


RESEARCH ARTICLE

Black Reparations for Whom? The Eligibility Debate in California

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Abstract

This article examines how the California Reparations Task Force (2021–23), a government advisory body, grappled with the question of which Black Americans should be eligible for reparations. Some Task Force members and activists advocated a *lineage approach* that restricts eligibility to people whose ancestors were enslaved in the United States. Others supported a *Pan-African approach* that includes all Black residents. The Task Force voted narrowly for the lineage approach. Surprisingly, however, and not acknowledged by most observers, most of the Task Force’s Final Report implicitly adopted a *tiered approach*, which follows the lineage approach for some policies and the Pan-African approach for others. It also includes universal policies for all, as long as they include a reparatory dimension. The Final Report thus challenged the assumption that all reparations policies would follow a single standard of eligibility. The tiered approach emerged in part because it complies with United Nations guidelines on reparations. It appears more likely than the other approaches to increase public support for reparations.

Keywords: Reparations; African Americans; eligibility; slavery; California Reparations Task Force

Introduction

For many generations, Black Americans have demanded reparations for slavery and related injustices, and in recent years the issue has acquired unprecedented public attention (Balfour 2023; Coates 2014; Hannah-Jones 2020). The growing prominence of reparations has been part of an increased desire among some people in the United States to face up to the nation’s history of racism and white supremacy. This was evident in the racial justice protests of summer 2020 and in initiatives such as The 1619 Project of the *New York Times*, the National Museum of African American History and Culture in Washington, DC, and the National Memorial for Peace and Justice in Montgomery, Alabama. But many others oppose this “racial reckoning,” and the reparations movement faces strong opposition (Smith and King 2024). A 2021 Pew survey found that only 30 percent of Americans

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agreed that “descendants of people enslaved in the U.S. should be repaid in some way, such as given land or money,” which was more than double what it was twenty years ago, but far from a majority. And there were large gaps in support between racial groups: Black, 77 percent; Hispanic, 39 percent; Asian, 33 percent; white, 18 percent (Blazina and Cox 2022; Younis 2019). A 2023 survey in California had similar results (DiCamillo 2023). Meanwhile, dozens of US states and localities have adopted laws that make it more difficult for public schools to teach the history of racism and other “divisive” topics, a key feature of most reparations proposals (Natanson, Tierney, and Morse 2024). In 2021, the decades-old congressional bill H.R. 40, which would establish a federal commission to study reparations, was finally voted out of committee, but then it stalled in a divided Congress. In 2023, the Supreme Court ruled against race-conscious university admissions, and in 2025, President Donald Trump began his second term with a sweeping attack on a wide range of diversity and social justice policies. Undeterred by this polarized landscape, several state governments and many cities, universities, and religious institutions have established advisory bodies to study reparations, with some implementing small programs. The most prominent and ambitious effort so far has been in California. In June 2023, after two years of public meetings, the California Reparations Task Force published a historic Final Report (CRTF 2023). It includes a carefully documented history of chattel slavery, segregation, racial violence, and other state-supported injustices, as well as over one hundred policy recommendations.

One of the most contentious issues addressed by the Task Force was the question of eligibility. In one facetious formulation, “Who is ‘Black enough’ for reparations?” (Code Switch 2021; Smith 2022). It was surprising that eligibility received so much attention, because it has not been a major topic in the long history of Black people’s demands for reparations in the United States. For reasons I will discuss, the question of eligibility has acquired increased attention in recent years, and two broad camps have emerged. The *Pan-African approach* includes all Black residents, including Black immigrants from Africa, the Caribbean, Latin America, and elsewhere. The *lineage approach* restricts eligibility to people with at least one ancestor who was enslaved in the United States. Advocates of the lineage approach tend to embrace the popular view that “reparations” means only or primarily individual monetary payments. Proponents of the Pan-African approach generally call for a broader range of community-oriented measures. Relatedly, many advocates of the lineage approach exclude universal policies that are open to all (e.g., programs in public health, K-12 education, etc.). Advocates of the Pan-African approach often promote universal policies, but most have not emphasized the point that such policies would be open to everyone. In the following, I summarize the key arguments presented during Task Force meetings for each approach. The Task Force voted narrowly in favor of the lineage approach, which was widely reported in the media and by academic commentators (Sarah 2022; Smith and King 2024, 187–188, 214). Surprisingly, however, and not acknowledged by most observers, most of the Task Force’s Final Report did not follow the lineage approach. Instead, the report implicitly adopted a *tiered approach* to eligibility. The tiered approach, as I reconstruct it from the empirical record, follows the lineage approach for some policies and the Pan-African approach for others. It also includes universal policies

for which everyone is eligible, as long as they include a reparatory dimension. For example, the Final Report recommends the lineage approach for individual monetary reparations, and the Pan-African approach for policies in education, healthcare, housing, and other areas. Its recommendation to ban involuntary servitude in state prisons adopts a universal approach. The Final Report thus departed unexpectedly from the Task Force's vote, and it challenged the assumption—implied by most commentary and by both sides in the Task Force's eligibility debate—that all reparations policies would follow a single standard of eligibility. I argue that the tiered approach emerged in part because it complies with United Nations guidelines that the Task Force was legally required to follow. I also argue that the tiered approach is more likely than the other approaches to increase public support for reparations.

The next section reviews the history of the eligibility question and summarizes the two leading approaches. The subsequent three sections examine how each approach to eligibility, including the tiered approach, appeared within three empirical contexts: the Task Force's public meetings, the Task Force's Final Report, and the initial legislative efforts to implement the Task Force's recommendations. The second-to-last section summarizes and makes a case for the tiered approach. Methodologically, this article is interpretive and analytical, combining qualitative social science and political theory. My first goal is to articulate and clarify the different conceptions of eligibility that were evident, either explicitly or implicitly, in the work of the Task Force. My second goal is to make a case for the tiered approach. However, I think eligibility for reparations should be determined, not by scholars, but by potential recipients, a group to which I do not belong (Amighetti and Nuti 2015; Page 2024; Taifa 2022, 110). Accordingly, my overall aim is to develop conceptual resources that enrich and improve public discourse on reparations. Given these goals, the most appropriate method—drawing on pragmatism, critical theory, and related traditions—is an empirically grounded approach to conceptual and normative analysis (Swift and White 2008, 54–56). My empirical research included in-person attendance at six of the Task Force's public meetings, online viewing of most of its other meetings, review of meeting transcripts and submitted testimony, and interviews with the California Secretary of State, three Task Force members, and several others involved with its work.

