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## Contra Horowitz: A Case for Reparations to Blacks for Slavery<sup>1</sup>

### *Abstract*

Horowitz rejects reparations for African Americans. We demonstrate that their heirs are entitled to the property illegitimately obtained by the slave owners. When we operate under the libertarian homesteading principle, the land should be redistributed back to the people who worked and tilled it first. That is, the black slaves. Horowitz's claims against reparations serve as a poor refutation towards the reparations argument. African Americans are entitled to the "40 acres and a mule" that was promised, yet never fulfilled. We rely upon libertarian theory to clearly understand the case for reparations.

**Key words:** Libertarian, homesteading, reparations, property rights, slavery

### Introduction

The case for reparations has been a crucial topic in recent years. Just as in the case of "the serfs in Russia in 1861 ... [who] were entitled to a host of reparations from their masters for the centuries of oppression and exploitation" (Rothbard, 1969), America has not yet agreed to pay restitution to the descendants of slaves based on stolen property, crimes against humanity, and human rights violations.

The United States government performed two desecrations against slaves. First, it legalized slavery, up until 1865.<sup>2</sup> Second, it refused to require that reparations be paid to those forced into servitude up until that point in history. Rothbard (2014: 174)

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<sup>1</sup> The authors thank Myles Owens for his editorial suggestions, which greatly improved this paper. We the authors of course are solely responsible for all remaining errors of omission and commission.

<sup>2</sup> Lincoln freed the slaves in 1863, but only in the south, over which he had no control. See *Emancipation Proclamation*, 1863. Rothbard (2006: 202) associates the first homesteaders with the slaves who worked the land and carved it out of the wilderness.

states, “The fundamental axiom of libertarian theory is that each person must be a self-owner and that no one has the right to interfere with such self-ownership.” We own ourselves and are our property, thus individuals are property self-owners. The United States government acted as an aider and abettor of kidnappers, as Africans were forcibly taken from their countries of origin and forced to work for no pay.

A basic element of just law is that because slaves worked the land, they are its rightful owners. Yet the government never paid that debt, nor allowed it to occur, thus in effect participating with the slave master in violating these victims’ rights. The U.S. government is an accomplice to and responsible for the crime of slavery. This organization participated in robbing millions of individuals of the right of self-ownership while placing a tax on these stolen individuals, directly profiting from this violation of natural law. Since the debt owed to slaves has not been paid, the U.S. government takes on the role of a thief which helped facilitate the taking (Epstein, 1985) of land rightfully owned by the first “homesteaders.”<sup>3</sup> As in the case of the actions of a mob boss or getaway driver, the U.S. government is responsible even though they did not directly own slaves. The reparations due to slaves are the ill-gotten gains resulting from this crime. Horowitz (2000) demurs from the foregoing. It is the purpose of the present paper to expose his errors. We do so by providing reasons why reparations are justified.

What should have occurred in 1865 when slavery was ended in the U.S.? This evil institution should have been declared a criminal enterprise, *ex post facto*,<sup>4</sup> and those responsible for it should have been incarcerated.<sup>5</sup> Their property, all of it, should have been given to their now, happily, ex-slaves.<sup>6</sup> If their plantation was 1000 acres, and they had 25 slaves working on it, then each of them should have been given 40 acres. The mules, and mansion lived in by the slave master, should have been divided up and given to the people they had long abused.

The slaveholders are now beyond the reach of justice. But their property was improperly given to their progeny, and so on down the line. There are now (white) plantation owners who unjustly count the property that slaves worked on as their

<sup>3</sup> Rothbard (2006: 202) associates the first homesteaders with the slaves who worked the land and carved it out of the wilderness.

<sup>4</sup> But is not *ex post facto* law unjustified? After all, slavery was entirely justified until 1865. It was the law of the land. The slave owners were not considered criminals. We reject this argument. It is precisely the one given by the Nazis at their Nuremberg trials. “We were only following orders,” was their excuse. It was properly rejected by this court.

<sup>5</sup> And not in a cushy jail, either. They should have been put to hard labor, and the proceeds given to their ex slaves.

<sup>6</sup> Alston and Block, 2008; Block, 1993, 2001, 2002B, 2009B, 2020A, 2020B; Block and Yeatts, 1999-2000; Crepelle and Block, 2017; Nouveau and Block, 2020.

own. There are now black grandchildren of the slaves who are the proper owners of this terrain. Justified reparations would transfer this acreage from the former to the latter.

We must acknowledge that if the proposal on the table is that all whites in the United States owe reparations money or land to all blacks in this country, Horowitz successfully puts paid to that notion. There are numerous black people who have immigrated to America in the last dozen years or so. It is difficult to see why they would have any compensation due them for a historical event that occurred when their forebears were located in an entirely different continent, Africa. Similarly, there are many white people now in this country for only a few years. Their grandparents, too, were far away, perhaps in Europe or Asia, when slavery in the U.S. occurred. Why they should owe anyone anything is likewise beyond reason or logic.

