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Surviving Duties and Symbolic Compensation¹

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1. Introduction

Our obligations to provide measures of compensation for past injustices are often justified by appeal to the interests of contemporaries and future people: We should attempt to counteract the negative consequences of these past wrongs for the well-being of current and future people. However, such a forward-looking interpretation of the relevance of past injustices is incomplete when understood as a statement of how we ought to respond to the fact that past people were severely wronged. The true moral significance of past wrongs does not lie in their impact on currently living and future people's well-being; rather, the significance of past wrongs should be seen in the fact that *past* people were victims of these injustices. We need to enquire into the question of what we owe to the dead victims of past public evils. The forward-looking interpretation is misleading in suggesting that we owe them nothing – that, in the words of Max Horkheimer, "[p]ast injuries took place in the past and the matter ended there. The slain are truly slain."²

One could defend the claim that we are obliged to the past victims of injustices by attributing rights to them. To attribute rights to dead people may seem unproblematic if we assume that people continue to exist after their physical death, that they exist as people who can be affected by the events of this world or that they might even be able to act in ways that have an impact on what happens in the world. These assumptions about the ontological status of previously living people are at least as controversial as the as-

1 For helpful discussion, comments and suggestions I should like to thank Brian Barry, Brian Bix, Axel Gosseries, David Heyd, Stanley L. Paulson, Walter Welsch, Andrew Williams, and two anonymous referees of *Revue Philosophique de Louvain* (which published the article under the title "Obligations Persistantes et Réparation Symbolique" in 101 (2003)).

2 "Das vergangene Unrecht ist geschehen und abgeschlossen. Die Erschlagenen sind wirklich erschlagen." In a letter to Walter Benjamin 1937, as quoted in R. Tiedemann, *Dialektik im Stillstand*, 107.

sumption that dead people do not exist as persons.³ A presupposition that is equally compatible with at least some of the controversial and mutually exclusive presuppositions on the ontological status of dead people can be considered a suitable starting point for a philosophical investigation into the question of whether we can stand under duties to previously living people. In the following discussion I am proceeding on the assumption that dead people either do not exist (a1) or, if they do, that there is no connection between them and currently living (a2). The second assumption (a2) is meant to imply that for currently living people dead people are neither passive nor active subjects. In other words, I am proceeding on the assumption that the end of the physical existence of a human person, that is, his or her death, is the end of the possibility of this person acting in a way that she has an impact on the world as we know it and of events of this world or currently living persons' actions affecting the dead person (presupposition (A), that is: (a1) and (a2)).

2. *Surviving Duties*

Is this presupposition compatible with an interpretation of the claim that the true significance of past wrongs lies in the fact that past people were the victims of these injustices? The position of surviving duties is compatible with presupposition (A).⁴ The duties survive the death of the bearer of the right.⁵ While the bearer of the right does no longer exist, currently living people can stand under the correlative duties. The notion of surviving duties relies on the idea that the reasons for a person's right imply reasons for a duty under which other people stand after the death of the bearer of the right. If it is a moral right, then these reasons will also include general social reasons which are relevant not only for the bearer of the right but also for the bearer of the surviving duty, his contemporaries (and future people). For example, we all have reasons to protect people's trust that promises be kept and that people have the reputation they deserve. The reasons for the surviving duties also include the reasons that are necessary for showing that a particular person had the moral right.

For the following discussion I will assume:

- (A*) Dead people have no interests or rights with respect to the state of affairs in the world as we know it.
 - (B) Currently living people can stand under duties.
- Claim (B) seems unproblematic. Claim (A*) corresponds to presupposition (A) as introduced above. The position under consideration relies upon the following claims:
- (C) Some rights are future-oriented in the sense that they impose duties in the future.
 - (c) Such rights can impose surviving duties: The rights imply duties that are (also) binding after the death of the bearer of the right if the appropriate bearer of the duty is identified.

I would like to comment on these claims by investigating the reasons for surviving duties with the help of an example of a person who wishes to establish posthumously a

³ See T. Mulgan, "The Place of the Dead in Liberal Political Philosophy", 52-70, 54f.

⁴ See C. Wellman, *Real Rights*, 155-7. For a critique of positions on "posthumous harm" that are compatible with presupposition (A) but do not support the claim under consideration, see A. Gosseries, *Intergenerational Justice*, ch. iv, "The Dead End of Intergenerational Justice. What Do We Owe Our Ancestors" (on file with author).