My focus is reparations for unjust government policies and practices that harmed Black Americans as a group, not for direct harms to individuals, such as particular instances of racist violence and land theft. I also do not examine general arguments for and against reparations (Brooks 2004, 180–206; Brophy 2006; Darity and Mullen 2022, 239–255). For present purposes, I assume that reparations are best understood primarily as a matter of political responsibility, not legal liability or individual morality. From this perspective, the primary justification for reparations is not that Black people have inherited a right to compensation that was never paid to their ancestors, nor that white people have received an unjust benefit. The primary justification is that American society has a collective responsibility to repair and prevent the ongoing harms to Black people caused by a long history of government-supported enslavement, segregation, dispossession, and other injustices. The goal is not racial reconciliation, closure, or the alleviation of white guilt. It is to establish the

social and material conditions of equal citizenship and social membership (Balfour 2014; Jagmohan 2023; McCarthy 2004; Fullinwider 2007; Kelley 2002, 129–134; Thompson 2018, 50–61; Westley 1998).

Scholars and Activists on Eligibility for Reparations

Until recently, the question of eligibility had not played a major role in either scholarship or public debate on Black reparations in the United States. Some scholars have examined dilemmas associated with determining who counts as “Black” for the purpose of monetary reparations, and some have considered whether wealthy Black people should be eligible (Bittker [1973] 2003, 91–104; Taifa 2022, 114; Westley 1998, 471–473). But most scholars have not devoted significant attention to whether eligibility should be restricted to descendants of people enslaved in the United States. Moreover, the most influential public calls for reparations since the 1960s—including the Black Panthers’ 10-Point Plan of 1966, James Foreman’s “Black Manifesto” of 1969, Randall Robinson’s *The Debt*, and Ta-Nehisi Coates’s “The Case for Reparations”—said little or nothing about eligibility (Foner [1970] 2014, 2–4; National Black Economic Development Conference [1969] 2007; Robinson 2000; Coates 2014).

There are several possible explanations. First, for much of the twentieth century, the reparations movement drew on Black nationalist and Pan-Africanist beliefs about solidarity among all Black people (Balfour 2023, 294; Berry 2005, 230–239). Advocates for reparations generally assumed that everyone who identified as Black or African American would be eligible. Second, reparations were long seen as undesirable or unrealistic by people from across the political spectrum, including by many Black people. But now that state and local governments have begun to design reparations policies, the question of eligibility has become more practically important. Third, until the mid-twentieth century, Black immigrants comprised a tiny percentage of the total Black population in the United States, and they were concentrated in a few neighborhoods in major cities. But since the Immigration and Nationality Act of 1965 loosened immigration restrictions, Black immigration to the United States has steadily increased. Today, about 11 percent of those who identify as Black in the United States are first-generation immigrants, up from 7 percent in 2000 and 3 percent in 1980 (Lopez and Moslimani 2024; Tamir 2022). Black immigrants tend to have higher socioeconomic status than native-born Black Americans, contributing to mutual stereotypes and distrust (CRTF 2023, 481). White people often perceive Black immigrants as more industrious and reliable, and in some contexts Black immigrants acquire an “elevated minority status” (Greer 2013, 11–37). At the same time, outcomes for most subgroups of Black immigrants are worse than for other immigrant groups, and shared experiences of anti-Black racism sometimes foster solidarity between Black immigrants and Black Americans (Alao 2023; Hamilton 2020, 309). These complex conditions have stimulated increased attention to eligibility for reparations. Finally, for most of its history, the campaign for Black reparations has primarily called for community-oriented policies directed toward Black people as a group, rather than monetary reparations for individuals (Kelley 2002, 114; Westley 1998, 468). In recent years, calls for

individual payments have become more prominent, which increases the need for precise criteria of eligibility (Bittker [1973] 2003, 95).

Within this context, two basic conceptions of eligibility have emerged. The lineage approach has been promoted by activist networks organized around a shared identity as descendants of people enslaved in the United States. Some of these activists use the hashtag #ADOS, coined by Yvette Carnell and Antonio Moore in 2016 (Stockman 2019). Related terms include “descendants,” “American Freedmen,” and “Foundational Black Americans” (FBA 2024). ADOS activists define their ethnic identity in opposition to Black immigrants, and some have been criticized for their apparent support for anti-immigrant views and policies (Lynn 2020). The ADOS Foundation has put reparations at the top of its agenda, and it has argued fervently for restricting eligibility to the ADOS identity group. The ADOS Foundation also restricts its claim for reparations to chattel slavery, excluding reparations for Jim Crow and other injustices that are “not unique to ADOS.” And it focuses on “direct cash payments, the most symbolically and materially significant component of any repair initiative for past harms” (ADOS Foundation 2024). ADOS activists supported a recent California law that requires government agencies to allow state employees to specify on government forms whether they are “descendants of persons who were enslaved in the United States” (Harvey 2024a). This change in data collection suggests that the lineage approach is not merely a set of ideas about reparations but is closely linked with an increasingly prominent identity group.

Among scholars, the most prominent defense of the lineage approach appears in the work of Darity and Mullen (2022). To be eligible for reparations, they argue, applicants should demonstrate that they: 1) had at least one ancestor who was enslaved in the United States, and 2) identified as Black or African American in public documents at least twelve years before the creation of a reparations program or a commission to study reparations, whichever comes first (Darity and Mullen 2022, 258). (Twelve years corresponds to two terms in the US Senate. The aim is to exclude anyone who begins to identify as Black merely to get reparations.) Darity and Mullen also argue that any reparations program “must prioritize direct monetary payments,” which could take the form of trust funds or endowments (xvii, see also 6, 266). The goal is “at least to eliminate the racial wealth gap within a decade,” while ensuring that individual recipients have full discretion over the funds (265).

In contrast to the lineage approach, a Pan-African approach to eligibility has long been endorsed by the National Coalition of Blacks for Reparations in America (N’COBRA), founded in 1987. N’COBRA states that “all Black people of African descent in the United States should receive reparations in the form of changes in or elimination of laws and practices that allow them to be treated differently and less well than white citizens” (N’COBRA 2024, 90). A similar position is defended by the National African American Reparations Commission (NAARC), founded in 2015. A NAARC press release notes that the ADOS approach to eligibility diverges from the more inclusive approaches of the Movement for Black Lives (M4BL), the NAACP, National Urban League, Rainbow/PUSH Coalition, National Congress of Black Women, and other prominent organizations and individuals. For NAARC, “*All Black people who were*

harmed by America in America, should be repaired by America in America" (NAARC 2022). Advocates of a Pan-African approach tend to see eliminating the racial wealth gap as one of many goals. They also call for community programs in education, economic development, physical and mental health, infrastructure, social empowerment, and public media, as well as memorials, monuments, and a formal government apology (NAARC n.d.).