However, that is not at all the thesis underlying the present paper. We do not for a moment think that all whites owe a debt to all blacks. Rather, it is our contention that some whites (and also some blacks, the children of black slave owners), owe a debt to some blacks. To wit, posit that grandfather A stole something from grandfather B. When A passed away, he gave it to his son, A'. Upon his demise, the grandson, A'' inherited this object from A'. But grandson B'' is really the rightful owner of that item, since, we posit, in the ordinary course of events, parents hand over their valuables to their own children.

However, possession is properly nine tenths of the law. The burden of proof for forced transfer of funds, or valuables, or land and/or money in the present case, rests with the plaintiff. The defendant is innocent until proven guilty. So our support for reparations based on slavery is a limited one. To the extent that a black grandchild can demonstrate that his forebear worked on a given plantation, he should be given a proportionate share of the land now in the hands of the grandchild of the slave owner. No other type or variety of reparations would be justified.

In the view of Rothbard (2014):

A vital part of such necessary compensation would have been to grant the plantation lands not to the slave master, who scarcely had valid title to any property, but to the slaves themselves, whose labor, on our 'homesteading' principle, was mixed with the soil to develop the plantations. In short, at the very least, elementary libertarian justice required not only the immediate freeing of the slaves but also the immediate turning over to the slaves, again without compensation to the masters, of the plantation lands on which they had worked and sweated. (p. 202)

Horowitz (2000) offers ten arguments against the thesis of the present paper. In this section, we refute them all.<sup>7</sup>

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<sup>7</sup> Unless otherwise indicated, all references to this author refer to this one publication of his.

## There is no single group clearly responsible for the crime of slavery

Horowitz claims that “Black Africans and Arabs were responsible for enslaving the ancestors of African-Americans.” This is undeniably true, at least in the main. There might have been a few Americans, also, who were involved in these crimes, but we will concede to Horowitz, *arguendo*, that this was not true.

However, that fact should not at all detract from the case for reparations. For, suppose B steals merchandise from A, and sells it to C. A are the blacks in Africa whose lives were “stolen,” B represent the black Africans and Arabs who stole the lives of A, and C stand in for the Americans who purchased these rights-bearing human beings from the B’s. Does that render the C are entirely innocent just because they were not the original malefactors? Of course not. They are in effect the receivers of stolen “merchandise,” to continue our analogy.

Three groups of people remain responsible for the crime of slavery, both B and C as well the U.S. government which supported this system.<sup>8</sup> These criminals are both responsible for the kidnapping of “12.5 million Africans,”<sup>9</sup> the A’s in our example.

Yes, the initial capturer of slaves in Africa is guilty of criminal behavior; these are Horowitz’s black Africans and Arabs. But so are guilt-ridden the mainly white slave trader, and the almost entirely white slave owner in the U.S. as well as its government. They all profited from and supported the violation of slaves’ property and their natural rights. Rothbard (2014: 150) considered a criminal to be “anyone who initiates violence against another man and his property.” In a civilized society, all people have full ownership of their bodies. We should be self-owners in the sense that we are the proper owners of our bodily property, and thus have absolute rights applied to such. The U.S. government aided and abetted criminals trespassing against the private property of kidnapped Africans. These kidnapped people initially had no contract with the U.S. government or the thieves that kidnapped them to provide free labor for an indefinite amount of time. They were exploited and deprived of their universal, natural rights. Rape, murder, and theft are illegal according to law, yet slavery, the combination of all three crimes, was legal. Slave owners should be held accountable and their illegally obtained spoils resulting from slavery should long ago have been confiscated. Although slavery was constitutional, criminals were able to impede the

<sup>8</sup> Malcolm X, during his most racist period, was once asked if any white man would or should be allowed to join his then organization, the Black Muslims. He singled out one man: John Brown. Say what you will about the latter, his program was simplicity itself: he reasoned that the U.S. government supported slavery, that slavery was wrong, and thus his attacks on U.S. forts were justified. See on this: [https://www.google.com/search?q=malcolm+x+john+brown&rlz=1C1CHBF\\_enUS724US724&o-q=Malcolm+x+John+Brown&aqs=chrome.0.0i512j0i22i30.6600j0j15&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=malcolm+x+john+brown&rlz=1C1CHBF_enUS724US724&o-q=Malcolm+x+John+Brown&aqs=chrome.0.0i512j0i22i30.6600j0j15&sourceid=chrome&ie=UTF-8)

<sup>9</sup> See (PBS, 2013) for an accurate depiction of how many slaves entered the US.

private property rights of West Africans. Those who profited from wealth-stripping and the forced labor of blacks play a primary role in the crime of slavery. “Every third white person in the [confederate] states had a direct commitment to slavery and, barring occasional dissidents, had cause to be a supporter and propagandist for that system” (Olsen, 2004: 412). These people share the responsibility of violating a group of people’s natural rights, like the case of the getaway driver. The getaway driver does not commit the robbery; he simply drives the vehicle, but he is still liable due to aiding and abetting, as they eventually reap the rewards of the heist in the end. The getaway driver is still responsible for the robbery and the ill-gotten gains resulting from said robbery should be confiscated from him and returned to the original owner.<sup>10</sup>

Horowitz also throws down this challenge: “There were 3,000 black slave-owners in the ante-bellum United States. Are reparations to be paid by their descendants too?” He says this as if a positive answer to this question would be well-nigh impossible. Not so, not so at all. Rather, we respond in the affirmative. The children of black slave owners would be just as vulnerable to reparations as the children of white slave owners.