⁵ Or of a person's legitimate claim. In the following I will speak of moral rights rather than moral claims, but nothing hinges on this as long as it is understood that people can stand under a duty to respond to the legitimate claims of others.

prize for the sciences. I will call the person Alfred Nobel even though the example and the variations on the example I will use in the following discussion make no claim to resemble the historical person Alfred Nobel to whose bequeathal we owe the Nobel Prize.

"A right implies a duty" means that a proposition about the right's validity implies a proposition that some duty exists. Such an implication relies upon the claim that the reasons for the right contain (some of) the reasons for the duty. In the case of rights that are future-oriented in the sense indicated, the reasons for the rights of people while alive are sufficient for holding currently living people under a duty, that is, a surviving duty. With respect to moral rights specifically moral reasons are among these reasons. Such reasons are meant to protect the conditions of a morally speaking valuable social life.

Suppose Alfred Nobel kept to himself his wish to establish posthumously a prize for the sciences. Although he accumulated the fortune necessary for the purpose, Nobel neglected to write it in his will. Hiking in isolated mountains together with his friend Barbara, Nobel has an accident and both he and his friend realize that he will die before they can call on somebody for help. He asks his friend to promise him that she will make sure that his fortune will be spent for the establishment of a prize for the sciences and that his wish to this effect will be acknowledged as if it had been written in his will.

Why should Barbara keep his promise? The particular strength of the position under consideration is to be seen in its connecting the surviving duty both to the previous right of the deceased person and to those general moral reasons which are relevant for the bearer of the duty and his contemporaries. First, the particular reasons which ground the right of the no longer existing person imply reasons for the validity of the surviving duty. Some of the reasons for a currently living person to stand under the duty towards the deceased person are implied by the reasons for attributing the corresponding right to the deceased person while alive. This is also the sense in which we stand under surviving duties *towards* the deceased person. For example, the surviving duty to keep a death-bed promise is valid, *inter alia*, for the reason that the promise was given to the deceased person and that is why the latter, while alive, had a moral right that the promise given to him be kept. If the duty is not understood to be binding due to the fact, *inter alia*, that the deceased person had the future-oriented right, surviving duties could not be distinguished from interpretations of, for example, death-bed promises according to which the duty to keep the promise is owed to our contemporaries alone (and possibly to people living in the future). The position under consideration differs from some consequentialist interpretations of, for example, death-bed promises by insisting that a surviving duty necessarily be based upon, *inter alia*, the reasons for the previous future-oriented right and that these reasons contain the specific reasons for the attribution of the previous right to the deceased person.⁶

So far I have investigated one type of reason for a current person to stand under a duty towards the deceased person. These reasons are implied by the reasons for attributing the corresponding right to the deceased person while alive. However, and second, there are other reasons too. These reasons are general in that they concern the protection or promotion of values important for the quality of social life. With respect to death-bed promises trust and the protection from betrayal are at stake. We all have reasons to protect the value of people having confidence that promises be kept. In so far as people can and do have an interest in future posthumous states of affairs of the world as we know it, and in so far as pursuing such interests can be of high importance to the well-being of

⁶ Ernest Partridge discusses the example of Alfred Nobel and defends a rule-utilitarian reading of death-bed promises in his "Posthumous Interests and Posthumous Respect", 243f, 259-61.

people while alive,⁷ it is important for people that others can bind themselves by promises or contracts to the effect that they will carry out certain actions after the promisee's death, and that when others have done so, that they can be confident that the promise will be kept. For the practice of such promises, trust is of special importance, for the promisee will not be able to determine whether the promise was kept. Thus, the practice of such promises is particularly dependent upon the protection of the value of people having confidence in promises being kept. At the same time, if such promises have often not been kept, this is likely to undermine the confidence in promises being kept generally. The right of the deceased person that the promise given will be kept is based on, among others, these reasons. Although the right and the person who is the bearer of the right has ceased to exist, the moral reasons are still valid and the duty of the person who gave the promise continues to be binding on the basis of these reasons. As these reasons are general moral reasons they are not only relevant for the individual bearer of the right but also for the surviving bearer of the correlative duty and his contemporaries. The death of the bearer of the right leaves these moral reasons unaffected and the surviving duty is based on these reasons in conjunction with the reasons that are implied by the particular reasons for the attribution of the correlative right to the deceased person while alive. Thus, contemporaries of a person who stands under a surviving duty have reason to impose sanctions on the person should he not keep his promise.

