

PROBLEMATIZING WESTERN REPARATIONS FOR  
COLONIAL INJUSTICES: CLEARING THE WAY FOR AFRICAN  
UBUNTU DIGNITY RESTORATION  
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*Abstract*

I problematize dominant Western theories of material compensations as not persuasive enough to compel colonial perpetrators of injustice to compensate Africa. I highlight seven theoretical and practical problems associated with material compensations for Africa. The first is the problem of identifying the actual African victims and second, the problem of using counter-factual calculations to determine the amount of compensation required. The third problem is that of burdening primary perpetrators of injustice to pay compensations while the fourth relates to using the collective guilty principle to identify burden bearers. The fifth problem is that of burdening secondary Western beneficiaries while the sixth is the problem of burdening Western knowledgeable beneficiaries. The last problem relates to burdening Western involuntary beneficiaries of injustices.

I instead defend the African ethicists' emphasis on restoring the lost dignity of victims, supported by the equal sacrifice principle. I find the equal sacrifice/dignity restoration alliance more plausible.

*Keywords:* Colonial injustices, Global justice, material reparations, dignity restoration, equal sacrifice principle

*Introduction*

Calls for compensations by groups that have suffered some sort of injustice perpetuated by other groups are heard world-wide. Compensation broadly speaking means that the 'victim's original situation must be restored' (Lotter 2005, 83). But because compensations are usually not made immediately after the injury or loss, compensation is usually intended to restore the status of the victim to the level where the victim would have been had the injury or loss not occurred.

Our focus is Africa's compensation for colonial injustices. So rather than focus on compensation broadly, we focus on reparations and restitution. Reparation is compensation made by the very person/s who caused the

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injustice. But with restitution, compensation may be made even where no human being is responsible for causing the suffering. Bernard Boxhill<sup>2</sup> distinguishes restitutions and reparations as follows: reparation can only occur after some loss or damage due to prior wrong-doing. But though restitution can only occur after some loss or damage, that loss or damage need not be due to a prior wrong doing. If A loses his wallet and B finds it and returns it to A, restitution has been made although no wrong was committed.

Many thinkers argue for Africa's compensation. Hennie Lotter<sup>3</sup> proposes guidelines on how to identify former perpetrator and victim groups/nations as well as what sort of compensations might be needed under what historical circumstances. Ronald Badru<sup>4</sup> argues that the pre-colonial African metaphysical beliefs in ancestors do establish good grounds for modern Africans to claim reparations on behalf of their ancestors. Thomas Pogge<sup>5</sup> argues that compensation is needed because wealthy nations have created a 'global institutional order' that make it hard for poor nations to trade on equal terms with wealthy ones. Adeolu Oyekan<sup>6</sup> defends the morality of reparations but argues that payment of such reparations must be suspended until African governance systems that may waste reparation funds are improved. Motsamai Molefe<sup>7</sup> argues that the African concept of personhood has an inbuilt resource for rectifying historical injustices because it contains a 'theory of moral/dignity status' and 'an account of historical conditions.'

And when it comes to the question of what exactly should be restored in these compensations, African ethicists point to dignity rather than material restoration as the ultimate goal. Lotter<sup>8</sup> says compensations has two aims.

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<sup>2</sup> Cfr. B. Boxill, 2010, *Black Reparations* in: E. Zalta, ed. *The Stanford Encyclopaedia of Philosophy*, <https://plato.stanford.edu/archives/sum2006/entries/black-reparations/>, accessed July 16, 2020.

<sup>3</sup> H. Lotter, 2005. "Compensating for Impoverishing Injustices of the Distant Past." *Politikon* 32 (1): 83-102, p.89.

<sup>4</sup> Cfr. R. Badru, 2010, *Reparations for Africa: Providing Metaphysical and Epistemological Grounds of Justice to the Descendants of Dehumanized Generations*, in *Journal of Philosophy of Culture and Axiology*, 2010, 7 (2), pp. 67-80.

<sup>5</sup> Cfr. T. Pogge, *Politics as Usual: What lies Behind the Pro-poor Rhetoric*, Polity Press, Cambridge 2010.

<sup>6</sup> Cfr. A. O. Oyekani, *Reparations, Slavery and Political Realism: The Challenge of contemporary African Leadership*, in *Philosophia Theoretica: The Journal of African Philosophy, Culture and Religions*, 2016, 5 (1) pp. 42-58.

<sup>7</sup> Cfr. M. Molefe, *Personhood and (Rectification) Justice in African Thought* in *Politikon*, 2018.

<sup>8</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p.84.

One is to restore the victim's material goods that were lost. The other is to restore the dignity of the victim to the level of the perpetrator and all other humans. Dignity is restored when the perpetrator apologizes since this 'symbolically restores the equality between the victim and perpetrator as citizens of equal dignity'. Oyekan<sup>9</sup> also recognizes these two aims by referring to material goods as 'return of stolen property' and by referring to dignity restoration as being affirmed by an 'acknowledgement' or 'atonement' by perpetrators of the past wrongs. At the World Conference against Racism (WCAR) in Durban in August-September 2001, most African thinkers and diplomats rejected material reparations in preference for dignity restoration<sup>10</sup>.

What is not addressed in the literature is why African ethicists prefer dignity restoration to material reparations. In this essay I do three major things. In the first section I show that the material restoration/reparations concept, which is more emphasized in the West than in Africa, is both morally and practically problematic when applied to the African predicament because it provides unsatisfactory answers to the following questions: Which exact groups deserve material reparations given that African communities were affected differently? How do we calculate how much reparations Africa deserves? Who should bear the burden of reparations in Western societies given that the primary perpetrators are already dead, given that there are chains of perpetrators within Western bureaucratic societies, given that some Westerners neither perpetrated injustices or benefitted from them, given that naïve Westerners enjoy African wealth without knowing that it is from injustices, or given that some Westerners enjoy such wealth involuntarily? Why should Africans be compensated even when some of their ancestors were also involved in selling slaves and natural resources to Western imperialists? And even if these questions were to be answered, who should pay for Africa's problems arising not from past injustices but from natural calamities?

In the second section I show that many African thinkers emphasize dignity restoration as an alternative to material reparations. In the third section I defend the equal sacrifice principle as an ally of dignity restoration, tracing the equal sacrifice/dignity restoration alliance to the pre-colonial Buluba people's *koyija kibundi*, or collective cleansing of the world, as described by

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<sup>9</sup> Oyekan, *Reparations, Slavery and Political Realism*, op. cit., pp. 42-58, p.43.

<sup>10</sup> Cfr. J. Ukabiala's article, 2001, *Historic Declaration at Anti-racism Conference*, <https://www.panafricanperceptive.com/reparations.html/>, accessed 2 March 2021.

Placide Temples<sup>11</sup>. I then connect this thought to more recent modern African ideas of rectification justice as depicted by Motsamai Molefe<sup>12</sup>.

### *Problematizing Western material reparations*

In this section I show seven problems associated with material reparations.

#### *(a) The problem of identifying actual victims*

Which exact group deserve compensation in Africa? Lotter<sup>13</sup> gives stages of general guidelines about how to connect that the effects of the injuries suffered by ancestors are still being suffered by descendants through poverty. The first stage is calculating using social science methods the current levels of poverty among the descendants. The second stage is to show that the ancestors to the current generation suffered certain injuries from an injustice. The third stage is providing evidence that the current levels of poverty are inherited from earlier generations.