This is not at all a matter of skin color. It solely concerns justice and valid private property rights. To the extent that black people owned slaves, their progeny should be made to give up their illicit gains in favor of the children of black slaves. If ever, contrary to fact conditional coming up so beware, there were black slave masters and white slaves, then, *arguendo*, the direction of justified reparations would be from the children of the former to the children of the latter. No, this is not a matter of race; rather, elemental justice.

## **There is no single group that benefited exclusively from slavery**

The three groups of people responsible for the crime of slavery are also the ones who benefited greatly from it. The U.S. government violated natural law with their levied tax on these kidnapped Africans directly profiting from the crime of slavery. “The fact is that the enslavement of black people did provide extensive economic opportunities for whites” (Oslo, 2004: 417). These opportunities that Oslo highlights can be attributed to the forced free labor that was provided by blacks, the first homesteaders,

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<sup>10</sup> On the other hand, if all a person did was write, speak out in favor of, and in other ways support slavery, he would be guilty of no crime. Immorality? Yes, to be sure. But crime? No. For the case in favor of the legalization of incitement see Block, 2009A, 2011, 2012; Mortellaro, 2009; O’Neill and Block, 2013; Rothbard, 1998 [1982]. Only those who actively aid and abet this evil system should be criminals. The others are merely exercising their free speech rights. Getaway drivers are actively aiding and abetting robber gangs. The criminals who actively had a part in upholding slavery should be held accountable. The people who supported slavery in other ways are evil and immoral but not criminals under proper law.

and the wealth provided from such and given to the “(mainly white) heirs of the slave masters, who never should have inherited wealth that did not properly belong to their parents” (Alston and Block, 2008: 1). The government fixed their former violation of human rights and then proceeded to violate blacks’ rights to their homesteaded land. Rothbard (2006: 174) expands on this idea stating, “the slaves gained their freedom, it is true, but the land, the plantations that they had tilled and therefore deserved to own under the homestead principle, remained in the hands of their former masters.” Free labor is an exclusive benefit of slavery. A benefit that slave owners, slave traders, and the U.S. government all extensively capitalized on. Horowitz states, “The claim for reparations is premised on the false assumption that only whites have benefited from slavery. If slave labor created wealth for Americans, then obviously it has created wealth for black Americans as well, including the descendants of slaves.” *Au contraire*, slavery did not benefit black Americans. Freed slaves were robbed of the property that they homesteaded. Their labor was stolen from them. Then there is the property that the U.S. government distributed back to the slave holding families to keep. The descendants of slaves are still without the land that was stolen, so the result of this crime remains. Those still in possession of stolen property are not themselves criminals. They never kidnapped anyone. But they are now in possession of property that should not have been allowed to stay in the hands of their criminal forebears.<sup>11</sup>

Our author opines as follows: “The GNP of black Americans so large that it makes the African-American community the 10th most prosperous ‘nation’ in the world. American blacks on average enjoy per capita incomes in the range of twenty to fifty times that of blacks living in any of the African nations from which they were kidnapped.” We cannot but agree with Horowitz in this assessment. But why is it all relevant? Suppose the grandfather of a poor man stole a wristwatch from Bill Gates’ grandfather. Would not justice require that this impoverished man return this stolen property, even though this multi-zillionaire hardly needs this time piece? Yes, happily, American blacks are today relatively wealthy compared to those living in Sub-Saharan Africa. But this is *despite* the slavery their parents were forced to endure, not because of it.

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<sup>11</sup> Can it be objected that this is the very definition of criminality? That is, being in possession of property which rightfully belongs to others. This is a very powerful objection. However, they are abiding by the law of the land. So, call them criminals if you wish, but acknowledge, also, the difference between them and ordinary criminals.

## Only a tiny minority of white Americans ever owned slaves, and others gave their lives to free them

Horowitz states, “Only a tiny minority of Americans ever owned slaves. This is true even for those who lived in the ante-bellum South where only one white in five was a slaveholder.” Let us posit, *arguendo*, that this author starts off his analysis with a truth. As they say in poker, we see him and raise him, or in this case, lower his estimate. He maintains that 20% of whites owned slaves; let us posit that only 1% of this cohort did so. But his deduction from this premise is erroneous. Why should these statistics even matter? It might well do so if we were advocating wealth transfers from all whites to all blacks. We do no such thing. Rather, we maintain the justice of such reparations when, and only when, they are from the grandchildren of particular whites who never should have inherited plantations, to specific blacks who can trace their parentage back to definite acreages.