One might wonder whether this interpretation of surviving duties as currently living persons' duties towards deceased people is compatible with the presupposition that dead people are bearers of neither interests nor rights and that they cannot be affected by the actions of currently living people. At the very least, the position of surviving duties I am defending presupposes the possibility of the attribution of posthumous properties and, more particularly, of their change.

If Barbara were not to keep his promise, Nobel would have the posthumous property of being the person with respect to whom Barbara violated the duty to keep the promise she gave. Such posthumous predication is incompatible with the claim

(D) If X has the property P at a particular time t, then X exists at t.⁸

For our understanding of posthumous duties is to be compatible with the mortality assumption (a1), that is, with the assumption that dead people do not exist. The idea of surviving duties presupposes the possibility of posthumous predication of properties to no longer existing persons and, thus, the rejection of (D). More particularly the idea of surviving duties presupposes the possibility that previously living people undergo a change of properties after their death.

If a property is attributed to an entity at a particular point in time and it was not true of the entity at an earlier point of time, and it might not be true of the entity at a later point in time, then the entity undergoes change. For example, John forges the will of Nobel with the result that Nobel's fortune is spent contrary to his wishes. A short time later Barbara uncovers the fraud, Nobel's will is restored and his wishes are fulfilled. At first, the deceased Nobel is posthumously the person who is betrayed by John's forgery of his will; later on, it is true that Nobel has the property of being the person whose will is restored and whose wishes are fulfilled. How can Nobel undergo such changes if he is non-existent?

Here we can rely on an explanation of posthumous predication as introduced by David-Hillel Ruben. His explanation relies on two distinctions, namely, the distinction

between real and non-real changes and the distinction between relational and non-relational properties. The first distinction is the distinction between changes as ordinarily understood and changes that are only apparent: The change in a schoolboy if he comes to admire Socrates whom he did not admire before is an example of real change, whereas the change in Socrates when the schoolboy comes to admire him is an example of non-real change.⁹ The second distinction concerns the distinction between non-relational properties and relational properties. For the non-relational property of an object one can ascribe the property without knowing anything else about other objects.¹⁰ This does not hold true for the relational property of an object. The property that an object has as the result of a change of its color might be an example of a non-relational property while the property that Adam and Eve have each time they acquire a new descendant is an example of a relational property.¹¹

In our example, John forges Nobel's will. This is an event, a change in the state of affairs that is based on non-relational changes in the person John. John undergoes a change and that brings about a non-relational property of John he did not have before. John violates a duty by acting contrary to the reasons that are valid for him. Not fulfilling his duty might cause feelings of guilt on his part – a non-relational change of the person John. What is more, his not fulfilling his duty can have certain consequences and this is the case in our example: When the forgery is uncovered John's contemporaries criticize his breach of duty. Doing so requires of them to act or to refrain from acting in certain ways. All these non-relational changes are real changes in the state of affairs.

However, John's violation of his surviving duty also entails relational changes. First, John's relations with Nobel undergo a change. Nobel now is a person with respect to whom John violated a duty under which John would not have stood had Nobel not been the bearer of the correlative right. Second, John's relations with his contemporaries undergo change. Because of his breach of duty John is now considered a person deserving of a sanction. According to the interpretation of surviving duties as sketched above, John has general moral reasons to fulfill his duty, and when he acts contrary to these reasons this is a matter of general moral concern.

Thus, I would like to maintain that Nobel can be a *relatum* of a relational change. Because Nobel is non-existent he cannot undergo non-relational changes. According to Ruben's analysis, for each relational change there is a simultaneous or earlier non-relational change to which the relational change is owed or on which the relational change depends.¹² We can distinguish several types of the relationship between relational and non-relational changes.¹³ If a currently living person acts contrary to the surviving duty under which he stands, then only one of the *relata* which undergoes a relational change also undergoes a real change, namely, the currently living person – in our example, John. The other *relatum*, the deceased person, undergoes only a non-real change, namely, a relational change – in our example, Nobel. John, the person who violates the duty undergoes a real change and because of this he also undergoes a change in his relation

9 See D.-H. Ruben, "A Puzzle About Posthumous Predication", 211-36, 223-31. See also P. Geach, *Logic Matters*, 318-23; P. Geach, *God and the Soul*, 66f, 70-3, 98f; Michael Dummett discusses "phony changes" in *Frege. Philosophy of Language*, ch. 14.

10 Ruben understands this to be a sufficient condition. See D.-H. Ruben, "A Puzzle About Posthumous Respect", 217, fn. 7.