Lotter's guidelines can actually work among groups like, for instance, African Americans, who are still clearly marginalized. The question is whether or not the African situation can pass all these guidelines. It is possible to apply the first guideline. Calculated data about Africa's current average poverty levels is in fact already available<sup>14</sup>. But it is hard to connect this poverty to imperialism. One problem is that it is hard to determine whether the current poverty is a result of colonialism or of the misrule of post-independence black African governments. In some cases such as Zambia, Africans actually lived worse off standards of life before colonialism, improved during colonialism and then after independence mismanaged the

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<sup>11</sup> Cfr. P. Temples, 2nd ed. 1959. *Bantu Philosophy*. Paris: Presence Africaine. [www.congoforum.be/up/docs/tempels%20Bantuphil...](http://www.congoforum.be/up/docs/tempels%20Bantuphil...), accessed January 20 2018.

<sup>12</sup> Cfr. M. Molefe, *Personhood and (Rectification) Justice in African Thought* in *Politikon*, 2018.

<sup>13</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p.89.

<sup>14</sup> As at 2005, out the 15 World's poorest countries, only Tajikistan and Nepal were not from sub-Saharan Africa. The poorest sub-Saharan African countries were Malawi, Mali, Ethiopia, Sierra Leone, Niger, Uganda, Gambia, Rwanda, Guinea Bissau, Tanzania, Mozambique, Chad and Ghana. Source: Pogge (2010, 66). The situation has not changed much.

economies to lower standards of living<sup>15</sup>. Of course, in some cases like South Africa the apartheid system gave more economic power to whites than to blacks. So the link between colonialism and black poverty seems more clearly visible. The problem is that this links the poverty to white settlers than to colonial imperial powers. It seems more of an internal white-black affair, namely that South African white citizens and not imperial Britain are more directly responsible for the injustices on blacks.

One other problem associated with identifying victims arises when some victims have been made better off by the very injustice that they suffered. The argument given about African Americans can apply to some African countries. Booker Washington puts it thus:

we must acknowledge that, notwithstanding the cruelty and the moral wrong of slavery, the ten million Negro inhabiting this country, who themselves or whose ancestors went through the school of American slavery, are in a stronger and more hopeful condition, materially, intellectually, morally, and religiously, than is true of an equal number of black people in any portion of the globe<sup>16</sup>.

These views are echoed. In 1974 African American boxer Muhammad Ali saw unpleasant living conditions in poor areas of former Zaire (now the DRC) where he had gone to fight George Foreman. On returning to America he reportedly jokingly exclaimed that ‘thank God my granddaddy got on that boat’<sup>17</sup>, meaning that he would have been worse off had his grandparent not get onto the ship to become a slave in America. This argument, though potentially offensive to victims, is not entirely without merit: Slave traders injured African American but inadvertently left them economically better off in America where they are, on average, relatively wealthier than black Africans back in Africa. Mathias Risse<sup>18</sup> argued the same for Africa and other Third World regions by suggesting that the global poor are economically better off than they would have been had the current Western-led global

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<sup>15</sup> Zambia inherited from colonial masters a per capita GDP of over \$500. But it had declined to \$250 by 1991. Zambia’s debt in 2020 stood around \$12 billion.

<sup>16</sup> As cited by Oyekan. Oyekan is citing Washington’s (1967) book, *Up to Slavery*, Kessinger Publishing Co, Montana 2016.

<sup>17</sup> Cfr. Debble Young’s article, 2018, *Thank God My Granddaddy*, <https://www.richardcyoung.com/politics/feature/thank-god-grandddaddy-got-boat/>, august 2024.

<sup>18</sup> Cfr. Risse Mathias, *How Does the Global Order Harm the Poor?* in *Philosophy and Public Affairs*, 2005, 33), pp. 349-376.

order not been established<sup>19</sup>.

Oyekan<sup>20</sup> disagrees with Washington. He gives an analogy that suppose a man rapes a woman, and it is later somehow proven that had he not molested her in this way, she would have instead been ran over by a bus and killed. For Oyekan the rapist must still be punished. My response is that Oyekan's analogy is a misplaced one. It ignores that fact that Africans also engaged in the slave trade, *as elaborated later*. Those 'raped' Africans were 'raped' by fellow rival African tribes who sold off to be 'raped' further as slaves. Oyekan's other point is that although African Americans are indeed economically better, they are still psychologically unfulfilled and less happier than they would have been without the injustices. Fortunately, this thread of his argument simply reinforces my argument that it is not economic compensation needed but dignity restoration. Black people in general need some dignity respect in order to be psychologically healed and become emotionally happier.

The other problem associated with identifying victims regards former victims that have self-recovered from the injuries without being compensated by their former perpetrators. Lotter's<sup>21</sup> suggested that self-recovered victims should be refunded for recovering themselves and receive apology:

If the victims have recovered in these ways by themselves, ...[they] can take pride in their ability to rise above their circumstances ... .However compensation acknowledging the harm... awarding money for costs incurred should still be on the agenda. So too should be compensation that restores the moral worth and human dignity of victims.

Unfortunately, this is not an independent argument for material reparations. It assumes that material reparations are due to victims by perpetrators but only guides perpetrators to refund self-recovered victims. The other arguments I have given against material reparations can sweep out this along. The only part that it fortunately does is to agree with me that dignity restoration is due.

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<sup>19</sup> Risse (2005, 23) gives detailed statistical data suggesting, among other indicators, that between 1960 and 2000 as the current global orders gained momentum real per-capita income in developing world grew at an average 2.3 %, that longevity (average) rose from 44 to 64, that the literacy rate rose from 54% in 1950 to 79% in 1999, and that infant mortality fell from 156 in 1960 in 1000 live births to 54.

<sup>20</sup> Oyekan, *Reparations, Slavery and Political Realism*, op. cit., pp. 42-58, p. 46.

<sup>21</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p. 87.

*(b) The problem of counterfactual calculations*

How do we calculate how much material reparations Africa deserve? Jeremy Waldron<sup>22</sup> has ably shown that answering this requires use of counter-factual calculations that can hardly be accurate because they would be based not on actual data but on imaginary data about ‘what would have happened if some event (which did occur ) had not taken place.’ He says such calculation that try by imagination to ‘change the present so that it looks more like the present that would have obtained in the absence of the injustice ... have no normative authority’.

In any case Waldron wonders why counter-factual calculations should be calculated only in a manner that favors victims. Why not, he wonders, calculate the possibility, for example, that a greedy and despotic Maori chief of traditional New Zealand might still have sold off the communal ancestral lands if the Europeans had not appropriated it to themselves in 1865? We can ask the same for Africa. Given that many Africans were ruled by warring factions at the time of contact with Europeans ,it is questionable why such calculations should rule out the possibility that an African despot might have brutally killed and/or starved his people as well as selling off the lands of almost the entire African population had colonial conquest not occurred!