The Task Force's Eligibility Debate

In September 2020, California Governor Gavin Newsom signed Assembly Bill 3121, authored by then-Assemblymember Shirley Weber (now California Secretary of State). The legislation established a nine-person Task Force to study and make recommendations to the legislature on reparations "for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States" (California Assembly 2020).¹ From June 2021 to June 2023, the Task Force held 28 days of public meetings, at first online because of the COVID-19 pandemic, and then in person from April 2022 onward. The Task Force also heard testimony from 133 invited experts, and hundreds of citizens used the public comment period before each meeting to express their views on reparations and to tell personal stories of racial injustice (CRTF 2023, 4). In some respects, the Task Force functioned as a truth commission, allowing Black Californians to share publicly their experiences of racialized discrimination, dispossession, and violence. The Task Force also engaged UCLA's Bunche Center to work with community groups to host listening sessions across the state, collect oral histories and personal testimonies, and administer two surveys. A survey of participants in the listening sessions found strong majority support for the lineage approach (67 percent) over the Pan-African approach (18 percent). A statistically representative state-wide survey found opinion evenly divided (29 percent lineage, 30 percent Pan-African) (CRTF 2023, 53, 939).² In June 2022, the Task Force published a widely praised Interim Report, followed in June 2023 by a groundbreaking 1,065-page Final Report (CRTF 2023). Both reports provided detailed histories of enslavement, racial terror, political disenfranchisement, and racist discrimination and abuse in housing, education, healthcare, law, culture, and other areas—all supported by California state and local governments. The Final Report also proposed a methodology for calculating monetary reparations, and it recommended dozens of policies in housing, education, healthcare, criminal justice, and other areas.

The Task Force Chair was Kamilah Moore, an attorney and reparatory justice scholar. The Vice Chair was Amos C. Brown, a long-time civil rights activist and pastor of San Francisco's Third Baptist Church. The other members were State Senator Steven Bradford, State Assemblymember Reginald B. Jones-Sawyer, Sr., San Diego City Councilmember Monica Montgomery-Steppe, university professors Cheryl Grills and Jovan Scott Lewis, and attorneys Lisa Holder and Donald K. Tamaki. All Task Force members identified as Black or African American, except Mr. Tamaki, who identified as Japanese American. The Task Force was assisted by a large staff at the California Department of Justice.

The Task Force did not address the eligibility question in terms of different models or theories of reparations. The closest the Task Force came to articulating

a general theory of reparations was its summary of the five categories of reparations recognized by United Nations General Assembly Resolution 60/147 of 2005 (CRTF 2023, 17–21): 1) *restitution*: return victims to their original state, to the extent possible, such as by returning unjustly taken property; 2) *compensation*: monetary awards for material or immaterial harms and losses; 3) *rehabilitation*: policies to restore or establish dignity, social status, vocational opportunity, etc.; 4) *satisfaction*: public truth telling, government acknowledgment and apology, commemoration of injustices; 5) *guarantees of non-repetition*: legal and institutional changes to prevent future harms. The authorizing legislation required the Task Force to comply with international standards for reparations, and Chair Moore repeatedly emphasized these five categories during Task Force meetings. But the Task Force did not specify which of these categories should receive priority, and it did not examine potential tensions among them. Nor did the Task Force develop a priority ranking of its many recommendations. In many respects, the Task Force took an “all of the above” approach.³ And as I will show, a tiered approach to eligibility was implicit in much of the Task Force’s work.

Chair Moore repeatedly framed the eligibility question in terms of a contrast between the lineage approach and a “race-based” approach (CRTF 2022f, min 1:50:40). Understood in this sense, the lineage approach would avoid using any racial criterion for eligibility, thus differing from the approach of Darity and Mullen (2022). Similarly, Chris Lodgson, a prominent advocate for the lineage approach and lead organizer with the Coalition for a Just and Equitable California (CJEC), said that to be a descendant or American Freedman is not a racial identity but a political identity.⁴ The lineage approach would restrict eligibility for reparations to approximately two million Californians who are (and can prove they are) descendants of persons enslaved in the United States. It would exclude approximately 600,000 Californians who identify as Black, African, or African American but whose ancestors were not enslaved in the United States (CRTF 2022f, min. 33:42). Most of those excluded would be first- and second-generation immigrants, but some would be descendants of Black people who came to the United States several generations ago. To be clear, advocates of the lineage approach did not oppose policies to address harms to Black immigrants and their descendants. But they insisted that such policies are not reparations. Chair Moore thus asserted that without a lineage approach, “this task force ceases to be a reparations task force for the institution of slavery. It then becomes a racial equity and identity and racial profiling task force, which already exists” (CRTF 2022f, min 1:22:20; see also Brooks 2004, 155). ADOS activists have also distinguished sharply between reparations and the broader “Black agenda” of policies that benefit all Black people (Lynn 2020; Smith and King 2024, 210–213).

The Task Force’s eligibility debate revolved around five key issues. One issue was whether the experience of people whose ancestors were enslaved in the United States is sufficiently different from the experience of Black immigrants and their descendants to justify excluding the latter from reparations. Advocates of the lineage approach, including California Secretary of State Shirley Weber, said it is. In Weber’s testimony to the Task Force on January 27, 2022, she said she would gladly help anyone whose ancestors were enslaved by other countries to apply to those

countries for reparations. “But this is about this country. Those who worked so hard to build this nation, and what the United States owes those individuals who built this country” (CRTF 2022a, min. 33:50). A related argument for the lineage approach was that Black immigrants and their descendants have higher socioeconomic status, and have been less harmed by white supremacy, than descendants of people enslaved in the United States (CRTF 2023, 481). Secretary Weber thus expressed concern that Black immigrants would be better equipped to access benefits from a reparations program. As a result, it could happen that “those at the front of the line were those who had very limited, if any impact at all, from slavery” (CRTF 2022a, min. 19:25). Indeed, she said, “There will be many Black people who do not deserve reparations” (CRTF 2022a, min. 20:42). Similarly, Weber said Black immigrants generally encounter less everyday racism than native-born African Americans. “Society’s response to an African or Jamaican is very different.” When she was a child, Weber said, Black immigrants “from other countries were exotic people. People liked them because they liked their accent. They liked having these exotic friends. Now, I wasn’t exotic, because I was the daughter of a former slave. So I wasn’t exotic at all” (CRTF 2022a, min. 39:10).

Critics of this argument for the lineage approach said it fails to account for the racist harms inflicted upon everyone perceived as Black, regardless of their ancestry. As Member Grills put it, the lineage approach “dismisses and devalues the harms done to African descendants not enslaved here, but who were injured by slavery due to their Blackness once they entered the shores of America” (CRTF 2022f, min. 10:15). In a media interview Member Jones-Sawyer said he agreed that descendants should have priority, but he added, “We should be concerned about every Black person in America When a white racist shoots and kills a Black person in the back because they’re Black, they don’t care if you came in from a slave ship or a cruise ship” (Luna 2022). Based on such considerations, Member Holder suggested a compromise position that would view reparations like a mass tort case involving a gas leak. “There were people who were right next to the gas leak, and there were people who were five miles away from the gas leak, but they were all impacted So even if the impact is on the sliding scale, you still include all of those people, as potential recipients of some sort of reparation” (CRTF 2022f, min. 43:15). In a Task Force meeting with the economics advisory team, Member Grills said “there doesn’t have to be a one size fits all,” and she asked whether it would be “feasible to think about a tiered approach, or a layered approach” that would give priority to descendants but also include others of African ancestry (CRTF 2022c, min. 1:11:45). By distinguishing among different categories of recipients, these comments suggest a tiered approach to eligibility.