As a matter of fact, however, these statistics are a hotly debated subject amongst historians. We offer a perspective which calls into question the facts adduced by Horowitz. When we look for an accurate portrayal of the relationship between slavery and white southern households consider, instead, the findings of the “superintendent of the national census of 1850, James D. B. De Bow.”<sup>12</sup>

De Bow (1860) writes:<sup>13</sup>

One-half of the [white] population of South Carolina, Mississippi, and Louisiana, excluding the cities, are slaveholders, and that one-third of the population of the entire South are similarly circumstanced, Whilst every other family in the States I have specially referred to, are slaveholders, hut (sic) one family in every three and a half families in Maine, New Hampshire, Massachusetts, and Connecticut, are holders of agricultural land; and, in the European States, the proportion is almost indefinitely less. The proportion which the slaveholders of the South, bear to the entire population is greater than that of the owners of land or houses, agricultural stock. State, bank, or other corporation securities anywhere else. (pp. 3-4)

This claim of Horowitz’s is irrelevant to the case for transferring the illegally obtained property now in white hands that should be properly restituted to the grandchildren of the enslaved people who first homesteaded it. When we look at the data of the 1860 Census, we find the percentage of families who had slaves in the precise order of their succession from the Union (Olsen, 2004):

South Carolina with [48.7] percent of the white families owning slaves; Mississippi with [49] percent; Florida with [34] percent; Alabama with [35] percent; Georgia

<sup>12</sup> See *Historians and the Extent of Slave Ownership in the Southern United States*, page 404.

<sup>13</sup> The data in this quote is backed up by the 1860 Census.

with [37] percent; Louisiana with [29] percent; and Texas with [28.5] percent (pp. 412-413).

If we are truly looking for justice for the crime of slavery, then we should repay the heirs of slaves to their estates, the land they were forced to work. This leaves immigrants and anyone else who had no hand in the enslavement of blacks out of the bill for repayment.

What about Horowitz's other claim in this section? He avers that "350,000 Union soldiers ... died to free the slaves? They gave their lives. What possible moral principle would ask them to pay (through their descendants) again." Here, this author is on far firmer ground. It cannot be denied that hundreds of thousands of white northern soldiers<sup>14</sup> perished on the battlefield that eventuated with the end of slavery. And, yes, all people at present, white as well as black, should be grateful to them. But why this should obviate the contention of the present paper is far from clear. The claim, here, is that there are landowners in the *south* who owe part or all of their ill-gotten acreage to the grandchildren of slaves. These Union soldiers, in sharp contrast, were from the *north*.<sup>15</sup>

## **Most living Americans have no connection (direct or indirect) to slavery**

Horowitz claims,

The two great waves of American immigration occurred after 1880 and then after 1960. What rationale would require Vietnamese boat people, Russian refuseniks, Iranian refugees, and Armenian victims of the Turkish persecution, Jews, Mexicans, Greeks, or Polish, Hungarian, Cambodian and Korean victims of Communism, to pay reparations to American blacks?

There are Americans currently occupying stolen property, and thus must return it to their rightful owner(s). Horowitz is entirely correct in listing groups which have no obligations whatsoever to pay reparations to African Americans.

<sup>14</sup> There were also black soldiers in the Union army who gave their lives in these battles. Some 10% of their armed forces were African American (about 179,000) and 40,000 of them died. See on this [https://www.google.com/search?q=how+many+black+soldiers+in+the+union+army+died+in+the+civil+war%3F&rlz=1C1CHBF\\_enUS724US724&oq=how+many+black+soldiers+in+the+union+army+died+in+the+civil+war%3F&aqs=chrome..69i57.15833j0j15&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=how+many+black+soldiers+in+the+union+army+died+in+the+civil+war%3F&rlz=1C1CHBF_enUS724US724&oq=how+many+black+soldiers+in+the+union+army+died+in+the+civil+war%3F&aqs=chrome..69i57.15833j0j15&sourceid=chrome&ie=UTF-8)

<sup>15</sup> Of course there was slavery in the north too. Some of those slave masters may have lost their lives in the conflagration of 1861-1865. If there were any such, they must be precious few. According to that old aphorism, extreme cases do not make good law. However, we are willing to concede to Horowitz that there were any such people, their undoubted good deeds should be considered by the committee in charge of reparations. This is likely a null set. There probably is not one single instance of this ever occurring. If there were, it would have been well publicized. However, we concede to Horowitz that if there were such a case, this point of his would have some validity.



The stolen property that was inherited through the future generations of the slave master makes these people the illegitimate owners of that property. The immigrants who later migrated into America are not at all responsible for the crime of slavery, because the criminals at hand are the people who have illegally obtained property. These people robbed blacks of “250 years of economic development”<sup>16</sup> and denied them the right to obtain wealth, another violation of natural rights. Horowitz’s claim here is a good refutation of the argument that all whites owe all blacks reparations. But this is very far from the thesis on present offer.