The isolated available information about the quality of life among colonial-era Africans learns towards a conclusion that even if we used the most charitable counter-factual calculations, there is a high likelihood that these calculations might lead us to this: if the injustices (the slave trade and colonialism) had not occurred the currently living Africans would have been surviving on a standard of living, on average, which is not very different from they currently do. Data on pre-colonial African standards of living is not available. But data obtained during colonial rule shows that it is actually colonial rule that improved African life expectancy which was extremely lower before Western contact<sup>23</sup>. Before Western contacts Africans utilized the natural resources (minerals, wildlife and environment) of course. But it was comparatively only at a low scale<sup>24</sup>. Lacking huge capital for natural resource

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<sup>22</sup> J. Waldron, *Superseding Historical Injustice. Ethics*, 1992, 103 (1), pp. 4-28, p.8.

<sup>23</sup> Holding Leander and James Robinson, 2012, *Colonialism and Economic Development in Africa*, [www.rbec.org/papers/w18566/pdf](http://www.rbec.org/papers/w18566/pdf)., Accessed December 20 2015. Figure 3 presented by Holding and Robinson reveals that average life expectancy for Uganda and Zimbabwe rose during the colonial period from a mere 24 in 1942 to 32 in 1965.

<sup>24</sup> Rodney (1972) and Tembo (1990) give details showing African economic self-reliance and technological advancements at the advent of institutionalized commercial contacts with the

utilization and largely unaware of the international value of these resources, African rulers sold lands off to European dealers at very low prices. So the huge economic value of these resources, and the huge capital and technology to exploit them, were actually introduced by the same colonists. It is no wonder that some South African whites boast that black South Africans would have been worse off had whites not arrived<sup>25</sup>.

Another way to estimate that Africans would not have enjoyed any high standard of living is to argue that they have since independence received but misused an estimated US 1 trillion<sup>26</sup>. In South African the government is now led by black people themselves and it has introduced measures such as the Black Economic Empowerment (BEE) to address black poverty. Zimbabwe has redistributed the land to blacks. Yet Africa, on average, remains the most economically poor continent on earth.

*(c) The problems of identifying burden bearers*

The problem of identifying burden bearers brings into focus five associated problems, namely; the problem of identifying the primary perpetrator, the problem of applying collective guilty, the problem of burdening secondary beneficiaries, the problem of burdening knowledgeable beneficiaries and the problem of burdening involuntary beneficiaries.

*The problem of identifying primary perpetrators*

The primary perpetrator principle of compensatory justice imposes the cost of compensation on the *actual* perpetrators of injustice. However, despite the seemingly obvious nature of this approach, there are hardships in applying it in actual practice. First, in many cases original perpetrators are already dead.

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West. These advancements were on the upswing. Africans mined iron, copper and various other metals, as well as engaged in smelting, They were gold producers (especially the Akan of Ghana), they manufactured cloth and beads ( especially in Benin ), they engaged in metal casting and made bronze sculptures (especially the Yoruba in Oyo state , a part of the larger Ife state ), they made military weapons ( especially the Zulu and king Shaka), they domesticated animals (especially the Tutsi of Rwanda), they grew crops and fruits ( especially the Shona of Zimbabwe and the Baganda banana growers of Uganda), they made canoes and engaged in building architecture ( especially the Shona under the Rozwi rulers of Zimbabwe). However, Africa was still at feudal stage, slightly behind the then Western levels.

<sup>25</sup> T. Metz, *Ubuntu as a Moral Theory and Human Rights in South Africa*, in *African Human Rights Law Journal*, 2011, 1 (2), pp. 532-559, p. 552.

<sup>26</sup> Cfr. D. Moyo, *Dead Aid*, Penguin Books, Johannesburg 2009.



And criminal responsibility (unlike benefits) cannot be inherited by descendants<sup>27</sup>. Second, the perpetrators may be a 'chain of perpetrators', not be a single group but groups of individuals each having played a major or only a minor role in a chain of activities. In light of this Amdur<sup>28</sup> questions who exactly is the perpetrator when white immigrants grabbed Red Indian lands in America. Is it the politicians who made unjust land policies? Is it the voters who voted for these politicians? Is it the soldiers who shot the Red Indians? When applied to Africa, we cannot hold only John Cecil Rhodes and his pioneer column in Zimbabwe as the perpetrators of injustices in Southern Africa. We should include the entire white populations of South Africa and Britain who worked in these countries' civil service, or even the entire Europe whose leaders endorsed the sharing of African territories at the 1884-85 Berlin Conference in the first place!

Third, there is the problem of having perpetrators among the supposed victims. It seems not fair that Western whites should pay for reparations even when Africans were also involved in the slave trade and colonialism. Let me expand this third problem. This essay is primarily addressing normative philosophical questions. But on this point I have no choice but to give selected empirical details because, first, there is need to moderate the views (often one-sided in favor of Africans, sorry to say) of many African thinkers who are so focused on 'conceptual decolonization' that they ignore or easily dismiss any facts that appear to discredit Africans. Secondly, these facts are crucial in determining the strength or weakness of Africa's moral claims on dignity restoration and third I am implementing Henry Odera Orika's<sup>29</sup> and Pogge's<sup>30</sup> suggestions that philosophical arguments are 'useless' and 'have not been of much help, lately' because they have been largely abstract and not taking on board positive empirical science and historical facts. As Risse<sup>31</sup> says, the global justice discussion requires more interaction with other disciplines than philosophers are often comfortable with<sup>32</sup>.

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<sup>27</sup> R. Amdur, *Compensatory Justice: The Question of Costs*, *Political Theory*, 1979, 7 (2), pp. 229-244, p. 233.

<sup>28</sup> Ivi, p.230.

<sup>29</sup> H. Orika Odera, *The Philosophy of Foreign Aid: A Question of the Right to the Minimum*, PRAXIS International, 1988, (4), pp. 465-475, p.474.

<sup>30</sup> T. Pogge, *Politics as Usual: What lies Behind the Pro-poor Rhetoric*, Cambridge: Polity Press, 2010, p.8.

<sup>31</sup> Cfr. M. Risse, *How Does the Global Order Harm the Poor?* in *Philosophy and Public Affairs*, 2005, 33), pp. 349-376, footnote 3.

<sup>32</sup> Pogge and Risse do give a lot empirically obtained economics statistics to put across their respective positions on global justice.

It is usually made to appear as if Europeans simply at all times chose to use military force to grab Africa's resources. The reality is that in *some* cases it is the dishonest African rulers who largely invited the use of this force. In his *How Europe Under-Developed Africa*<sup>33</sup> (1974), Walter Rodney, a Guyanese of African descent, has given a detailed account of the extent of Western exploitation in Africa. Yet he admits that there were more slaves kept within sub-Sahara Africa by their fellow black Africans and Arabs in East Africa and Sudan than by white Europeans. He says that the Afrikaners, (the whites of European descent who regard themselves as indigenous Africans), kept only a few. Rodney<sup>34</sup> admits that 'it would be a mistake to believe that it was an overwhelming military power that Europeans used to capture slaves... . Europeans found it impossible to conquer Africans during the early centuries of trade.' He goes on to elaborate how African kingdoms from Angola right up to West Africa were slave trading centers where African rulers kidnapped citizens of rival rulers and sold them to white slave traders<sup>35</sup> (Rodney 1974, 103-140) . If European slave traders had tried to forcibly capture slaves without going through African rulers, there would have been war between African armies and these European traders. African elites even fought each other over ownership of slave-raiding territories. In desperation they in some cases recruited European slave traders to help them fight local rivals. Then the able-bodied subjects of defeated rivals were sold as slaves<sup>36</sup>. Even individual bands of Africans captured slaves for sell because they wanted to buy Western goods such as red scarlets<sup>37</sup>. To make matters worse, efforts to stop the slave trade did not come from African elites but from the British government which outlawed it in 1804. Some of the African elites were actually ready to fight the British government for trying to end slavery. A European missionary in Barotseland (modern Western Zambia) Adolphe Jalla reported that king Lewanika and his headmen 'stockpiled' more slaves when he heard that Britain has outlawed slavery. The king and his ruling class later opposed the British resident representative Major Robert T. Coryndon when

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<sup>33</sup> Cfr. Rodney Walter, *How Europe Underdeveloped Africa*, Tanzania Publishing House, Dar es Salaam 1974.