These comments also revealed a contradiction in how advocates of the lineage approach justified reparations. On one hand, by excluding Black immigrants and their descendants, some of whom have lived in the United States for generations, they suggested that post-slavery forms of state-supported racial injustice do not, by themselves, provide a sufficient basis for reparations. On the other hand, they used a methodology for calculating monetary compensation based primarily on post-slavery injustices. Specifically, following the advice of its economics team, the Task Force focused on four areas of harm, in each case using data from a specific timespan: (a) health disparities: 1850-present; (b) mass incarceration and over-

policing: 1971-present; (c) housing discrimination: 1933-1977 or 1850-present; (d) devaluation of African American businesses: 1850-present (CRTF 2023, 40-48, 607; Fry and Yee 2023).⁵ (Calculations for unjust property takings by eminent domain and labor discrimination were considered separately.) Within each of these four categories, the Task Force proposed methods for calculating individual monetary compensation based on how many years a person had lived in California. Put simply, advocates of the lineage approach based *eligibility* for compensation on ancestral connection to US chattel slavery, while they based the *calculation* of compensation largely on post-slavery injustices. They included unjust harms to Black immigrants in the calculation of monetary compensation, even though they sought to exclude Black immigrants from eligibility for compensation. In this regard, the ADOS Foundation's approach is more consistent, since it restricts its claim to compensation for US chattel slavery.

It is also noteworthy that Chair Moore and other advocates of the lineage approach often invoked the “badges and incidents of slavery” as a justification for reparations, without acknowledging that most legal interpretations of this famous phrase conflict with the lineage approach. The Task Force's Final Report cites the US Supreme Court's determination in *The Civil Rights Cases* (1883) that the 13th Amendment empowered Congress to “to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States” (CRTF 2023, 2). The Final Report also rightly notes that slavery's “badges and incidents remain embedded in the political, legal, health, financial, educational, cultural, environmental, social, and economic systems of the United States of America” (CRTF 2023, 3; see also 353, 650, 634, 952). The Task Force did not delve into the concept of “badges and incidents,” but it heard testimony from legal scholar Jennifer Mason McAward on the history of the phrase (McAward 2022). Judges have differed greatly in how they apply the term. Some have used it broadly for any form of group-based oppression, while others have restricted its use to unjust harms to African Americans that are historically linked to slavery and its legacy (McAward 2012, 598). In her testimony, McAward proposed a definition of “badges and incidents of slavery”:

First, they are policies or practices that mirror a legal incident of slavery or infringe upon an aspect of liberty denied to slaves. Second, they are implemented by public or widespread, concerted private action. Third, they are aimed at disadvantaging African Americans or other populations that have previously been held in slavery. And fourth, they point “not remotely” to a violation of Section One of the Thirteenth Amendment — in other words, they pose an imminent threat to freedom or the ability to participate in the basic transactions of civil society. (McAward 2022, 2)

Although McAward's definition is relatively narrow, it clearly does not restrict the “badges and incidents of slavery” to descendants.

A second issue in the debate over the lineage approach was about the meaning and boundaries of African American identity. Advocates of the lineage approach argued that descendants are a unique identity group, with a distinctive group history, experience, and psychology. For example, Weber noted that descendants

cannot trace their lineage past the point where their ancestors were kidnapped from Africa. In contrast, she said, Black immigrants can trace their lineage back much farther, at least in principle. For Weber, “African immigrants [who] freely come to the United States in search of a better life should not be eligible for reparations, [because] whether they found a better life or not, they could always emigrate back to their homeland, and re-establish themselves with their indigenous families.” Weber’s argument echoes Darity and Mullen’s point that Black immigrants should not be eligible because they “migrated to a racist country voluntarily, unlike the ancestors of the community that merits reparations” (Darity and Mullen 2023, 17).⁶ Weber also argued that being a descendent of enslaved people creates a distinctive psychology. “Those who are descendants of slaves had and have the impact of that system living in them, and either driving or altering their aspirations” (CRTF 2022a, min. 18:15). As Member Tamaki acknowledged, “it’s not just about the compensation or the reparations, it’s about a group’s identity” (CRTF 2022f, min. 25:00).

In contrast to Weber, critics of the lineage approach emphasized shared experiences and a need for solidarity among all people of African ancestry. In response to Weber’s testimony, Member Holder asked about the many Black Americans “from the Caribbean and from other parts of the hemisphere who were enslaved, [who] have the same disconnection from their past, from their roots, as those of us enslaved in the United States” (CRTF 2022a, min. 29:15). At an earlier meeting, Member Holder expressed concern about undermining already precarious feelings of belonging by creating “divisions among African Americans and Black people and people in the diaspora, almost all of whom experienced slavery through their ancestry.” She also noted that “the community of reparations is an international community” and “an international movement,” and she worried about “having a very isolationist perspective on reparations” (CRTF 2021, min. 1:14:40). Jessica Aiwuyor, founder of the National Black Cultural Information Trust, provided testimony to the Task Force in which she argued that African Americans are part of a larger ethnic identity, “consisting of the greater African diaspora.” Any approach that includes only descendants of US slavery, she said, risked extending the harms of racism instead of repairing them (CRTF 2022d, min. 1:12:25). As a NAARC press release made the point, “Just imagine the absurdity that according to the #ADOS blood lineage requirements Malcolm X, Shirley Chisholm, Marcus Garvey, Harry Belafonte, Kwame Ture aka Stokely Carmichael, Congresswoman Yvette Clarke, Marc Morial, Susan Taylor, Opal Tometi, Colin Powell, Vice-President Kamala Harris and President Barack Obama would not be eligible for any form of reparations!” (NAARC 2022).

It does not diminish this point to note that Barack Obama actually would be eligible under the lineage approach, even though his father was from Kenya. Genealogists have found evidence that “strongly suggests” that he is a descendant, through his white mother, of John Punch, an African enslaved in seventeenth-century Virginia (Stolberg 2012). But the Obama example also makes clear that the lineage approach, taken by itself, could allow people socially defined as white (such as Obama’s mother) to claim eligibility for reparations. This was an implication that some advocates of the lineage approach were willing to accept.⁷ Preventing white people from qualifying would require supplementing the lineage approach with a

racial criterion like Darity and Mullen's, which Chair Moore was at pains to avoid. Ironically, by excluding some Black people from eligibility for reparations, a strict lineage approach would make it more difficult to exclude some white people.

