This essay contributes to the literature trying to overcome the following type of argument: some claim that “slavery did not harm the descendants of slaves”¹ because, had slavery never taken place, those particular individuals living today would never have been born. Seeing that clearly most living descendants of slaves have a life that is worth living, they are better off living with the legacy of slavery than never having been born at all. Hence, not only has slavery not harmed the descendants of slaves, they may have even benefitted from it.

This form of argument is called the ‘non-identity argument’ and gives rise to the ‘non-identity problem.’² It rejects the moral validity of claims for historic justice that are based on harms suffered by descendants of victims of historic wrongs and by

others born after the original injustice took place. According to this line of reasoning, because descendants are never harmed by historic wrongs their claims for rectification of historic injustice have no moral leg to stand on and therefore must be rejected.³

I find such arguments against claims for historic justice highly unintuitive. The harms currently living people claim they suffer as a consequence of, or in relation to, historic wrongs seem real. For example, many believe that the legacy and effects of slavery and Jim Crow still harm many individuals in the U.S. today.⁴ Nevertheless, the non-identity argument makes it difficult to account for these harms.

Here I explore, build on and criticize one solution to the problem the non-identity argument poses to claims for historic justice. From my criticisms it follows that a new approach to the problem—based on group membership—is warranted. I will first explain what sort of claims for historic justice I have in mind here. I will continue with introducing the non-identity argument and demonstrate how historic-justice claims are vulnerable to it. After that I will present and argue for a solution recently put forward by George Sher⁵ which I call the subsequent-wrong solution. This solution demonstrates that even if currently living individuals cannot be harmed by historic wrongs, they can base their claims for rectification on harms they suffer due to wrongful acts and state of affairs that are related to the historic wrong but take place in the present. According to this approach these current acts and state of affairs are wrong because they derive from the failure to provide


⁴ For examples of discussions of how the legacy of slavery affects African Americans in the present see: Robinson, Randall., The Debt: What America Owes Blacks (2000); Brooks, Roy, Atonement and Forgiveness: A New Model for Black Reparations (Berkeley: University of California Press, 2004).