<sup>34</sup> Ivi, p.88.

<sup>35</sup> Ivi, pp. 103-140.

<sup>36</sup> Ivi, p. 157.

<sup>37</sup> Ivi, p.88.

he announced an end to slavery on October 25, 1897<sup>38</sup>.

What Rodney blames Europeans for is that they ‘taught’ Africans to sell slaves rather than keep them for domestic use. Unfortunately, he does not substantiate this. A freed slave, Olaudah Equiano’s<sup>39</sup> own self-written story reveals that it is African traders who captured him and sold him to a wealthy African family which used him for domestic labor. What this shows is that Africans did sell slaves among themselves. What Europeans introduced was merely a lucrative international market for slaves and advanced weapons for slave capturing.

When Afrikaner South Afrikaners trekked northwards to escape British rule at the Cape, having learnt the cost of land wars in the Cape, they were eager to negotiate in getting land from Africans rather than grab it by force. But the Africans invited human life atrocities. The Zulu people led by king Dingane in 1837 agreed with Afrikaner Great Trekkers led by Piet Retief to sell off the lands around the Drakensberg Mountains. Dingane further asked the Afrikaners to grab back the around 700 cattle that his fellow African rival King Sekonyela had grabbed from his kingdom in their previous battle. The Afrikaners did all this. Yet Dingane still violated the agreement and instead went on to kill some ninety seven Afrikaner men and women as well as 185 of their children<sup>40</sup>. This caused the Afrikaners to kill many Zulu in 1838.

In 1883, a German settler Franz Adolf Eduard Luderitz bought a large mass of land from local chiefs near Angra Pequera bay on which he intended to establish German settlements. In 1885, another settler Heinrich Ernest Goring signed an agreement with a local chief called Kamaherero whereby the German settlers should protect the chief against sporadic attacks by the Khoikhoi (Hottentot) tribal hunters. In 1890, Kamaherero’s son, Samuel, signed an agreement with German settlers to help him ascend to the throne. Yet the Herero and the Nama natives later killed over 120 German settlers in a revolt. This is why German soldiers, at some point led by General Lothar

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<sup>38</sup> M. Mainga, *Bulozi Under the Luyana Kings: Political Evolution and State Formation in Pre-Colonial Zambia*, Bookworld Publishers, Lusaka 2010, p.189. This is not to say that no African rulers opposed the slave trade. Some actually tried to fight it in preference for trade goods and an introduction of Western technology. These include the king of the state of Kongo in early 16<sup>th</sup> century, Queen Nzinga of the Matamba state in Angola in 1648, a leader called Tomba of the Baga people in what is now the Republic of Guinea in about 1720 and king Agaja Trudo of Dahomey in about 1724 (Rodney, 1971,90-91). However, European slave traders eventually succeeded in sponsoring rival rulers within African states.

<sup>39</sup> Cfr. P. Edwards ed., *Equiano’s Travels: Interesting Narratives of the Life of Olaudah Equiano or Gustavas Vassa, The African*, Heinemann Educational Books, London 1967.

<sup>40</sup> F. W. De Klerk, *The Last Trek, A New Beginning*, Macmillan, London 1998, p.5.

Von Trotha, between 1904 and 1908 attacked the Herero and the Nama in what is today condemned as colonial German's genocide in Africa. The Germans may have overacted. But this still does not exonerate Africans from being part of the larger problem.

In Zimbabwe, it is King Lobengula who sold his territory to Rhode's agent, Charles Rudd, with the signing of the Rudd Concession of 1888. Rhodes only overthrew this king when the latter began sporadic attacks on the settlers. In Western Zambia, it is King Lewanika who sold his territory to Cecil Rhode's agent, Frank Elliot Lochner with the signing of the 1890 Lochner or Barotse Concession. This agreement facilitated the colonization of Zambia<sup>41</sup>.

In defense of material reparations, Oyekan's<sup>42</sup> differs with my view. He gives an analogy that Germany cannot refuse to compensate Jewish holocaust sufferers on grounds that a few Jewish spies aided the Nazi. My response is that he presents a wrong analogy. The few Jewish spies that were secretly paid by the Nazi were working against the official policy of their own Jewish ruling elites. But in Africa, it was the Africa ruling elite's own official policy that sold off their slaves. Defenders of material reparations can also suggest that African despots that aided colonialism did not represent the African majority. But this argument would be self-defeating. First, African philosophers have argued that pre-colonial Africa was ruled a highly democratic by 'consensual democracy'<sup>43</sup>, meaning that African rulers engaged in the slave trade with nearly total public support. Second, the same argument can be used to defend modern Western tax papers. They can refuse to pay reparations on grounds that their ancestors' governments were ruled by dictators who supported the slave trade without general public approval of their ancestors.

### *The problem of applying the collective guilty principle*

I showed the problem of who to burden the cost of reparation when there is a 'chain of perpetrators'. One solution to this problem is to invoke the collective guilty principle. This holds that since several groups and

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<sup>41</sup> Cfr. V. M. Tembo, *A History of Central and Southern Africa*, ZPC Publications, Lusaka 1990.

<sup>42</sup> Oyekan, *Reparations, Slavery and Political Realism*, op. cit., pp. 42-58, p. 46.

<sup>43</sup> Cfr. K. Wiredu, *Democracy and Consensus in African Traditional Politics: A Plea for a Non-Party Polity* in: E. Eze, ed. *Post-Colonial African Philosophy: A Critical Reader*, Blackwell, Cambridge 1997, pp. 303-331.

individuals played a role in causing the injustice, the entire nation was involved and so it must bear the cost. Paul W. Taylor<sup>44</sup> suggests that ‘the obligation to compensate for the past injustice does not fall upon any particular individual but upon the whole society’ because ‘the perpetrator of the original injustice was the whole society.’ He prefers ‘institutionalized compensation’ because women, for example, were segregated as a ‘collective target.’

There are two problems with this approach. Taylor, ironically, provokes the first problem when he says that ‘whole society’ does not include the members of the victim group. Why not, we may ask, if some members of the victim group participated in causing the injustice? The second problem about the collective guilty principle, raised by Amdur<sup>45</sup>, is that there are always some innocent citizens among the accused group who did not participate in the chain of injustices. He says there is no way a whole society, including recent immigrants, those who were children at the time of injustice, those who tried to fight the injustice etc., could have been perpetrators. He warns of a danger of creating what Lotter<sup>46</sup> calls ‘a new generations victims’ who must pay for injuries which they did not cause. In sum, the collective guilty principle defeats itself by naively acquitting perpetrators among the supposed victims and it unfairly convicting innocents among the alleged perpetrator group.