### **The historical precedents used to justify the reparations claim do not apply, and the claim itself is based on race not injury**

Horowitz states, “During the slavery era, many blacks were free men or slave owners themselves, yet the reparations claimants make no distinction between the roles blacks actually played in the injustice itself.”

Not so, not so. The reparations claims we espouse herein are irrelevant to race. Instead, they are focused on the fact that the land worked in the South was not of the slave master’s labor, but of the slaves themselves. We see that the actual homesteaders of the land are indeed the slaves who worked the land under compulsion, and thus the land is not in proper ownership of the slave master. The land was inappropriately stolen from its rightful owners and passed down from generation to generation. A return of the stolen property back to its rightful owners is thus justified.

Slavery prevented black people from entering the market. Thus, they were unable to reap the economic fruits which would have otherwise given them a fair opportunity at obtaining wealth.

Rothbard (2014):

Every man has an absolute right to the control and ownership of his own body, and to unused land resources that he finds and transforms. He also has the right to give away such tangible property (though he cannot alienate control over his person and will) and to exchange it for the similarly derived properties of others. Hence, all legitimate property-right derives from every man’s property in his person, as well as the ‘homesteading’ principle of unowned property rightly belonging to the first possessor. (p. 173)

Blacks had to forgo the opportunity, one that is naturally and universally available to all people, to participate in the market. This set them back financially “in a

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<sup>16</sup> Arceneaux (2004) states that “the institution of slavery denied Blacks the economic fruits of their 250 years of backbreaking labor.” Only the people in charge of kidnapping African peoples, theft of property rightfully endowed to blacks, are responsible for paying their share in the restitution of slavery.

society where market participation was emerging as vital to personal, political, and social wellbeing” (Davis, 2000). This exclusion reduced the inter-generational wealth or inheritance that would otherwise have taken place. Blau and Graham (1990) argue that “the major source of wealth in the US is inheritance.” Blacks were not given a fair opportunity for economic development, and it is up to the government to adhere to the proper, albeit, limited, demands for reparations.

Horowitz next claims that “the historical precedents generally invoked to justify the reparations claim are payments to Jewish survivors of the Holocaust, Japanese-Americans and African-American victims of racial experiments in Tuskegee, or racial outrages in Rosewood and Oklahoma City. But in each case, the recipients of reparations were the direct victims of the injustice or their immediate families. This would be the only case of reparations to people who were not immediately affected and whose sole qualification to receive reparations would be racial. Randall Robinson’s book on reparations, *The Debt*, which is the manifesto of the reparations movement is pointedly sub-titled ‘What America Owes to Blacks.’ If this is not racism, what is?”

There are several errors here. First, yes, reparations to (some) blacks for slavery are indeed different than what occurred in the other cases. There, payments were made to actual sufferers. But this is precisely what should have occurred in 1865. That it did not can hardly be the fault of those calling for reparations. Second, it matters not one whit as far as justice is concerned whether the reparations are given to those who were themselves brutalized, or to their grandchildren, after the fact. Justice is justice and is no respecter of epoch.

According to Block (2009: 55), “...if my grandfather stole a ring from your grandfather, and then bequeathed it to me through the intermediation of my father, then I am, presently, the illegitimate owner of that piece of jewelry... It is not a violation of property rights but a logical implication of them, to force me to give over this ill-gotten gain to you. To take the position that reparations are always and forever unjustified is to give the *imprimatur* to theft, provided a sufficient time period has elapsed.”

Third, the position of Robinson (2002) is indeed problematic, and we join Horowitz in condemning it. But this latter author errs in thinking that just because reparations from all whites to all blacks<sup>17</sup> are entirely unjustified, that therefore reparations from some whites (and blacks!) to some blacks also fail to achieve muster.

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<sup>17</sup> Robinson’s (2002) position

## **The reparations argument is based on the unfounded claim that all African American descendants of slaves suffer from the economic consequences of slavery and discrimination**

Horowitz opines, “The black middle-class in America is a prosperous community that is now larger in absolute terms than the black underclass. Does its existence not suggest that economic adversity is the result of failures of individual character rather than the lingering after-effects of racial discrimination and a slave system that ceased to exist well over a century ago?”

The success of the black community today, despite the economic consequences of slavery, does not negate the case for reparations. “The libertarian goal is only to uphold private property rights, and, in this case, to return stolen property to its rightful owner... The aim here is the simple return of stolen property” (Block, 2008: 384). The land that is rightfully owed to the first (coerced) homesteaders was instead stolen by the white (and some few black) slave masters while the U.S. government, e.g., the “organized aggressors,” looked the other way.<sup>18</sup> Rothbard uses the phrase organized aggressors to describe the “organized and regularized crime the State perpetuates against the persons and properties of its subjects” (Rothbard, 2014: 440). The return of property to slave progeny by the white and some black grandchildren by no means justifies the crime of slavery. It is, however, still justified, on return of stolen property grounds.