11 *Ibid.*, 216f, 223. In the following I will speak of relational and non-relational changes. The former change brings about that an object has a relational property the object did not have before; the latter brings about that an object has a non-relational property the object did not have before.

12 *Ibid.*, 230.

13 *Ibid.*, 224, 231.

7 See also L.H. Meyer, "More than They Have a Right to", 137-56, 141-43.

8 See W.J. Waluchow, "Feinberg's Theory of 'Preposthumous' Harm", 727-34.

to Nobel, the deceased person. Since the latter person is dead, he cannot undergo a real change but only non-real changes.

We are now in a position to qualify the claim (D), which we found to be incompatible with the idea of surviving duties. The claim reads: If X has the property P at a particular time t, then X exists at t. This holds true if the property in question is a matter of undergoing real change. The modified claim reads:

(D*) If X has the property P at a particular time t and the property is a matter of undergoing real change, then X exists at t.¹⁴

Only existing bearers of properties can have properties that indicate that the bearer undergoes real change; non-existing bearers of properties can have properties that indicate a change in their relations to other entities owing to real changes in the latter. It is true that real changes at time t presuppose existence at time t. However, this does not mean that non-existing entities cannot undergo non-real changes. In other words the posthumous attribution of non-real changes is possible. The idea of surviving duties presupposes the possibility of such attribution, namely of attributing the following property to a deceased person: being the person whose previous future-oriented right is now violated by a living person; the latter person breaches a surviving duty and thus undergoes a real change owing to which the relations between the living and the deceased person undergo a change without the deceased person's thereby undergoing a real change. The notion of dead people being wronged or harmed presupposes a real change in the dead person. If dead people cannot undergo real changes they cannot be harmed or wronged.

3. *Carrying Out Acts of Symbolic Compensation in Fulfilling a Surviving Duty Towards the Dead Victims*

Does the position of surviving duties help us in responding to the objection against the forward-looking understanding of the significance of historical injustices? I shall propose the idea that since people as members of ongoing societies can be said to have an obligation to compensate surviving and indirect victims of past injustices,¹⁵ they may also have an obligation symbolically to compensate dead victims of past injustices, that is people who cannot be affected by our actions.

As I have argued above, we can stand under surviving duties towards past people even though neither can we change the value to them of any moment of their lives since they cannot be affected by what people do after their death nor can they be thought to be bearers of interests or rights. Until now I have discussed duties towards dead people with reference to (variations on) the example of Alfred Nobel and his bequeathal. Currently living people can act in ways that will constitute a violation of the surviving duties under which they stand owing to the rights past people had in the past. We stand under particular surviving duties towards past people owing to their future-oriented projects, the promises we made to them or the contractual obligations we entered with them. However, not all people have the opportunity or the wish to have a specific impact on posthumous states of affairs. Not all people pursue projects that are future-oriented in the relevant way and not all people oblige others to bring about what for them are posthumous states of affairs. Here I want to suggest that we can stand under surviving duties towards dead people owing to the fact that they were victims of historical in-

justices. For us to show that currently living people can stand under such duties, we will have to assume that people generally have interests with respect to posthumous states of affairs. Indeed, people can be thought to generally have the interest to enjoy a good reputation both during their lifetime and posthumously. When people were violated in their rights and badly so, their posthumous reputation depends upon their being publicly acknowledged as victims of these wrongs and others being identified as the wrongdoers.

In acknowledging past people as victims of egregious wrongs we cannot affect their well-being. Also, such acknowledgement cannot be expressed vis-à-vis the dead victims, but only vis-à-vis currently living people in light of the wrongs past people suffered. However, if it is true that we stand under surviving duties towards past victims of historical injustice owing to the wrongs they suffered, then our fulfilling the duty by publicly acknowledging the past injustices they suffered will change the relation between us and the dead victims of historical injustice. It will be true of the past victims of these injustices that they have the posthumous property that we fulfilled our surviving duty towards them. To be sure, a change of the relation between a currently living person and a dead person does not bring about or rely upon a real change of the latter person. Rather the relational change is based upon the real change of the person who carries out the act.

For us to bring about the public acknowledgment of past people as victims of historical injustice can require different measures under different circumstances. Currently living people can express their acknowledgment of past people as victims of past wrongs in an indirect way, namely, by providing measures of compensation for those who are worse off than they should be owing to the effects of the past injustices suffered by their predecessors. The message of such measures of compensation can contain the acknowledgment that past people were victims of past wrong. Here I would like to suggest that we can understand efforts at finding appropriate forms of commemoration of today's dead victims as efforts at bringing about measures of symbolic compensation and restitution.