A third issue was whether the lineage approach would be more likely to withstand legal challenge, as compared to an explicitly race-based approach. Erwin Chemerinsky, Dean of the UC Berkeley Law School, advised the Task Force that any reparations program that identified recipients based on race would run afoul of California's Proposition 209, which in 1996 banned the use of racial categories in state education, contracting, and employment. Additionally, a race-based approach, he said, would be unlikely to survive a challenge before the current US Supreme Court, where the conservative majority views policies based on racial classification as unconstitutional (CRTF 2022b, min. 1:01:30). In response to Chemerinsky's testimony, Member Holder pointed out that Prop. 209 only covers the three aforementioned policy areas, and so reparations policies in other areas would not conflict with it (CRTF 2022b, min. 1:33:00). Tax credits, health care programs, and policies on land ownership, for example, would all be unaffected by Prop. 209. "There's a complete misunderstanding of the law here, saying you can't have any race-based claims. That is incorrect" (CRTF 2022f, min. 0:40). McAward (2022) also pointed out that race-conscious reparations policies would face "strict scrutiny" from the courts, which requires that any racial classification be "narrowly tailored" to achieve "a compelling government interest." But reparations policies could be designed with that in mind.⁸

A fourth issue was whether the lineage approach would put an excessive burden on people to demonstrate their eligibility. Member Jones-Sawyer said he had only been able to trace his own genealogy back to 1940. "What about foster kids? . . . Very few of us can find those documents Let's just say most of us can, what about the ones that can't? Do we leave them behind?" (CRTF 2022e, min. 1:46:00; Sarah 2022). In her testimony, Aiwuyor warned that identity tests using either DNA or genealogical research could become very intrusive (CRTF 2022d, min. 1:13:40). Indeed, reparations programs in other countries suggest that broad and inclusive eligibility criteria have the advantage of avoiding bureaucratic delays and emotionally burdensome requirements for victims to substantiate their claims (De Greiff 2006, 459). The Task Force heard testimony from several genealogists who argued that demonstrating one's ancestry would be easier than it appeared. But their testimony also suggested that the lineage approach would base eligibility on research by experts. Family tradition or personal attestation would not suffice. Even if genealogy services were provided at public expense, as the Task Force recommended, it seems reasonable to ask whether the lineage approach could perpetuate a biological and essentialist view of racial identity. In an appearance on MSNBC, historian Jelani Cobb called the lineage approach "a Black equivalent of . . . the white nativism that we've seen on the right for so long" (MSNBC 2022; see also Cobb 2015). Of course, like any government policy, reparations policies are likely to be either overinclusive or underinclusive or both. A key question for public discussion is which forms of inclusion and exclusion are more acceptable (Westley 1998, 471–473).

Finally, advocates and critics of the lineage approach disagreed about what the Task Force's authorizing legislation required. Chair Moore and others argued that

both the text and “legislative intent” of AB 3121 required a lineage approach.⁹ As first introduced in the California Legislature on February 21, 2020, the bill referred simply to “Reparation Proposals for African Americans.” But two California-based organizations—the Coalition for a Just and Equitable California (CEJC), mentioned previously, and the National Assembly of American Slavery Descendants (NAASD)—worked directly with then-Assemblymember Weber to try to incorporate a lineage approach into the legislation (Sarah 2022). As CJEC activist Marcus Champion explained in testimony to the Task Force, CEJC gave Weber a list of seven proposed amendments to the bill, including amendments to the language on eligibility (CRTF 2022d: min. 1:18:30). The CJEC activists were only partly successful. The bill’s final version included the phrase “descendants of persons enslaved in the United States,” as proposed by CJEC, but it said only that this group should receive “special consideration.” It did not say that only members of this group should be eligible. Nonetheless, at the Task Force meeting of March 29, 2022, Chair Moore gave a long presentation in which she purported to demonstrate that the “legislative intent” of AB 3121 was to restrict eligibility to descendants of people enslaved in the United States (CRTF 2022e, min. 36:00–59:00). Among other evidence, she argued that advocates of reparations had consistently used the term “African American” to mean only descendants of people enslaved in the United States. Moore later said her usage aligned with “common parlance.” As an example, she mentioned her Jamaican neighbor who told her, “I’m a Black American, but I’m not an African American. And I do not think that I’m owed reparations” (CRTF 2022f, min. 39:20). Moore’s arguments were vigorously supported by activists from the descendant community. They attended every Task Force meeting and used the public comment period to argue passionately for the lineage approach.

Critics of the lineage approach argued that the common meaning of “African American” includes more than descendants of people enslaved in the United States. Member Holder said, “The common understanding of the term ‘African American’ means Black people, all Black people We don’t even need to get to the legislative intent. We have unambiguous language that is broad, that says that we can create remedies for African Americans with a special consideration for descendants of US slavery” (CRTF 2022f, min. 4:30). As Member Grills made the point, “I don’t think ‘special consideration’ is the same as ‘and therefore deny everyone else’.” Citing sociological studies on the social integration of Black immigrants, Grills said that “it’s a little more complicated than just saying that immigrants will identify as Black [and that] they don’t identify as African American” (CRTF 2022f, min. 17:25, 46:20). Indeed, studies have found that the longer Black immigrants and their descendants have lived in the United States, the more likely they are to align themselves with African American conceptions of Black identity (Alao 2023, 144). Moreover, a 2019 Gallup survey found that a majority (64 percent) of Americans who identify as either “Black” or “African American” said that it did not matter to them which term people used (Saad 2020). Although the bill’s primary author, Shirley Weber, publicly supported Moore’s view, it seems clear that the language of the legislation does not restrict eligibility to people whose ancestors were enslaved in the United States.

Given these conflicting views on eligibility, and considering that the Task Force had no lawmaking authority, it could have just summarized the best arguments for each view, without recommending a single best approach. But that possibility was not

publicly discussed. The eligibility debate thus came down to a decision between two proposals on March 29, 2022 (CRTF 2022f, min. 1:50:00). The first proposal stated:

Define the community of eligibility based on lineage determined by an individual being an African American descendant of a chattel enslaved person OR the descendant of a Free Black person living in the US prior to the end of the 19th century.

By requiring that recipients be “African American,” this proposal seemingly abandoned the attempt to avoid a “race-based” approach. For the second part of the definition, several reasons were given: genealogical records for Black Americans before the 1870 census are extremely limited, any free Black person in the United States prior to 1865 was at risk of being enslaved, and voluntary Black immigration to the United States before approximately 1900 was negligible. The second proposal was an amendment to the first. It combined the lineage and Pan-African approaches, implicitly suggesting a tiered approach to eligibility:

Define the community of eligibility to be consistent with the 2.6 M African Americans in the State of California with an understanding that there will be special lineage considerations determined by an individual being an African American descendant of a chattel enslaved person OR the descendant of a Free Black person living in the US prior to the end of the 19th century.

The Task Force did not take much time to discuss the two proposals. Most notably, there was no discussion of whether it might be possible to adopt different eligibility standards for different kinds of policies.¹⁰ After a few contentious exchanges, made more difficult by the online meeting format and the repeated breakdown of several members’ internet connections, the Task Force voted. The combined approach was voted down, and the lineage approach (with the aforementioned racial supplement) was narrowly approved with five ayes (Brown, Bradford, Lewis, Montgomery-Steppe, Moore) and four nays (Grills, Holder, Jones-Sawyer, Tamaki). At subsequent meetings, many activists—the vast majority of whom supported the lineage approach—expressed their thanks and urged the Task Force not to deviate from its decision.