Let us stipulate, *arguendo*, that reparations were not at all needed to ease the economic hardships that slavery caused for blacks. Let us posit that multibillionaires such as Oprah Winfrey and LeBron James did not suffer one whit from slavery, which occurred and ended after all, many decades ago. We go further. Assume, somehow, don't ask, that folk like them actually gained financially from that vicious institution. We also hypothesize that they are the great grandchildren of slaves, and can prove this fully. Does the fact that they are very wealthy imply that what is owed to them should not be given to them? Hardly. If it did, rich people of whatever ethnic persuasion would no longer be able to collect debts from poor people, an unjust state of affairs if ever there was one.

Horowitz goes on to correctly assert, “The black middle-class in America is a prosperous community.” He asks: “Does its existence not suggest that economic adversity is the result of failures of individual character rather than the lingering after-effects of racial discrimination and a slave system that ceased to exist well over a century ago?” He maintains, also truly, that “West Indian blacks in America are

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<sup>18</sup> No, that is not quite correct. In 1865 the victorious north did not “look the other way.” Rather, this organization presided over a system that did not then return to the black ex-slaves what should have been theirs by right: the lands they had previously worked on.

also descended from slaves but their average incomes are equivalent to the average incomes of whites “(and nearly 25% higher than the average incomes of American born blacks). He queries: “How can government be expected to decide an issue that is so subjective – and yet so critical – to the case?” All of this is entirely irrelevant. This author should better “keep his eye on the ball,” as they say in sports. Should we or should we not return property to their rightful owners is the only relevant question. All of Horowitz’s claims, some of them accurate, have nothing to do with this primordial challenge. Horowitz evades it.

### **The reparations claim is one more attempt to turn African Americans into victims. It sends a damaging message to the African American community.**

Horowitz claims, “How are the millions of refugees from tyranny and genocide who are now living in America going to receive these claims, moreover, except as demands for special treatment, an extravagant new handout that is only necessary because some blacks can’t seem to locate the ladder of opportunity within reach of others – many less privileged than themselves.”

This author fails to realize the repayment of reparations is not special treatment; rather it is the purest form of justice for the theft of property. Allen (2000: 5) states, “Black people have certainly been victimized, but the acknowledgment of that fact is not a case of ‘playing the victim’ but of seeking justice.” True justice is the seizing of property that the slave master stole, and its return to the descendants of slaves.

A wealthy bank forecloses on a poor mortgage holder for non-payment. Does this send a “damaging message” to bankers? Forsooth. A rich landlord demands rent from a tenant. Does this send a “damaging message” to landlords? An affluent employee demands to be paid his salary. Does this send a “damaging message” to workers? How could Horowitz have gone so far wrong?

According to Horowitz: “To focus the social passions of African-Americans on what some Americans may have done to their ancestors fifty or a hundred and fifty years ago is to burden them with a crippling sense of victim-hood.” In demanding that they be paid what is owed them the aforementioned banker, landlord and employee are burdened with a crippling sense of victimhood. In what universe is Horowitz living?

### **Reparations to African Americans have already been paid**

Horowitz states, “If trillion-dollar restitutions and a wholesale rewriting of American law (to accommodate racial preferences) for African-Americans is not enough to achieve a ‘healing,’ what will?”

He fails to realize that African Americans have yet to regain the property that they homesteaded first. O'Malley (2004) states,

[Free slaves] had a keen sense of what slavery had taken from them, and of the fact that their labor had made the plantations profitable. They argued that they had already paid for plantation land with their sweat and with their service to the Union, and they urged the Federal government to grant them 'forty acres and a mule' in recognition of the labor that slavery had stolen from them.

The slaves understood that the land into which they poured their "blood, sweat and tears" was rightfully theirs. Unfortunately, after Lincoln's assassination, the order to pay restitution to the ex-slaves was rescinded by "Andrew Johnson in the fall of 1865" (Gates, 2014). The land was improperly retained by its illegitimate owners. According to Rothbard (1969): "No reparations were granted the slaves for their oppression out of the hides of their masters." This claim that African Americans have already received reparations is thus far from the truth. The open wound that slavery has on U.S. history will never be healed until reparations are paid to the grandchildren of slaves.

Horwitz continues:

Since the passage of the Civil Rights Acts and the advent of the Great Society in 1965, trillions of dollars in transfer payments have been made to African-Americans in the form of welfare benefits and racial preferences (in contracts, job placements and educational admissions) – all under the rationale of redressing historic racial grievances. It is said that reparations are necessary to achieve a healing between African-Americans and other Americans. If trillion-dollar restitutions and a wholesale rewriting of American law (in order to accommodate racial preferences) for African-Americans is not enough to achieve a 'healing,' what will?