Establishing a memorial is the typical course of action where the effort is made to realize the symbolic value of compensating those victims who are no longer living. A memorial may be a public speech, a day in the official calendar, a conference, a public space or a monument – for example, a sculpture or an installation. Often these memorials are meant to commemorate crimes that previous members committed in the name of a political society whose currently living members now want to carry out actions of public symbolic compensation or restitution for these crimes towards the victims and their descendants. While there is still no established practice for such efforts at public symbolic compensation, such acts of symbolic compensation have been carried out since the 1970s in Germany and we have been observing the beginnings of an international practice of symbolic compensation.¹⁶

How can we understand this practice of symbolic compensation? Here I can only adumbrate the basic idea: the value of real compensation – the rectification or compensation at which we would aim if only it were possible – is imputed, at least in part, to the act of symbolic compensation.¹⁷ The imputation of the value of real compensation to the acts of symbolic compensation is partly based upon the expressive value of acts of symbolic compensation. For those who carry out acts of symbolic compensation these acts make it possible to express attitudes towards the past victims – attitudes that are consti-

¹⁴ Ibid., 232, 236.

¹⁵ See L.H. Meyer, "Transnational Autonomy", 263-301, sect. 8.

¹⁶ For a comparison of the memorials for the victims of the Shoa in Poland, Germany and Israel, see J.E. Young, "The Texture of Memory", 1799-811.

¹⁷ See R. Nozick's analysis of symbolic value in chs. 1 and 2 of his *The Nature of Rationality*.

tutive of acts of compensation. Acts of symbolic compensation make it possible for us to act in such a way as to express an understanding of ourselves as people who wish to, and would, carry out acts of real compensation if this were only possible. If successful we will have firmly expressed an understanding of ourselves as persons who would provide measures of real compensation to the previously living person or people if this were only possible.

Acts of symbolic compensation can be valuable for those who carry out the acts since doing so helps to express attitudes that are important for their self-understanding and, thus, for their identity. They understand themselves to be persons committed to support the just claims of those who have been injured and to be persons prepared to contribute to the establishment and maintenance of a just political society. Indeed, acts of symbolic compensation will not help us in fulfilling our duties towards the past victims of wrongs and thus in bringing about a change in our relationship to the dead victims unless we succeed in expressing that we are people who wish to, and would, carry out acts of real compensation if this were only possible. Carrying out acts of symbolic compensation can symbolize that one is a person who shares this identity, can be evidence of one's being such a person and, importantly, can have the consequence of helping one to secure the self-understanding of being such a person. The latter is a real consequence of such acts and can be of great importance to the person carrying out the act.¹⁸

However, we will not succeed in bringing about these consequences in carrying out acts of symbolic compensation if we aim to bring about these consequences as such. Carrying out an act of symbolic value as a means of bringing about certain consequences will change the character of the act and, thus, the reasons that speak on behalf of carrying out the act in the first place. It is certainly not the case that we will become a person of a certain identity simply in virtue of our carrying out an act in a specific situation in which a person of this identity would have carried out the act. Carrying out acts of symbolic compensation does not by itself cause one to become a person of this identity. While such consequences for the self-understanding of a person can be an important factor in explaining the person's acts, in choosing what to do the person cannot herself explicitly take into account this type of consequence without thereby diminishing or undermining this very effect of her act.

Carrying out acts of symbolic compensation will have consequences for others as well. There will often be surviving and indirect victims of past injustices. Acts of symbolic compensation can have consequences for the surviving victims, for the descendants of victims, and for the group whose previous members were harmed by the injustices: The public acknowledgment of the suffering of past people who were wronged by, say, a genocidal policy cannot be separated from the acknowledgment of those who survived the same policy and suffer as an effect of this policy or from those who suffer as indirect victims of the policy. Those who carry out acts of symbolic compensation will want to provide measures of real compensation to those who currently suffer as a result of the same past wrongs. The reasons for acts of symbolic compensation include the reasons for carrying out measures of real compensation where this is possible. Measures of symbolic compensation belong to the measures likely to have the effect of providing surviving victims with assistance in recovering or regaining the status of membership in their respective societies, such that they are once again able to lead lives under condi-

tions of justice. In so far as people were wronged as members of a group that continues to exist, the public acknowledgment of past victims also provides a measure of acknowledgment for the group whose previous members were wronged.¹⁹