### *The problem of burdening secondary perpetrators*

The secondary perpetrator principle is invoked in the event that the primary perpetrators are already dead. Here the burden of reparations must be imposed on those that perpetuate the injustice. One notices three variants of this principle. The first variant burdens those that *worsen* the existing condition of victims. Perhaps the strongest description of this variant comes from Pogge<sup>47</sup>. Pogge accuses developed nations of perpetuating the poverty of the global poor by creating a ‘global institutional order’ through their control of

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<sup>44</sup> W. P. Taylor, *Reverse Discrimination and Compensatory Justice*, Analysis 1973, (33), pp. 177-182, p.181.

<sup>45</sup> R. Amdur, 1979, *Compensatory Justice: The Question of Costs*, *Political Theory*, 1979, 7 (2), pp. 229-244, p. 235.

<sup>46</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p. 93.

<sup>47</sup> Cfr. T. Pogge, *Politics as Usual: What lies Behind the Pro-poor Rhetoric*, Polity Press, Cambridge 2010.

global financial institutions such as the World Bank, International Monetary Fund (IMF) and the World Trade Organization (WTO). Scheming behind these institutions, leaders of developing nations make it hard for poor nations to negotiate fair terms of engagement with wealthy nations. To make matters worse, the little funds available to poor nations is wasted by corrupt regimes in the name of sovereignty. The 'international borrowing privilege', devised by wealthy nations, allows greedy and despotic rulers from poor nations to borrow huge funds from international financial institutions. These rulers also enjoy the 'international resource privilege' which allows them free use of these funds without international control. The result is that although these monies are borrowed on behalf of their citizens, these rulers misuse them for personal gain and for purchasing weapons. Under the internationally recognized 'national arms privileges', these arms are used to silence the voices and opposition of their people. And yet, according to international law the future generations of those nations must repay these debts, even if they did not benefit from them, while the wealthier nations recover these loans with interest. These poor nation rulers also receive bribes from nationals of wealthy nations so that they sell off natural resources to these nationals at giveaway prices. The WTO further allows affluent countries to subsidize their domestic producers. This makes their exports to poor countries cheaper, thereby destroying the local industry in these poor countries. Simultaneously, the WTO allows these affluent countries to increase tariffs on imports to protect their local markets, thereby making exports from poor countries unprofitable. Furthermore, the WTO allows developing countries to hold patent rights even on essentials such as advanced medicines and seeds. Poor countries have no capacity for innovation. So they are forced by import these essentials at high prices.

The second variant involves perpetrators that *maintain* the existing condition of the victims. An example can be Western nations who are rejecting African immigrants, even when they benefited from exploiting Africa. A version described by Robert Fullinwider suggests that when one major event or a series of events produces a negative effect, the failure to solve the problems associated with that event should no longer be blamed on the primary perpetrators of that major event but on those that failed to heal the injury when an opportunity to do so availed itself. In 1865 after the Civil War, he argues, the American lawmakers amended the laws to extend equal citizenship to black Americans. If the US government of the time had implemented these legal reforms black Americans would by now have been enjoying equal economic opportunities with whites. So the blame for the

current problems of the African Americans can no longer be blamed on the slave traders but on the then US government.

The third variant involves those that merely *ignore* the existing situation of victims. They go about their lives naively and not fighting for equality. Lotter<sup>48</sup> says such people ‘became complicit ... through acts of omission, by ignoring the plight of the vulnerable sufferers of injustice’.

Clearly, the first variant is worse than the second, and the second worse than the third. To the first variant we can respond that the current African leaders implicated by Pogge are not innocent. They are part of the problem by accepting bribes and failing to negotiate international deals that benefit their citizens. Wealthy nations are merely taking advantage of the corruption of African rulers. Western leaders are elected to promote the local interests of their voters. Their voters do pressurize them to work for national interests. It is up to African populations to remove dictators, replace them with capable leaders and pressurize these leaders to work for national interests as do their Western counterparts. We can respond to the second variant by also using it against African leaders. We can say that it is no longer the slave traders and colonialists to be blamed for current African poverty but the current African leaders for failing to utilize the US 1 trillion post-independence aid funds that have been disclosed by Moyo<sup>49</sup>. The third variant is actually not so clearly a wrong. A mere refusal to speak out for those suffering is not really a cause’ of that suffering.

### *The problem of burdening knowledgeable beneficiaries*

We have seen that identifying primary perpetrators, justifying collective guilt and identifying secondary perpetrators are all problematic. So an alternative is suggested that those who are currently enjoying the benefits of past injustices *knowingly* must bear the burden of reparations.

If I knowingly and voluntarily benefit from wrongs done to others, though I do not commit the wrongs myself, then perhaps it is true to say that I am less than innocent of these wrongs, and perhaps it is morally fitting that I bear some of the costs of compensation. But it is not like this with involuntary benefits (Fullinwider 1975,317).

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<sup>48</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p.93.

<sup>49</sup> Cfr. D. Moyo, *Dead Aid*, Penguin Books, Johannesburg 2009.

This position is rejected by Amdur<sup>50</sup>. Every beneficiary must pay, he suggests, because the idea behind compensation is to restore the competitive balance that would have existed had the injustice never occurred. The issue of which beneficiary knew or not is irrelevant. A further complication is how we are going to prove that the beneficiary knew that their benefits were from proceeds of crime anyway. And even if this is known it would mean that among citizens who equally benefitted, those who knew should pay while those who did not should not pay.

*The problem of burdening involuntary beneficiaries*

Fullinwider<sup>51</sup> suggests that reparations should ideally be paid by beneficiaries who voluntarily enjoy the benefits of injustice, not those whose receiving these benefits is 'involuntarily and unavoidable.' He says involuntary beneficiaries become an 'a new generation of victims' when they are tasked to 'bear the burden of the remedy.'

I concur with Lotter<sup>52</sup> that involuntary beneficiaries who know that they are enjoying the fruits of injustice have an obligation to protest and be audible in pressurizing their governments to aid the victims that suffered for what they are enjoying. Failure to do so amounts to perpetuating the injustice. However, I am uneasy with the reason Lotter gives as to why these beneficiaries must speak out. He says they must speak out for their own good because they cannot afford to live happily among fellow humans who are bitter for suffering the results of past injustice. If their governments eliminates such bitterness by aiding these victims the beneficiaries will now live comfortably in a new healed society with no bitter members.

It seems that Lotter is being unfair to this 'new generation of victims'. He has shifted the moral assessment parameters from deontological grounds to utilitarian ones. The 'new generation of victims' in Western societies are making a deontological argument that their negative rights have been violated by being forced to pay for the injustices they played no role in perpetuating. But Lotter's response is utilitarian, which is that they must bear the cost because it is for their own collective good. Lotter's argument surely implies that if X steals all the food which Y had stockpiled for the coming month, we

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<sup>50</sup> R. Amdur, *Compensatory Justice: The Question of Costs*, *Political Theory*, 1979, 7 (2), pp. 229-244, p.231.