Eligibility in the Task Force’s Final Report

The Task Force published its Final Report in June 2023. Comprehensive, engaging, and carefully researched, it was also a product of many hands, with chapters written on a tight deadline through online collaboration between members of the Task Force and staff at the California Department of Justice.¹¹ The goal was to capture the Task Force’s deliberations and recommendations, while also following legal requirements, including the UN guidelines on reparations. These factors help to explain why the Final Report includes several definitions of eligibility, implicitly suggesting a tiered approach.

A small number of the Final Report’s recommendations specify descendants as the sole eligible group, thus following a strict lineage approach. With regard to a

proposed California American Freedmen Affairs Agency, for example, the report describes numerous services as only for descendants. The agency's Civic Engagement/Self-determination Office would "support civic engagement, political participation, and self-determination among the descendant community" (CRFT 2023, 637). The report also includes the recommendation, "Expand Access to Career Technical Education for Descendants" (701). Most of the Final Report, however, does not entirely restrict eligibility to descendants. Ironically, much of the Final Report follows the combined approach that was voted down, which was to include all African Americans but to give special consideration to descendants. And it does so in two different ways, driven in part by the UN definition of reparations.

First, the report follows the proposal that was voted down when it recommends that only descendants (the "eligible class") receive monetary reparations, which would be one way to give them "special consideration."

Reserving monetary reparations (including monetary-equivalent reparations such as free tuition or loan forgiveness), or restitution, for the eligible class is appropriate. . . . But to reserve monetary reparations to those who are descended from enslaved persons does not require ignoring the ongoing harm to the larger African American community. . . . Through the changes to laws and policies recommended in Chapters 18-30 of this report, the Task Force aims to address the harms that persist and extend to all African American Californians. These legislative reforms are no less essential to reparations, but take a different form of satisfaction, rehabilitation, and guarantee of non-repetition beyond monetary payments or restitution. (CRFT 2023, 956, see also 634)

By specifying different forms of reparations for different groups, the report here implicitly adopts a tiered approach to eligibility.

Second, the report follows the approach that was voted down in a different way when it recommends that descendants receive "special consideration" with regard to *both* monetary and non-monetary policies. For example, the report recommends providing monetary assistance to increase home ownership "among African Americans, especially descendants" (CRFT 2023, 684). The report also recommends addressing the needs of all African Americans, while giving priority to descendants, in its recommendations to include culturally responsive pedagogy in the state curriculum for teacher training and credentialing (696), to reduce barriers to acquiring an occupational license for formerly incarcerated people (740), to make the legal profession more accessible for African American attorneys (749), to eliminate racial health disparities (764), to adopt single-payer health care coverage (764), and to promote farmers markets and other measures to bring food justice to African American communities, "with special consideration for African Americans who are descendants of persons enslaved in the United States" (777). In none of these recommendations does the report explain how to give "special consideration" to descendants. Nonetheless, this approach is also consistent with the combined eligibility proposal that was voted down.

Beyond these two approaches, at many other points the report recommends policies that are either for all African Americans or for all Californians, with no

special consideration for descendants. These recommendations do not comply with either of the Task Force's proposed eligibility standards. With regard to a government apology, the report neither restricts the apology to descendants of people enslaved in the United States nor does it give them special consideration (CRTF 2023, 597). Universal policies for all Californians proposed in the Final Report include recommendations to amend the California Constitution to prohibit involuntary servitude in state prisons (645), to abolish the death penalty (646), to declare Election Day a paid state holiday (677), to increase jury participation and voting rights among incarcerated and formerly incarcerated people (678–679), to fund antiracism training “for affordable housing contractors, providers, and decision makers” (683), to repeal “crime free” housing policies by landlords and public housing authorities (685–686), to fund “improved access to educational opportunities for all incarcerated people” (695), to remove lead in drinking water (714), and to raise the minimum wage (740). These policies are in the Final Report because they would disproportionately impact African Americans, but they are for everyone. They are also key elements of a tiered approach to eligibility.

Eligibility in Early Reparations Legislation

In 2024, California legislators introduced numerous bills based on the Task Force's recommendations, taking several different approaches to eligibility. Four bills introduced by State Senator and former Task Force Member Steven Bradford explicitly adopted the lineage approach (SB 1403, SB 1007, SB 1013, and SB 1331). None of these bills passed the legislature.¹² Most significantly, SB 1403 would have established a California American Freedmen Affairs Agency to implement the Task Force's recommendations. The bill defined “descendant” in the same manner as the Task Force's Final Report, and it stated that the proposed agency would “require proof of an individual's descendant status to be a qualifying criterion for benefits authorized by the state for descendants.” The bill passed the State Senate, but leaders of the California Legislative Black Caucus (CLBC) did not bring it up for a vote in the Assembly, apparently in part to avoid a veto by the Governor. The same thing happened to another lineage-based bill (SB 1331), which would have created a fund in the State Treasury for policies to address harms to descendants. Advocates of the lineage approach lobbied intensely for these bills at the State Capitol, and they later harshly criticized the CLBC for not bringing them up for a vote (Fry, Koseff, and Kamal 2024).

Over a dozen other reparations bills were introduced by the CLBC in 2024 (Harvey 2024b). None of these bills took a strict lineage approach, and only one gave special consideration to descendants. AB 2862, which failed to pass, would have required state professional licensing boards to prioritize African American applicants, “especially applicants who are descended from a person enslaved in the United States.” Two other bills (AC 135 and AB 3089), both apologies for the state government's complicity with slavery, were directed in part toward descendants of enslaved people in general, but they did not refer specifically to descendants of people enslaved in the United States. Signed by Governor Gavin Newsom on September 26, 2024, Assembly Bill 3089 includes a formal apology and a pledge of non-repetition, and it states, “The State of California affirms its role in

protecting the descendants of enslaved people and all Black Californians as well as their civil, political, and sociocultural rights.” This apology was not accompanied by any measures to provide individual monetary reparations, leading some activists to condemn it as empty words (Fry 2024).¹³

All the other reparations bills introduced in 2024 took a universalist approach that included all Californians. For example, ACA 4, which did not pass, would have extended voting rights to people serving felony sentences in California. According to the bill’s author, Assemblymember Isaac Bryan (D-Los Angeles), “While it will enfranchise, disproportionately, a large number of Black folks, it will also re-enfranchise at least 7,000 veterans. It’ll re-enfranchise the parents of over 200,000 children in this state. It’ll re-enfranchise more Latinos than anybody else in terms of total number of people who are incarcerated” (Marzorati 2023). Another example of this universalist approach was Proposition 6, a ballot measure to amend the state constitution to prohibit involuntary servitude in state prisons. Prop. 6 was recommended by the Task Force and approved by the legislature, but then it was rejected by California voters in November 2024. It would have disproportionately benefited Black Californians, who are overrepresented in state prisons. It also had a direct historical connection to slavery, because it would have eliminated a loophole in the California Constitution that also appears in the US Constitution’s Thirteenth Amendment: the allowance of involuntary servitude by people convicted of a crime. In the years after the Civil War, this provision enabled convict-leasing and other forms of de facto re-enslavement. Prop. 6 thus sought to address one of the “badges and incidents of slavery,” as defined previously. Nonetheless, Prop. 6 was also a universal policy that would have benefited all incarcerated people.