Carrying out acts of symbolic compensation may hinder us from realizing other values, may have negative consequences or have consequences less positive than other courses of action – and this can be the case even if carrying out such acts can bring about positive consequences for others. First, carrying out acts of symbolic compensation can compete with acts that make possible the realization of important non-symbolic values. Of course, we may well find that realizing non-symbolic values is more important than realizing symbolic values. The conflict may be due to the fact that carrying out the act of symbolic compensation is costly, materially speaking. Indeed, establishing a monument or a museum as a measure of public commemoration of victims of past injustices can be costly. However, if we find ourselves in a situation in which we have to choose between carrying out such a measure of symbolic compensation and realizing another project that is meant to improve the conditions of the worst off by, say, establishing a medical facility for homeless people, there will often be alternative ways of expressing the value of symbolic compensation, some of which are likely to be less costly. For example, the establishment of a day of commemoration in the official calendar may well make it possible for us to realize the value of symbolic compensation and be less costly than the establishment of a museum or a monument. Depending upon the specific situation in which we find ourselves – depending upon, for example, what measures of public commemoration have been established –, a less costly alternative may be as good in expressing the value of symbolic compensation as the more costly one. In any case, there does not seem to be a general correlation between material expenditure in carrying out such an act and the success in symbolically realizing the value in question. If so, it then seems likely that a conflict of the sort referred to can be resolved or mitigated by choosing one of the less costly alternatives in carrying out acts of symbolic compensation.

Other conflicts might be more difficult to resolve. Carrying out acts of symbolic compensation may compete with realizing other symbolic values. Also, carrying out such actions can have consequences that undermine or threaten the self-understanding of groups that members of these groups want to preserve. For example, public acts of this sort may undermine the stability of a particular institution, say, the military, whose compliance with the rules of the new regime, yet to be established, may well be a condition of the success of a "transition to democracy". I doubt that one can say much in general in response to these types of conflicts. How we assess the conflicts depends upon, *inter alia*, how we assess the self-understandings of the groups and institutions that are said to be threatened. These self-understandings might well not deserve our respect. Our assessment will also depend upon who is negatively affected and in what ways and by whom as an effect of our carrying out actions of symbolic compensation. At the same time, it can be true that our success in realizing the symbolic value in question does not require our carrying out acts of a sort that have threatening negative consequences for others. Indeed, since such consequences are connected with our attempt at symbolically compensating people, this very connection may well undermine our chances of realizing the symbolic value in question, which in part depends upon the

18 Elizabeth Anderson provides a theory of expressive reasoning and the relation between expressive reasoning and consequentialist reasoning in *Value in Ethics and Economics*. I would need to say a good bit more if I were going to bring what I say here to bear on Anderson's theory.

19 The Roma (Gypsies) were victims of a racially motivated genocide committed by the Nazis – a truth that has been long denied with the result that most surviving victims as well as the descendants of those murdered were excluded from compensation and restitution. See L.H. Meyer, "Transnational Autonomy", 269.

public acknowledgment of the past victims as victims of wrongs. We might often be able to find an alternative course of action that is more promising with respect to both our chance of realizing the symbolic value in question and diminishing the threatening consequences to others.

4. Concluding Remarks

I presented the interpretation of symbolic compensation as a response to an objection to the forward-looking understanding of the significance of historical injustices. According to the forward-looking interpretation past injustices matter only and insofar as they have an impact on the well-being of currently living and future people. The forward-looking interpretation of the relevance of historical injustices is incomplete: the significance of past wrongs should also be seen in the fact that *past* people were victims of these injustices.

Symbolic compensation as understood here provides an interpretation of our relating to the fact that past people were victims of injustices without presupposing that past people can be bearers of interests or rights today. Insofar as people while alive generally have an interest and a just claim to enjoy the reputation they deserve and insofar the reasons for their just claim can oblige us even after the bearer of the interest and the just claim has ceased to exist, our carrying out acts of symbolic compensation can be understood as fulfilling a surviving duty towards dead people who were wronged in the past, namely, the duty of restoring the posthumous reputation they deserve. Our measures of symbolic compensation, if successful, will change our relations to past victims of wrongs without changing the value to these past victims of any moment of their lives. Such a change of our relations to the past victims does not presuppose a real change in the past people. Rather, the relational change is based upon real change of the person who carries out the act. Bringing about this relational change can be important for the self-understanding of the people who carry out the acts. Carrying out acts of symbolic compensation can have positive consequences for surviving and indirect victims as well.

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Interdisziplinäre Studien zu Recht und Staat

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Justice in Time

Responding to Historical Injustice



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