

# 'Justice and Colonialism'

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## Abstract

This paper examines the relationship between justice and colonialism. It defines colonialism; examines the kind of injustice that colonialism involved; and the possibility of corrective justice.

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### 1. Introduction

The relationship between justice and colonialism may seem straightforward: almost everyone nowadays agrees that colonialism as a system was deeply unjust. But this conceals widespread disagreement over the very nature of colonialism, as well as over the features that make it unjust. I begin therefore with a brief sketch of the different forms of alien rule that have been gathered together under the heading of 'colonialism', before turning in section 2 to the question of its injustice. Here, I consider three distinct views found in the philosophical literature and advance a fourth. There is the view that it was only contingently unjust (Valentini); that it had a single foundational injustice (Stilz, Ypi); that it was doubly unjust (Moore); and that it was triply unjust (Butt, Tan). In the final part of the essay, I consider the issue of reparative justice. If we have a theory about what makes colonialism unjust, we should have an account of what can be done to right that injustice. The discussion of reparations is related to the question of what precisely is the wrong of colonialism, although there are additional difficulties that attach to reparations for multi-generational, structural, and collective agent injustices.

### 2. Conceptual Analysis: What is Colonialism?

As noted above, debates about the justice or injustice of colonialism are related to debates about its conceptual understanding and core features. In attempting to define 'colonialism', however, we are confronted with an initial problem. The term is used in the philosophical literature to refer to a wide range of political practices, with no distinction drawn between 'colonialism' and 'imperialism'. Yet in its original usage, still captured in ordinary language, the term referred to a particular kind of relationship – 'settler colonialism', where the focus is on the settlers (the *colons*). In that relationship, there are three distinct parties: the imperial authority, which is also the 'mother country' from which the settlers came; the settlers themselves; and the indigenous people. The relationship between the three elements was often fraught with tension and different interests, and had a different dynamic than other (imperial) political projects, where settlement was not a dominant feature. In historical writing, 'imperialism' is usually deployed as the umbrella term to refer to the various forms of domination practiced by the imperial authority.

However, recent philosophical practice has been to use the term 'colonialism' without distinction from 'imperialism'. Here, I think philosophers are following the language of the United Nations, and especially UN Resolution 1514 (1960), 'On the Granting of Independence to Colonial Countries and Peoples'. This is unfortunate, because it's not obvious that

all kinds of 'colonialism' in this loose sense exhibit the same core features and the same wrongful elements. Although I will follow most philosophical usage in understanding 'colonialism' broadly, I try to avoid the most serious confusion by distinguishing between **four different types of colonial/imperial rule**.

I list these in rough order of historical appearance, with a brief description of each. (a) The oldest form of empire, which nevertheless continues to this day, is **the Land Empire** where the imperial center conquers land beyond its natural boundaries, **subordinates the people in systems of political rule that extend from the imperial center, and extracts resources for the benefit of the system as a whole**. This basic pattern was evident in the Roman Empire, perhaps the most successful empire of all time, which adopted the following formulae – conquest, followed by use of resources and taxation of wealth for the empire as a whole; the maintenance of an established army or military capacity; as well as the extension of some aspects of culture that facilitated imperial control (e.g., the building of roads). (b) The next form is **Settler Colonialism**, in which the metropolis does not extend its rule directly over distant lands, but establishes colonies or settlements of members of the dominant (imperial) group, who move permanently overseas, not as individuals but as groups aiming to largely reproduce their culture, language, and political values in the new place. The paradigm cases of this kind of colonialism are to be found in the Americas from the 16th century onwards, as well as Australia and New Zealand in the 19th. (c) Then we have **Indirect Mercantilist Imperialism**, such as practiced by the **British East India Company**, a joint-stock company that was given monopoly rights by the British to engage in commercial relations in the Indies. Initially established for the purpose of trade, the British East India Company gradually came to exercise sweeping jurisdictional control over most of the Indian sub-continent. (d) This eventually gave way to **Direct Rule Salt-water Imperialism**, where the imperial authority directly rules the colony, which it is separated from geographically (technically, in international law, by 'salt water'). The paradigm case is the relationship between Britain and India, in the period between 1859 and 1947. The transition from informal to more formal rule occurred gradually but there were a number of key events: the intervention of the Bank of England to prevent Company bankruptcy in 1758–1759; the clarification in the British Parliament's Regulating Act of 1773 that the East India Company exercised this sovereignty on behalf of the Crown; and, increasingly, direct British military support, especially to address the rebellions of 1857, at which point the relationship appeared to be a classic high imperial relationship of direct political domination and subordination.<sup>1</sup>

What can be said about the range of things that 'count' as colonialism? **First, they are very different political structures**, which makes it difficult to identify a core idea or phenomenon in colonialism in the same way that there is with other 'isms' like 'capitalism' or 'socialism' or 'liberalism'. It is probably a mistake to think that we should in every case be able to specify the necessary and jointly sufficient conditions that must be satisfied for a particular arrangement to count as 'colonial' (Hart 1954; Waldron 1988: 26–35). Although I will follow philosophical usage in referring to all the types listed above as instances of colonialism, I will argue that there are injustices that attach to one type of colonialism – injustices that are egregious and not incidental to the practice – that are not shared by all the diverse types of the phenomena, and so go un-theorized as serious injustices of *colonialism*. In particular, this has happened with respect to the issue of **the taking of land in settler colonialism**.