Several other such bills—plausibly understood as reparations for slavery, yet universal in application—were signed into law by Governor Newsom in September 2024: AB 1815 strengthens protections against discrimination based on natural and protective hairstyles; AB 1986 increases public oversight over the banning of books in California prisons; AB 3131 requires California’s Department of Education to prioritize disadvantaged communities for career technical education grants; SB 1089 aims to address food deserts in Black communities by requiring groceries and pharmacies to provide advance notice of closure. Some activists criticized these universal policies as not genuine reparations, while the CLBC defended them as first steps on a long road of building public support (Harvey 2024b). Indeed, for the 2025 legislative session, the CLBC introduced another set of reparations bills, some of which took a “lineage not race” approach, while others were directed at either all Black Californians or all Californians (CLBC 2025; Marzorati 2025). This article was completed before the fate of these bills had been determined. Overall, the CLBC did not explicitly advocate a tiered approach to eligibility, but by sponsoring reparations bills with different eligibility criteria, including several with a universal approach, the CLBC echoed the tiered approach implicit in the Task Force’s Final Report—usually not within a single policy, but spread across a set of policies.

A Tiered Approach to Eligibility

As the preceding analysis suggests, a tiered approach to eligibility was implicit in the work of both the Task Force and the California Legislature. It has also been

suggested by numerous reparations advocates. For example, the *Reparations Now Toolkit* of the Movement for Black Lives describes reparations to descendants as “a primary and core demand,” but it also calls for “reparations to all African descended people in the United States for harms flowing from the ‘badges and incidents’ of slavery” (Ritchie and Stahly-Butts 2019, 39). Similarly, Kavon Ward, founder of the advocacy group Justice for Bruce’s Beach and co-founder of Where is My Land, urged the Task Force to consider “tiering reparations so that every one of the African diaspora in California gets them” (CRTF 2021, min. 24:40, see also 1:18:15). And Nikole Hannah-Jones, creator of The 1619 Project, has said there should be a “carve out for folks who were here post-slavery but also had to go through racial apartheid, so maybe there would be a degree of reparation that those folks would receive” (Hannah-Jones 2024, min. 23:03). A tiered approach could take various forms. Here I present a proposal based on three tiers of eligibility.

The first tier would consist of descendants, as defined by advocates of the lineage approach. This tier would fulfill the UN categories of restitution and compensation. In accord with several aspects of the Task Force’s work—the text of AB 3121, the eligibility proposal voted down by the Task Force, parts of the Final Report, and some of the early legislation—this tier would give descendants “special consideration” of some kind. This could take the form of restricting all monetary reparations to descendants, ideally with a low burden of proof for demonstrating ancestry. Special consideration could also be expressed through recognition by public officials, monuments, memorials, education programs, and so on. Such measures would aim to publicly recognize the distinctive harms of US chattel slavery and the legitimate claims of the descendant identity group. However, as noted in the Final Report, the lineage approach is not compatible with the forward-looking policies associated with the UN categories of rehabilitation, satisfaction, and guarantees of non-repetition, because most policies that fulfill those categories cannot feasibly be restricted to the descendant community. In neighborhoods, schools, hospitals, and other locations where such policies are implemented, the descendant community is thoroughly intertwined with other groups.¹⁴ For example, the Final Report recommends adopting a K-12 Black studies curriculum that highlights the contributions of descendants, but it does not recommend descendant-only classes, presumably because that would be neither feasible nor desirable (CRTF 2023, 698).

The second tier would include all residents or citizens who have a public record of identifying as Black or African American. This tier would fulfill the UN categories of rehabilitation, satisfaction, and non-repetition. People in this tier would be eligible for forward-looking initiatives that aim to transform social structures and institutions in education, healthcare, policing, and other areas. The basic purpose would be to ensure the social and material foundations of equal citizenship. This tier would recognize that most Black immigrants, and especially descendants of Black immigrants, experience racialized harms that amount to “badges and incidents of slavery.” This tier of eligibility could be restricted in various ways. One could exclude first-generation Black immigrants. Or one could include only Black immigrants who have lived in the United States for a certain number of years or who are naturalized citizens. One could follow a proposal by Roy Brooks to restrict eligibility to Black people who have “a familial connection to slavery or the first fifty years of Jim Crow” (Brooks 2004, 197). Another option would be a proposal by long-time reparations advocate Nkechi Taifa

to restrict eligibility for cash reparations to people recorded as Black in the 1970 census and their descendants, while making all Black people eligible for community reparations (Taifa 2022, 56–57).

The third tier would consist of universal policies for which everyone is eligible (possibly restricted according to residency, income, or other non-ascriptive criteria). This tier fulfills the same UN categories as the second tier. It recognizes that restricting eligibility to a particular group is often not feasible for policies that go beyond repairing past harms and attempt to prevent future harms, as required by the UN definition of reparations. For example, in a recommendation that implicitly includes all three tiers of eligibility, the Task Force proposed enacting state-wide “responsible development” standards for new housing “in neighborhoods significantly populated by African Americans, especially those who are descendants of enslaved persons” (682). Other examples of universal policies include the Task Force’s proposed measures to eliminate involuntary prison labor and to extend voting rights to people in prison, mentioned previously. To be sure, historically, many universal and ostensibly race-neutral policies (Social Security, the GI Bill, etc.) have in practice primarily benefited white men (powell 2009). As the Final Report rightly notes, “Time and again, universal policies that have not been specifically directed to stop and repair the harm that continues to afflict African Americans have succeeded only in allowing that harm to continue” (CRTF 2023, 49). Nonetheless, numerous universal policies were included in the Final Report and related legislation. And *de facto* universal policies have long been included in leading proposals for reparations, even though few commentators have emphasized their universal character. Such policies arguably merit the label “reparations” if they include a reparative rationale and target the “badges and incidents of slavery.” Strictly speaking, this does not mean that white people and other non-Black people would be “eligible” for reparations, only that they would share the benefits.

There are at least two reasons to expect that a tiered approach to eligibility is more likely than the other approaches to increase public support for reparations. First, by including policies with universal eligibility, a tiered approach facilitates the combination of reparative and distributive justice. Reparative justice is about repairing material and symbolic harms, while distributive justice is about the social allocation of wealth and other resources (Thompson 2018, 11–12). These two forms of justice are often seen as antithetical, divided between advocates of “recognition” and “identity politics,” on one hand, and “redistribution” and “class politics,” on the other (Brooks 2004, 155; Shelby 2011; Darby 2023). But this is a false opposition, and the most successful social movements have combined these approaches. In a capitalist society with staggering social and economic inequality, achieving the reparatory goal of eliminating the racial wealth gap and other racial disparities would not, by itself, end poverty and exploitation. It would merely ensure that Black people are poor and exploited at the same average rate as other groups (Bruenig 2020; Johnson 2016). Ending poverty and exploitation requires, among other things, egalitarian social policies—“redistributive” policies, broadly understood—that ensure a just distribution of basic resources and opportunities. Redistributive and reparative policies can be combined in two ways. First, redistributive policies can be justified in part as a government response to historical injustice (Valls 2018, 33–34; Nuti 2019, 164). For example, the Task Force’s recommendation to increase

government funding for removing lead in drinking water (which disproportionately impacts African Americans) can be justified with reference to both universal human needs and a history of racist housing policy (CRTF 2023, 714). Second, redistributive policies can be given a reparative element. One example is a proposal for Universal Basic Income that includes a supplement for Black Americans (Warren 2017). Redistributive and reparative justice are both necessary, and combining them would make it easier to attract support among diverse social groups (Page 2022; 2024; Balfour 2023, 300; Táíwò 2022, 74).