<sup>51</sup> R. Fullinwider, *Preferential Hiring and Compensation*, *Social Theory and Practice*, 1975, (3), pp. 307-320, p.318.

<sup>52</sup> Lotter, *Compensating for Impoverishing*, op. cit., pp. 83-102, p. 94, footnote 32.



as Y's neighbors must compensate Y because it is us who suffer the noise when his hungry children start stealing our food. This implies that modern Western citizens must compensate Africans because it is them who will suffer when more and more Africans keep illegally entering their countries and creating social discontent in host countries. This is a plausible argument for political realism on behalf of Western self-interest, but certainly not on behalf of victims.

Now, given these complications about Western material reparations, should we resign to the libertarian principle that suggests that nobody should compensate Africa's victims? No! The solution is to resort to the African dignity restoration. But before we do that, let us show how African thinkers object to material reparations.

#### *A rejection of material reparations by African elites*

Many African thinkers and diplomats object to material reparations and prefer dignity restoration. Odera Oruka<sup>53</sup> rejects material reparations because poor nations that were not injured by slavery and colonization would receive no support while wealthy nations that never enslaved or colonized any nation would not be obliged to support any poor nation:

But rectification cannot be a universal policy for all kinds of aid. First, it implies that any affluent nation which can prove to have been no party to past historical injustices has no obligation to offer aid.... Secondly, the principle implies that any country whose current state of poverty is not due to past injustices done to her by any other nation would, by this very fact, fail to have legitimate claim for receiving aid as rectification of past injustices.

Odera Oruka is more concerned with helping Africans retain their dignity than with punishing the perpetrators. At the World Conference against Racism (WCAR) in Durban in August-September 2001 Senegal's president Abdoulaye Wade also rejected as 'childish' calls for material reparations on grounds that even Africans were involved in the slave trade<sup>54</sup>:

If one can claim reparations for slavery, the slaves of my ancestors or their descendants can also claim money from me because slavery has been practiced by all people of the world.

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<sup>53</sup> O. H. Oruka, *The Philosophy of Foreign Aid: A Question of the Right to the Minimum*, PRAXIS International, 1988, (4), pp. 465-475, p.468.

<sup>54</sup> Cfr. Anton La Guardia's article (August 31, 2001) in *The Telegraph*, <http://www.telegraph.co.uk/news/world . news/1339092/Africa-rift-over-calls-for-slavery-reparations.html>. Accessed on 2 February 2021.

African elites opt for apology for dignity restoration. South African foreign minister Dhlamini Zuma said an apology and not money would better restore African dignity. The ‘apologize- and-be-forgiven policy’ of the South African government’s Truth and Reconciliation Commission (TRC) at the end of apartheid in 1994 was guided by Ubuntu values<sup>55</sup>. Clearly, whites who apologized for committing racist-related crimes assured blacks that from then on they would be respected as humans of equal dignity while blacks who forgive the whites assured whites that blacks were no longer bitter and would not revenge.

At the same WCAR forum Nigeria’s President Olusegun Obasanjo said reparations ‘may further hurt the dignity of Africans’, views that were echoed by the Republic of Congo, South Africa’s Bishop Desmond Tutu and one of Africa’s eminent persons at the time, Professor Ali Mazrui. Even Oyekan’s<sup>56</sup> ‘political realism’ that calls for suspension of material reparations has emphasis on dignity in mind. He says that Westerners are only likely to apologize when Africans govern themselves with dignity, adding that ‘A developed Africa would therefore have much more to offer the world and therefore exploit its relevance as a bargaining tool in the quest for slave reparations.’ Respect for equal dignity showed in the deal between Libya under President Muammar Al-Gadhafi and Italy Prime Minister Silvio Berlusconi when they signed the Italy-Libya Friendship Treaty on August 30, 2008. Under this treaty Italy was to ‘pay’ US\$5 billion in ‘reparations’ to Libya for the injustices which Italy as a colonial ruler inflicted on Libya between 1911 and 1943. Yet, in reality this does not seem to be reparations but mutual national self-interests as trading partners of equal dignity. The move was not intended to restore Libya’s lost wealth ‘to the level it would have been had the injuries not occurred’. Libya permitted Italy to invest into its vast oil reserves (especially through the Italian oil giant company ENI). Furthermore, Libya was to help Italy in stopping African immigrants into Europe. Clearly, Italy was to benefit more, because the Libyan infrastructure to be built with this US\$5 billion was to be constructed by Italian companies. No wonder the enthusiastic Berlusconi boasted in the slogan about, ‘fewer immigrants, more gas and more oil’<sup>57</sup>. Restoring the dignity of Africans is preferred not only because it is the most fair one to both Westerners and

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<sup>55</sup> T. Metz, *Toward An African Moral Theory*, in *Journal of Political Philosophy*, 2007, 15 (3), pp. 322-341, p.325.

<sup>56</sup> Oyekan, *Reparations, Slavery and Political Realism*, op. cit., pp. 42-58, p.54.

<sup>57</sup> Cfr. C. De Cesali’s article (2012), *The Paradoxes of Colonial Reparations: Foreclosing Memory and the 2008 Italy-Libya Friendship Treaty*, *Memory Studies*, 5(3), pp. 316-326.

Africans but also because it 'serves as a symbolic acceptance of guilty, with the purpose of mitigating the ill-effects of a better-forgotten era'<sup>58</sup>.

Compensation for 'taken away' dignity is justified and practical. I have used the phrase 'taking it away' in quotation marks because ontologically the human being is born with dignity which cannot actually physically be taken away. When the perpetrator takes away the victim's property and humiliates her, the victim not only loses her material possessions. She also loses her dignity in two senses. The first sense is epistemically. She loses her inherent dignity *in the eyes of the perpetrator*. Slave traders and racist colonists saw Africans as deserving 'a life whose standard was well below that of pets'<sup>59</sup>. The second sense is dysfunctional loss. Lotter<sup>60</sup> laments such loss as leaving 'deep emotional scars' that impair the victims 'capabilities for effective functioning.' Here the victim loses dignity in terms of her inability to self-develop and pursue full personhood as a moral agent. She may feel psychologically depressed and inferior. This loss of self-confidence makes her stop aspiring to self-develop. Without such self-development a human being, lacking subsistence basic necessities of life, cannot behave rationally and self-consciously as a morally upright being. Odera Oruka<sup>61</sup> says the victim cannot live 'a humanized life on earth. She is even bound to be corrupt, because like a drowning person she can 'cling to any person or object nearby, however irrational or useless that may be for survival'.

This is not to say that African thinkers do reject all material support or reparations. Their point is that such material support must be aimed at restoring the dignity of black peoples, not aimed at returning lost material goods. However, Africans do demand material reparations only for mass killings. This is because killings associated with colonial injustices are too grave to be restored with mere verbal apology. Approximately 80 000 Herero and the Nama Africans of Namibia were brutally killed by Germany soldiers

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<sup>58</sup> Oyekan, *Reparations, Slavery and Political Realism*, op. cit., pp. 42-58, p. 49. There are of course also traces of the 'restoration of dignity' idea in Western literature (e.g. Amdur (1979, 241: Waldron (1992,7). The difference is that Western thinkers do not base them on Ubuntu values while Africa does.