There is more wrong here than you can shake a stick at. First, yes, vast amounts of money have been spent by government for welfare payments. But these were not focused on the grandchildren of slaves. Rather all the poor, white and black, were recipients. Second, these welfare payments were not "benefits." Rather, they were deficits, since they broke up the families of both white and black more so the latter since they were poorer, and more vulnerable to the blandishments of this program (Murray, 1984). Third, racial preferences, or "affirmative action," also boomeranged and hurt, not helped, its presumed, ostensible, beneficiaries.<sup>19</sup> A "healing" will occur once these deleterious programs are stopped, and reparations implemented.

<sup>19</sup> Block, 1982, 1992, 1998; Block, Snow and Stringham, 2008; Block and Williams, 1981; Cingos, 2013; Derbyshire, 2012; Gordon, 1998; Gulleyan, 2021; Heriot, 2013; Heriot and Schwarzchild, 2021; Herrnstein and Murray, 1994; Levin, 1987, 1997; Lynch, 1998; Malek, 2002; Mercer, 2003; Mulcahy and Block, 1997; Pojman, undated; Rockwell, 1995; Sander and Taylor, 2012A, 2012B; Sowell, 1975, 1981, 1982, 1983, 1984, 2000, 2016; Taylor, 2013, 2015; Taylor and Sander, 2012; Wax, 2022; Whitehead,

## What about the debt blacks owe to America?

Horowitz claims, “If not for the anti-slavery attitudes and military power of white Englishmen and Americans, the slave trade would not have been ended. If not for the sacrifices of white soldiers and a white American president who gave his life to sign the Emancipation Proclamation, blacks in America would still be slaves.”

Horowitz is correct insofar as he goes.<sup>20</sup> All men of good will, whatever their skin color, should be grateful to the white soldiers<sup>21</sup> who fought against this pernicious system in the U.S.

However, he conveniently forgets it was white Englishmen, other Europeans and Americans who began the trans-Atlantic slave trade.<sup>22</sup> Arceneaux (2004: 147) states, “As slaves, Black Americans lost a sense of individuality and humanism, qualities that were stripped of them from the White Englishmen and Americans who enslaved them.”

Horowitz uses this odd comparison to disprove the need for reparations to blacks but completely misses the point. Reparations for slavery to Blacks are due under the libertarian principle of homesteading and return of stolen property. Slaves worked and tilled the land first and are entitled to be restituted with that land even 250 years after those evil events.<sup>23</sup>

This author asks: “Where is the gratitude of black America and its leaders for those gifts?” We ask, where is Horowitz’s evidence to the effect that the black community is not grateful to those whites (and blacks!) who fought against slavery? It does not exist, since it is not true. But just contemplate the contrary to fact conditional that they are ingrates. Does this at all undermine their claim for justice and reparations? Not by one little bit. So much for Horowitz’s rejection of reparations: yet another irrelevancy.

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Block and Hardin, 1999; Whitehead and Block, 2004; Williams, 1982, 1985, 2003, 2005, 2011; Woods, 2004.

<sup>20</sup> Surely he cannot be serious in thinking that slavery would still exist in the U.S. in 2022, but for the soldiers who fought in mid-19th century. Slavery was thrown off in many lands without the intermediation of white soldiers.

<sup>21</sup> And, also, black ones; let us not forget them!

<sup>22</sup> They had cooperation from Arabs and black Africans.

<sup>23</sup> There should be no formal statute of limitations on justice. Of course, there is a natural statute of limitations thereof. The further back in history we go, the more difficult it is for the plaintiff to meet his obligations. But with a God’s eye view, if it could be proven that caveman A stole property from caveman B a million years ago, and we could clearly demonstrate just who the grandchildren of the victim and the perpetrator are, then justice would demand that appropriate property transfers take place.

## **The reparations claim is a separatist idea that sets African Americans against the nation that gave them freedom**

Horowitz states in his final argument, “For all America’s faults, African-Americans have an enormous stake in their country and its heritage. It is this heritage that is really under attack by the reparations movement. The reparations claim is one more assault on America, conducted by racial separatists and the political left. It is an attack not only on white Americans, but on all Americans – especially African-Americans.”

This nation has denied African Americans any sort of justice for the crime of slavery; as Rothbard (1969) states, “the abolition of slavery remains unfinished, and the seeds of a new revolt have remained to intensify to the present day.”

This is yet another misconception used by Horowitz. Market freedoms were withheld from slaves while land they should have been given in 1865 was improperly withheld from them. The U.S. government contributed to this injustice. Arceneaux (2004: 147) offers a profound response: “The government’s past principles and current actions have made clear that its vision for African Americans is one of a jobless, imprisoned people with a lack of self-worth and identity.” The restitution for slaves has not been paid, as it should be. There would be no debate whatsoever that thieves should be forced to return their ill-gotten gains to the rightful owners. That there are even differences of opinion on this matter is a disgrace.

