Re-Living the Present: Title, Treaties, and the Trickster in British Columbia," *BC Studies*, no. 120 (1998/1999): 99-108.

36. I expand on this argument in Spinner-Halev, "Feminism, Multiculturalism, Oppression and the State." See too Ivison, *Postcolonial Liberalism*; and Margaret Moore, "Internal Minorities and Indigenous Self-Determination," in Eisenberg and Spinner-Halev, *Minorities within Minorities*.

37. See note 8, above, including the accompanying text. One exception is Tamar Meisels, "Can Corrective Justice Ground Claims to Territory?" *Journal of Political Philosophy* 11, no. 1 (2003): 65-88.

38. A description of these deportations can be found in J. Otto Pohl, "Stalin's Genocide against 'Repressed Peoples,'" *Journal of Genocide Research* 2, no. 2 (2000): 267-93.

39. Thompson, *Taking Responsibility for the Past*; and Kukathas, "Responsibility for the Past."

40. Jonathan Hartlyn and Arturo Valenzuela, "Democracy in Latin America since 1930," in *Latin America: Politics and Society since 1930*, ed. Leslie Bethell (Cambridge: Cambridge University Press, 1998).

41. Some recent Latin American governments have in fact taken strides to be more attentive to the needs of indigenous peoples. See Deborah J. Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge: Cambridge University Press, 2005).

42. Variations of this argument include Kukathas, "Responsibility for the Past"; Sparrow, "History and Collective Responsibility"; and McCarthy, "Coming to Terms with Our Past, Part II."

43. Waldron, "Superseding Historic Injustice."

44. How to share the land will depend in part on where people currently live, environmental considerations, political realities, and so on. In the case of the Tatars, they can be given the opportunity to buy land (and perhaps be given the funds to do so) in their ancestral homeland without much trouble; in the case of the Palestinians, partition into two states, with return to the Palestinian state for Palestinian refugees, might make more sense. The Chechens, also expelled during World War II, were able to return to their ancestral homeland in the late 1950s. See Anatol Lieven, *Chechnya: Tombstone of Russian Power* (New Haven, Conn.: Yale University Press, 1998).

45. UNESCO, "World Heritage," <http://whc.unesco.org/en/about/> (accessed February 14, 2007).

46. Michael Luo, "Iraq's Christians Flee as Extremist Threat Worsens," *New York Times*, October 17, 2006; and Michael Kuser, "Iraqi Catholic Asylum Seekers in Turkey Suffer Neglect and Poverty," *Turkish Daily News*, December 6, 2006.

47. McCarthy, "Vergangenheitsbewältigung in the USA." See too Hendrix for a similar argument in the context of Native Americans, "Memory in Native American Land Claims."

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