<sup>59</sup> *Ibidem*.

<sup>60</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p. 89.

<sup>61</sup> O. H. Oruka, *The Philosophy of Foreign Aid: A Question of the Right to the Minimum*, PRAXIS International, 1988, (4), pp. 465-475, p. 468.

between 1904 and 1908<sup>62</sup>. Germany accepts dignity restoration and apologized for the atrocities. During the course of the year 2020 she proposed reparations of 10 million Euro. Some 11,500 Kikuyu in Kenya were brutally murdered by British troops in the late 1950s and nearly one million Algerians died in the war against French troops between 1954 and 1962. Payments for atrocities are grey matter between material restoration and dignity restoration. The physical individual human lives of victims lost cannot be replaced, but the lives of descendants can be improved. The dignity of individual dead victims cannot be restored, but the dignity of their descendants can. Former perpetrator governments that apologize for atrocities but not to wealth exploitation seem to be aware of this.

*The equal sacrifice principle: an ally of African dignity restoration*

On what moral basis then, do Africans base their emphasis on dignity restoration over material reparations? In this section I argue that the equal sacrifice principle justifies Africa's preference for dignity restoration and vice versa.

The equal sacrifice principle compels all able human beings to assist those in need regardless of who perpetrated or suffered from past injustices. It avoids 'punishing perpetrators' because it is more concerned with equalizing the dignity of all human beings. It has both Western and African roots. But as shown with African emphasis on dignity restoration the equal sacrifice principle is more emphasized in Africa. In Western thought Amdur supports it. Opposing material reparations, he says 'the problem is that it is extremely difficult-perhaps impossible - to apply these [material reparation] principles, in any rigorous way', to actual cases:

When it is not possible to assign the costs of compensation either to the perpetrators or to the beneficiaries of injustice, those costs should be distributed evenly among the entire community<sup>63</sup> (Amdur 1979, 234).

To strengthen his support for this forward-looking rather than backward-looking solution Amdur refers to the post-World War II West Germany reparations to Jewish victims. These reparations, he argues, were not based on Germany collective guilty but on the basis that some

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<sup>62</sup> Cfr. Article by Jason Burke and Philip Oltermann, August 12, 2020, *Namibia Rejects Germany Compensation Offer for Colonial Violence* in *The Guardian*.

<sup>63</sup> R. Amdur, *Compensatory Justice: The Question of Costs*, *Political Theory*, 1979, 7 (2), pp. 229-244, p.234.

compensation is ‘morally necessary’.

The equal sacrifice principle also does a better job with respect to natural disasters than do material reparations. Sometimes applying it may not be needed, but dignity restoration is still needed. Take a case where a natural calamity causes some suffering but another natural force heals the suffering. A rare case is Jan van Riebeeck’s 1652 ship wreck at the Cape. That natural misfortune led to Afrikaner settlement in wealthy South Africa. If such ‘natural restitution’ happens to an African country that was unjustly injured in the past, that country needs no international equal sacrifice support but the restoration of its dignity through apology by its former perpetrator is still due. Or take another case where a natural disaster causes suffering but the victims recover on their own from the effects of the disaster. Let us call itself restitution. Wealthy nations such as the USA do recover themselves all the time from tornadoes, for example. If an African country that was previously unjustly injured can afford to recover itself from natural disasters again there is no need for an international equal sacrifice to apply. But the country that perpetrated the injustice must still apologize and restore the victims’ dignity.

The equal sacrifice principle also caters for descendants of primary victims who have not recovered either materially or psychologically. Without referring to Africans as such, Lotter<sup>64</sup> advocates for compensation to ‘secondary victims’ of descendants whose ‘capabilities for effective functioning’ have been hampered because they inherited the psychological trauma and disabling living conditions from their ancestors who were the primary victims. Boxill<sup>65</sup> as he supports preferential hiring for American blacks, puts it more strongly:

In order to retain their sanity and equilibrium in impossibly unjust situations, people may have to resort to patterns of behavior and consequently may develop habits or cultural traits which are debilitating and unproductive in a more humane environment. .... [Their unjust injuries]... may be deeply ingrained and extremely difficult to eradicate.

Relying on material reparations cannot work in addressing ‘psychological trauma’. It is hard to tell whether or not it is such ‘psychological trauma’ that makes modern Africans failing to self-recover, to the extent of wasting the US\$ 1 trillion aid revealed by Moyo. In any case, there is nothing to show that pre-colonial Africans were any different from

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<sup>64</sup> H. Lotter, *Compensating for Impoverishing Injustices of the Distant Past*, in *Politikon*, 2005, 32 (1), pp. 83-102, p. 89.

<sup>65</sup> B. Boxill, *The Morality of Preferential Hiring. Philosophical and Public Affairs*, 1978, 7 (3), pp. 246-268, pp. 254-255.

modern Africans in terms of social behavior or economic productive culture. If anything, facts point towards the conclusion that they have always been , even before colonialism, less productive than Westerners. In an attempt to explain why 90% of South African black farmers who have been re-allocated land still fail to be as commercially productive as white farmers, Metz attributes this failure to black farmers' lack of training in farming. He makes it clear from the onset that he does not subscribe to the racist notion that 'blacks cannot farm or are more generally not productive without guidance from whites.' Fair enough. What defeats the strength of his central point is his claim that the root cause of this lack of black training is because whites upon arrival in African did not share the 'science and technology, the profits resulting from mineral excavation and the allocation of political power' along Ubuntu values of sharing. The fact that Metz's acknowledges that the whites had science and technology when they arrived in Africa while blacks did not have means that the latter already were economically less productive before the former arrived. The reality is that blacks were already behind in commercial productivity before contact with whites. And this is confirmed by UN researches cited by Risse's<sup>66</sup> suggesting that the gap ratio between the pre-colonial Western nations and African nations was 3:1 in 1820.

And even if material compensations were to be made to Africans who are 'psychologically traumatized', the problem remains about what criterion will be used to calculate that blacks no longer suffer from colonial trauma. Is it when their productive level reaches the level of whites?

The equal sacrifice principle avoid all these question helping all humans in need by all those able to. Odera Oruka is one African thinker who championed the equal sacrifice principle after dismissing reparations as we saw above. Odera Oruka however, does not cite African values as guiding his equal sacrifice principle, most likely because at his time guiding African ethics with Ubuntu values had not gained momentum. But he cannot be said to have been influenced by Western moral thought either. In fact he complained that Western thought was guided by 'international justice', which is fairness between states; rather than 'global justice', which is fairness among global citizens<sup>67</sup>. The fact that Western thought had not yet appreciated discourse on global justice should explain why he does not cite the Western

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<sup>66</sup> M. Risse, *How Does the Global Order Harm the Poor?* In *Philosophy and Public Affairs*, 2005, 33), pp. 349-376.

<sup>67</sup> O. H. Oruka, *The Philosophy of Foreign Aid: A Question of the Right to the Minimum*, PRAXIS International, 1988, (4), pp. 465-475.

thinker Peter Singer<sup>68</sup>, who had defended a global justice theory that champions the equal sacrifice principle. Singer justifies this ‘capacity to assist’ principle by giving a popular hypothetical easy rescue case in which an infant is drowning in a shallow pond. You happen to be nearby and you can save the child with minimal effort and inconvenience of your part. According to Singer, it is immoral for you not to assist the child.