Second, a tiered approach to eligibility would increase public support for reparations by providing both direct and indirect benefits to white people. Research suggests that the most effective way to enlist public support for racial justice initiatives is by focusing on mutual interests, rather than moral obligations (Bell 1980; Russo 2024; Reichelmann and Hunt 2021). Ending involuntary servitude in state prisons, for example, or making Election Day a paid state holiday, while having a clear reparative dimension, would directly benefit many white people. Such direct benefits would provide an onramp or “gateway drug” to reparations for skeptical white people. It would make them more receptive to the notion that they will also benefit indirectly from reparations policies that target either all Black people or only descendants. In the words of a prominent California advocacy group, “By advancing reparations, all communities will benefit, as Black people have been the pioneers and beacons of civil and human rights for all people” (California Black Power Network n.d., 3). And as the Final Report notes, “A racist system harms all who live in it, even those who may have historically reaped the benefits of the system” (CRTF 2023, 5). On this point, the report cites Jonathan Metzl’s much-discussed study *Dying of Whiteness* (Metzl 2019). Metzl shows how many white people today see public health programs as handouts to undeserving people of color, which undermines support for such programs among white people who would benefit from them. Reparations programs challenge this racialized view of public policy, in part by showing that racial disparities are the result of centuries of white supremacy, rather than alleged cultural deficiencies of Black people (Page 2024). The tiered approach thus undermines the common “zero-sum” framing of racial justice, which assumes it’s only possible at white people’s expense (McGhee 2021, 275–277). It conveys the notion that, in some respects, reparations are for everyone.

Some reparations advocates will understandably object to white people benefiting from Black reparations. It might reduce their objection somewhat to recognize that white people have been “derivative victims” of white supremacy, because it “confuses so many by prejudice that they have supported their own oppressors,” as Martin Luther King Jr. argued, echoing W.E.B. Du Bois and many others (King [1963] 2000, 171; Du Bois [1935] 2007, 573–574). White racism induces working-class white people to identify with white elites, rather than working-class people of color, which undermines multiracial cooperation and resistance against exploitation. At the Task Force’s public meetings, lineage advocates often quoted a statement King made with reference to the Poor People’s Campaign of 1968: “we’re coming to get our check.” But that campaign explicitly included all disadvantaged groups. Indeed, five years earlier King had called for “a massive program by the government of special, compensatory measures” for Black people, combined with “a broad-based and gigantic Bill of Rights for the Disadvantaged” (King [1963] 2000,

170; Balfour 2023, 295; Valls 2018, 40). King's stance on reparations was arguably similar to the tiered approach described here.

Conclusion

As mentioned in the introduction, it should be up to potential recipients to determine eligibility criteria for reparations. This article aims to facilitate that process by showing that the Final Report of the California Reparations Task Force, as well as much of the related public testimony and proposed legislation, implicitly suggested a tiered approach to eligibility. This is surprising because most commentary and scholarship on reparations has suggested that all reparations policies would adopt a single standard of eligibility. I have tried to articulate and clarify the tiered approach, and I have offered a brief discussion of its potential to increase public support for reparations. Admittedly, the tiered approach also has certain risks. Combining reparations with universal policies could dilute the historical dimension of reparations. It could obscure the goal of recognizing the distinctive claims of both the descendant community and all people of African descent. It could also induce policymakers to simply rebrand existing policies as “reparations.” Such risks could be mitigated by ensuring that reparations policies have a clear connection to the “badges and incidents of slavery,” and by publicly recognizing related injustices and educating the public about them. With sufficient public support, reparations for Black Americans could become a key part of broader strategies to eliminate structural barriers to equal citizenship and social membership.

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Notes

1 Advocates of the bill built on momentum from the historic racial justice protests of 2020, as well as earlier legislation (AB 1460) that established an Ethnic Studies requirement for California State University, introduced by Weber in 2019 and later expanded to public high schools (Shirley Weber, March 16, 2023, interviewed by author).

2 The state-wide survey also found higher public support for reparations than other surveys: direct cash payments: 66 percent; monetary reparations without cash: 77 percent; non-monetary reparations: 73 percent (CFTF 2023, 53, chap. 32).

3 Cheryl Grills, May 17, 2024, and Donald Tamaki, October 16, 2024, interviewed by the author.

- 4 Chris Lodgson, February 6, 2025, interviewed by the author.
- 5 The economics team compared this framework, based on compensation for specific harms, to an approach based on eliminating the racial wealth gap at the national level. A comparison of these objectives for reparations goes beyond the scope of this paper.
- 6 In response, one could make several points: immigrants have the same basic moral rights as everyone else; so-called voluntary migration is often not entirely voluntary, especially in the case of refugees; and many people categorized as Black immigrants were born in the US or brought here as children, and they are not responsible for the migration decisions of their parents. See Valls (2024).
- 7 Chris Lodgson, February 6, 2025, interviewed by the author.
- 8 Brooks (2023) suggests avoiding constitutional challenge by basing eligibility on ancestral connection to *both* slavery and Jim Crow. This approach is not race-based, and it “eliminates most White Americans (as they may have descended from victims of slavery but not from victims of Jim Crow) and most non-Black minorities (as they may have descended from victims of Jim Crow but fewer from victims of slavery)” (850).
- 9 Senator Bradford said his support for the lineage approach was based in part on his commitment to following Secretary Weber’s intent in writing the bill (Steven Bradford, May 1, 2024, interviewed by student research assistant Jordan Rivers).
- 10 The Final Report says the eligibility standard approved by the Task Force was “for monetary reparations,” but that is incorrect, as the passage quoted here indicates (CRTF 2023, 41, see also 606).
- 11 Cheryl Grills, May 17, 2024, interviewed by the author.
- 12 A fifth bill introduced by Senator Bradford, SB 1050, would have provided restitution or compensation to people who lost property because of racially motivated eminent domain. The bill did not specify eligibility criteria, but it would have been implemented by the proposed American Freedmen Affairs Agency, which was to follow a lineage approach. SB 1050 was passed by the legislature but vetoed by the Governor.
- 13 The budget signed by Governor Newsom in June 2024 set aside \$12 million for reparations, without specifying how the money would be spent.
- 14 Donald Tamaki, October 16, 2024, interviewed by the author.

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