Horowitz waxes eloquent to the effect that reparations mean that “the African-American community (will) isolate itself even further from America.” He maintains that “the African-American community has had a long-running flirtation with separatists, nationalists and the political left, who want African-Americans to be no part of America’s social contract. African Americans.” He urges blacks to “reject this temptation.”

He makes a good point about the black community throwing its overwhelming support to the left, and the Democratic party.<sup>24</sup> This allows that organization to take this demographic for granted; they hardly favor free enterprise, the last best economic hope for African Americans, indeed for all peoples. However, what is with this “separatist” charge? When bankers, landlords, employees demand that their property rights be respected, not even a Horowitz would accuse them of “separatism.” Why is it that once blacks do the same this charge is leveled against them?

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<sup>24</sup> White and Laird (2020). Jews (Pew, 2020) and Hispanics (Pew, 2016) are guilty of this practice too.

## Conclusion

Reparations to the grandchildren of slaves, for the horrific crime of kidnapping, murder, rape and torture, are very much needed, very much justified. These reparations are not race-based. They are due to the improper ownership of land that rightfully belongs to the progeny of the slaves who homesteaded the land first. When we operate under Murray Rothbard's homesteading principle, the people who worked and tilled the untouched land first, have the right to its ownership. The illegally obtained property needs to be returned to its rightful owners. Justice requires that the properties in question be divided evenly among the slaves who worked them.

According to Rothbard (2014: 150), "the title to the [property] properly reverts immediately back to the [original owner] or [their] descendants, without compensation to the existing possessor of the criminally derived 'title.' The heirs of the criminals possessing the stolen property must return that land to its rightful owners; the slaves or their estate."<sup>25</sup>

Horowitz offers ten arguments against reparations. None of them impact the case for them. They are for the most part a powerful indictment of the claim that all whites owe all blacks a debt for this horrendous institution. But we make no such claim. He does not seem to realize that there can be any argument at all for some whites (and blacks too) owing a debt to some blacks.

Three different groups of criminals are responsible for the crime of slavery: the slave trader, the slave owner, and the U.S. government. These three groups responsible for slavery also benefitted and reaped the ill-gotten gains from this crime. Roughly one-third of the southern population had a direct involvement with slavery which contradicts Horowitz's assertion that only a tiny portion of southerners had anything to do with this "peculiar institution." Even if only three people owned slaves and had them work their plantations and property, these slaves would still be entitled to the land for which they worked under the homesteading principle,<sup>26</sup> and as a matter of elemental justice.

There are presently living Americans who illegally possess the homesteaded land properly belonging to the grandchildren of the first workers of it. These Americans

<sup>25</sup> Rothbard paints the people who owned slaves and slave traders as criminals for using violence against Africans, assaulting, and kidnapping them, while later selling them as a commodity. This was a violation of their natural, absolute rights which the supreme law of the land upheld and did not discriminate against.

<sup>26</sup> On homesteading as the justification for private property rights, see Block, 1990, 2002A; Block and Edelstein, 2012; Block and Yeatts, 1999-2000; Block vs Epstein, 2005; Bylund, 2005, 2012; Grotius, 1625; Hoppe, 1993, 2011; Kinsella, 2003, 2006, 2009A, 2009B; Locke, 1948 (pp. 17-19), 1955 (Chapter 5); Paul, 1987; Pufendorf, 1673; Rothbard, 1973, 32; Rozeff, 2005; Watner, 1982.



have a direct connection to slavery because they improperly occupy previously stolen land. Reparations are justified due to the fact of improper land ownership. Horowitz's sixth, seventh, eighth, and ninth points do not so much as lay a glove on the reparations claim because slaves and their heirs are due the property that was stolen from them. His tenth point is particularly false because this nation has not resolved the injustices of slavery, to this present day. Rothbard (1969) states, "The fact that the land remained in the hands of the lords paved the way inexorably for the Bolshevik Revolution since the revolution that had freed the serfs remained unfinished." It should not have to take a revolution to resolve the unsettled disputes that have been put on the back burner by the U.S. government. Slavery is not settled until the debt has been fully cleared.

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## Kontra Horowitza: U korist prava na reparacije za ropstvo crncima

### *Sažetak*

Horowitz ne prihvaća pravo na reparacije za ropstvo Afroamerikancima. Mi pokazujemo da njihovi nasljednici imaju pravo na imovinu koju su nelegitimno stekli robovlasnici. Prema libertarijanskom načelu *homesteadinga*, zemlju treba preraspodijeliti unatrag, ljudima koji su je prvi i obrađivali, odnosno crnim robovima. Horowitzove tvrdnje protiv reparacija jedva da su pokušaj pobijanja argumenata u korist reparacija. Afroamerikanci imaju pravo na tih “40 jutara i mazgu”, kako je obećano, ali nikada ispunjeno. Oslanjamo se na libertarijansku teoriju kako bismo jasno razumjeli problem prava na reparacije.

**Ključne riječi:** libertarijanstvo, načelo *homesteadinga*, reparacije, vlasnička prava, ropstvo