Now that Ubuntu has been developed, which of its values can support dignity restoration and global equal sacrifice? Two works stand out: Placide Tempels’ *Bantu Philosophy*<sup>69</sup> to represent the original pre-colonial thought on rectification justice and Motsamai Molefe’s<sup>70</sup> ‘Personhood and (Rectification) Justice in African Thought’ to represent how Tempels’ pre-colonial thought on rectification justice can be revived. Tempels describes the compensation theory of the pre-colonial Buluba people of DR Congo under Chapter VI subtitled ‘Restoration of life: Norms of Penalty, Compensation, Punishment, Forfeit and Ontological Purification.’ He says Baluba compensation is not based on Western materialistic counter-factual calculations, since ‘penalty, fine and damages belong to the European legal notions.’ Baluba compensation aims at ‘re-establishing the metaphysical order or harmony among the vital forces.’

These vital forces are interwoven and interdependent. Temples<sup>71</sup> explains that ‘vital force’ is, roughly speaking, what is called ‘being’ in Western metaphysical thought. Every physical and non-physical entity is a force because it has ‘vital energy’, or ‘potent of life.’ Nothing exists independently of any other thing because ‘in everything there is another thing; [and] in every man a little man.’ And everything is a force because it has vitality or ‘a life-full energy’ in it.

The most senior vital force is obviously God, the ultimate nature of being who possess force in himself. Under God is a layer of ancestors. Under ancestors are the elders of the clan, each of whom can use the potent vital forces in him to actually inflict harm, with a mere curse of words, on his children or descendants. Below this layer there are non-human animals,

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<sup>68</sup> P. Singer, *Famine, Affluence and Morality*, *Philosophy and Public Affairs*, 1972, (1), pp. 229-245.

<sup>69</sup> Cfr. Tempels Placide, 2nd ed. 1959. *Bantu Philosophy*. Paris: *Presence Africaine*. [www.congoforum.be/up/docs/tempels%20Bantuphil...](http://www.congoforum.be/up/docs/tempels%20Bantuphil...) , accessed January 20 2018.

<sup>70</sup> Cfr. M. Molefe, *Personhood and (Rectification) Justice in African Thought* in *Politikon*, 2018.

<sup>71</sup> Tempels Placide, 2nd ed. 1959. *Bantu Philosophy*. Paris: *Presence Africaine*. [www.congoforum.be/up/docs/tempels%20Bantuphil...](http://www.congoforum.be/up/docs/tempels%20Bantuphil...) , accessed January 20 2018, pp. 21-22.

followed by plants. Further down there are inanimate objects, such as rocks.

A person with good deeds is a *muntu mukulumpe*, and earns full personhood. A person who injures others must pay compensation to the victim. A man whose property is stolen by another complains of his vital force being 'weakened.' Compensation then is aimed at restoring his 'strength.' The victim's vital force needs to be re-strengthened because there cannot be harmony in a community where some members are bitter for being victims. It is up to the victim to decide what compensation gives him back his 'strength'. So it was up to the perpetrator to negotiate with the victim's demands. Tempels complained about this approach because sometimes victims demanded too much, sometimes a man who borrowed 30 francs when he was in great need might repay ten times more to his 'deliverer' and all the judges would urge him to pay on saying 'remember he [the creditor] is your deliverer.' He shares what a village chief called Kapundwe shared with him in 1945. Kapundwe kept and cared for an ewe on behalf of his friend from a neighbouring village. Later the ewe got killed and Kapundwe's dog was seen eating its skin. The entire village agreed that it might not have been his dog that actually killed the ewe. However, Kupundwe was forced to pay three ewes and 100 francs in compensation because both the ewe and the dog were under his care and because *somebody* needed to please the *bisanso*, or sorrowful grief of the owner of the killed ewe.

However, a god itself or a spirit, which are the higher spirits, cannot be weakened. But they should not be angered in any way. What exactly justifies the equal sacrifice principle is the collective punishment, the *bipupo*<sup>72</sup> which befalls a society when one of its members injures the higher spirits and does not make peace with them. The entire community is punished, or even wiped out with a calamity or epidemic, for example. To avoid or stop such collective punishment the entire village must conduct a *koyija kibundi*, which is the 'washing' or cleansing of the entire community through ceremonious rituals (60)<sup>73</sup>. This is because 'the world of forces is held like a spider web of which no single thread can be caused to vibrate without shaking the whole network 'Every injustice is an attempt upon the life (sc, upon the vital force) of the person injured and the malice in it proceeds from the great respect due to human life, the supreme gift of God<sup>74</sup>. The supreme gift of god, human life, grants human dignity.

A look at very recent African literature reflects similar ideas.

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<sup>72</sup> Ivi, p.73.

<sup>73</sup> Ivi, p.60.

<sup>74</sup> Ivi, p.29.



According to Molefe the concept of personhood is folder or corpus for a theory of rectification justice because it has at three facets. The first is a ‘theory of moral status/dignity’:

This idea that human beings have capacity for virtue specifies the intrinsic features that render human beings as superlatively valuable as bearers of *dignity*. ... . This talk of the human capacity for virtue captures the facet of human nature around which the entire political system of Afro-communitarianism revolves<sup>75</sup>.

Second, it has an ‘account of historical conditions’. The notion of personhood is backward-looking. An individual attains full personhood not on the basis of the good deeds she is likely to do in future but on what she did in the past. The third is the idea of personhood that suggests that there must be enabling conditions for a human to achieve moral excellence. When the facet of dignity and historical conditions are combined they justify that those that deprive others of dignity make compensations because ‘it will be irrational for one to expect a human being to attain full personhood in an environment that is uncondusive for self-perfection’ , for example, without material goods<sup>76</sup>.

Now, if personhood can only be attained in an [economically] conducive environment, and we have found in the first section that Western model material compensations fail to take off, then who should bear the burden of recreating the favourable environment for Africans descendants of victims of colonialism? The answer points back to Baluba ontology of global interwonvenness which made us all either enjoy or suffer from the sin of slavery and colonialism. This evil is too grave to be seen as an attack against any particular individual or group but to gods and other higher forces. Since, as we saw of Western material reparations, no one can compensate anyone for this injustice, we need a global cleansing of this sin. Those who can afford must make an equal sacrifice to this global *koyija kibundi* while the former perpetrator nations still have an obligation to restore the African dignity by offering apologetic gestures.

### *Conclusion*

In this article I showed that material/financial reparations as emphasized in Western moral theory are problematic when it comes to compelling Western

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<sup>75</sup> M. Molefe, *Personhood and (Rectification) Justice in African Thought* in *Politikon*, 2018, p.10.

<sup>76</sup> *Ibidem*.

nations to compensate Africa for colonial injustices. Instead I defended the African emphasis on restoring lost human dignity as being more plausible, especially that it invokes the equal sacrifice principle that compels all able nations to assist the global needy without recourse to who caused or benefitted from historical injustices. It only obligates former perpetrators to demonstrate apologetic gestures to victims.

This is not to say that material reparations are theoretically not appealing everywhere. It is only to the colonial injustices against Africa that I showed that they can hardly apply, except for cases of atrocities that cost mass loss of African lives.