

Historical Redress: Must we pay for the past? By Richard Vernon. London, New York: Continuum International Publishing Group, 2012. Pp. 177, paper.

Review by GABRIELA WELCH, Monash University

In this compact book, Richard Vernon, a distinguished professor of political science at the University of Western Ontario, explores how historical redress should be dealt with, why it is necessary in contemporary societies, and how to overcome arguments against it. Vernon introduces the book through a range of examples that have been at the centre of recent debates on historical redress: Greece's request to return the Parthenon marbles; land claims and the rights of indigenous populations; holocaust reparations and payments; African slavery and the institutions that profited from slave trade; colonial legacies; and abuses and injustices committed by major institutions, such as churches. Vernon returns to these examples in his conclusion, considering them in light of the arguments he outlines throughout the book.

With an emphasis on *ethics*, Vernon distinguishes three types of claims of historical redress: restitution, compensation and apology (7). The book considers several challenges to these claims, including the fact that dealing with events that happened in the past distracts us from the present; that standards and people have changed; and that so many injustices happened in the past that it would be impossible to address them all (7–13). In examining these responses, Vernon is guided by the proposition that, 'in one way or another...past events are not remote from present responsibilities' (13).

In the five chapters of the book, the author considers five arguments in favour of redress, and how these justifications are counter-argued by those who oppose them. In the first chapter, Vernon analyses whether, simply put, the dead have rights. He looks at three aspects of the 'surviving rights' (19) approach: the implementation of wills; care for the descendants of the victims; and the rights of those killed by oppressive regimes (19). The author suggests that when the rights of the dead are considered, 'forgetting the past' becomes much less likely (21).

In chapter two, Vernon argues that past atrocities and violation should be addressed, as long as there is someone who currently benefits from them. Here he focuses on the 'benefit' as opposed to the 'loss': 'We can think of the *loss* as continuing, in the form of a violated right; or we can think, rather, of the *benefit* that arose from the loss as continuing, in someone's hands, as we speak' (40).

In addressing this aspect of historical redress, Vernon intricately and in great detail weaves his narrative around four aspects of the benefit view: whether it is worth tying calls for redress to benefits; if there is a benefit; what follows from receiving a benefit; whether cancelling a benefit responds to past injustices sufficiently; and, finally, what the implications of accepting the view that 'what is objectionable about wrongdoing is that someone gets a benefit from it' are (44). Vernon also explores the concept of 'Unjust Enrichment', which

refers not to an individual's past actions but to their current possessions. In his words, it 'is not about what you have done, it is about what you have' (57).

Chapter three deals with aspects of the memory of the event through which *loss* or *gain* occurred. Vernon distinguishes between individual memory and political/social memorial (66–67). He argues that the 'memorial apparatus of a political society is the range of instruments that govern what beliefs are likely to come into inhabitants' minds . . . to ask about "duties of memory" is to ask about what governments have a duty to do in relation to those beliefs, or what citizens ought to persuade governments that they have the duty to do" (67). Vernon also distinguishes between two kinds of 'recovery that memory undertakes': discovery – concerned with bringing to light factual matters that have been suppressed (68), and memory of 'rehearsal' – concerned with the repetition of narratives that are well known and have even become formulaic through repetition (69). He also offers an interesting analysis of the distinction between 'factual truth' and 'personal truth' (73) in the context of truth and reconciliation commissions. Referring to public apologies, Vernon argues that they indicate a change of values and attitudes in a certain society, once the necessary conditions for their delivery are met (86).

Chapter four deals with redress and identity. Vernon examines affiliation to national/ethnic communities and to state entities, and argues that 'it seems more plausible to hold people accountable as members of states than as members of nations' (102), because of the complicity that comes with this membership and the promotion of intergenerational interests. Furthermore, he argues, 'the acknowledgment of past injustice, coupled with apology and compensation when that is appropriate, is an important way for a society to interpret and define its own political character' (90). While I accept this argument, the issue of interethnic conflicts or religious extremism in the present goes beyond state affiliations. Therefore, it is hard to encompass all historical redress demands within an account of contemporary statehood. Vernon's account may be too narrow.

In chapter five Vernon links historical redress to the *reproduction* of political systems and the transition of values and systems of thought into the future (112). He argues that '(w)e become responsible for myths and deceptions about the past – even though we did not create them – by reproducing them, and we carry out our responsibility for past injustice by acknowledging it adequately and explaining it in ways that allow future generations to understand how things came to be, and how they came to live the lives they have inherited' (130).

While this book is a welcome contribution to the ongoing debate on historical justice and restitution, the underlying assumption of the author, as far as I understood it, is that anyone who was wronged in the past wishes to seek redress for that wrong. It seems to me this is a flawed approach. One example is the case of the Grandmothers of the Plaza de Mayo in Argentina, and the Argentine Forensic Anthropology Team. These organisations were set up to trace the stolen and forcefully adopted children during the military dictatorship in Argentina between 1976 and 1983. Laws were passed to force families that were suspected to have adopted kidnapped children to undertake DNA tests. A DNA database was set up to identify the biological parents and to help reunify the destroyed families. The biggest

challenge to this approach came when several adults who were believed to have been forcefully adopted as children refused to undertake DNA tests, and refused to be reunited with their biological parents. A legal and moral battle was generated by these cases: are these children obliged to comply with the law? Are they indeed victims? Who are the victims in this case – the children, the mothers, the grandmothers? The ambiguity of defining the victims in this example, challenges the *justification* for the claims for redress. This case is only one of the many very complex cases which show that the relation between the past and the present is not always as straightforward as Vernon at times indicates.

Still, this is an informative and refreshing read, both for those who support and oppose historical redress, as it combines historical, philosophical and legal lines of argumentation.