### 3. *What Makes Colonialism Unjust?*

There are three distinct positions in the literature on what about colonialism makes it unjust. First, there is the view held by many older liberals, and a few today, that there is nothing inherently unjust about colonialism, but it was practiced in ways that made it **contingently unjust**.

Second, there is the *list theory of injustice of colonialism*, associated with the work of Dan Butt and Kok-Chor Tan. On their view, colonialism was characterized by three different wrongful features: (a) political domination; (b) cultural imposition; and (c) exploitation. Finally, there is the view advanced by Lea Ypi and Anna Stilz that there is something *uniquely wrong* with colonialism, namely *political domination*, so their account will be discussed in the section on how we should conceptualize that wrong. I also put forward an alternative account of political domination, while arguing that none of these views properly *theorize the wrong of taking territory*. I trace that *lacuna* to the conceptual confusion about colonialism already discussed.

### 3.1. COLONIALISM WAS CONTINGENTLY UNJUST

One prominent view is that colonialism is not inherently unjust, but that it was often practiced in an unjust way. Laura Valentini, in a recent article, advances this view, associating colonialism with a range of injustices, but not as necessarily connected to any of them. She lists a number of injustices that have at various times been associated with one or other type of colonial order – including ‘racism, violence, exploitation, murder, forced relocation, violations of relational equality between individuals, and so forth’ (Valentini 2015: 331) – but she does not regard them as *necessary* to it. On her view, there is nothing specially wrong or unjust about colonialism: it was just badly practiced, and indeed may be no worse than many other forms of political order (Valentini 2015: 330), a view also held by many critics of indirect imperialism, who criticized the pursuit of profit by companies like the British East India Company as detrimental to the pursuit of justice and good governance (Mill; Montesquieu 1989 [1748]; Cano, cited in Pagden: 31; Kant 1795; Kleingeld 2015).

The problem with this view, however, is that it cannot explain our deep intuition that colonial rule invariably wrongs those subjected to it, regardless of the particular way in which it is implemented. *Indeed its injustice, along with that of slavery, is often taken to be one of the fixed points of our moral compass, from which we build our normative theories.*

### 3.2. THE ‘LIST THEORY’ OF THE INJUSTICE OF COLONIALISM

More interesting than the contingent view is the *list view* of the specific injustices attached to colonialism. Daniel Butt and Kok-Chor Tan independently identify three wrong-making features of colonialism: (a) political domination; (b) cultural imposition; and (c) exploitation (Tan 2007; Butt 2013). I examine these features in reverse order, elaborating on the different forms that they took in different kinds of colonial systems.

#### 3.2.1. *Economic exploitation*

In this section, I focus on the idea of empires as exploiters. This is a familiar idea, since exploitation certainly features as an important explanation of the rise of mercantilist empires and the quest by European powers, culminating in the scramble for Africa 1881–1916, to divide the entire world into blocs of territory under imperial control. The initial motivation was the quest for resources, for material gain, such as gold in South America, and fur, fish, and agricultural goods such as sugar and cotton in North America, which was part of a lucrative triangular trade involving slaves in Africa. These exploitative practices led to or were accompanied by political control, to ensure access to goods and markets and to perpetuate the exploitation. The political and military dominance of Europeans enabled them to engage in unfair resource extraction, which led to a cycle of colonial dependence and imperial enrichment. This cycle ultimately left colonial subjects impoverished (excluded from the wealth thereby generated) and dependent.

This historical narrative places exploitation at the motivational center of the colonial political project, thereby appealing both to Marxists, whose theory of history relies on exploitation and class conflict as the motors of change, and to liberals, who explain the injustice of colonialism as a failure by government to protect the interests of the colonized group.

If we are to see exploitation as central to the colonial story, we need to define it. In its ordinary language usage, **exploitation refers to taking advantage of another**. Allen Buchanan has argued, 'to exploit a person involves the harmful, merely instrumental utilization of him or his capacities, for one's own advantage or the sake of one's own ends' (Buchanan 1985, 87). Others have also noted the instrumental and asymmetrical character of an exploitative relationship. Feinberg writes, 'Common to all exploitation of one person (B) by another (A) is that A makes a profit or gain by turning some characteristic of B to his own advantage' (Feinberg 1988: 176). However, there are quite different ways of understanding what it means to take advantage of someone else, depending on whether the unfairness is located in the process, starting point or result. To avoid these technical issues, I will follow Vrousalis' relationship account of exploitation as domination: '(1) A exploits B if and only if A and B are embedded in a relationship in which (a) A instrumentalizes (b) B's vulnerability (c) to extract a net benefit' (Vrousalis 2013).

Although the historical practice of colonialism was undoubtedly shot through with exploitation in this sense, it is problematic to view it as an unavoidable feature of colonialism and as its central wrong. It's problematic because there is in fact considerable controversy about the extent to which the exploitation narrative applies to all the empires and across all the colonized areas (for rival views see Lindqvist 1997, Colley 2002; Ferguson 2004). It is also anachronistic: defenders of colonialism were using the word in an intelligible way but they denied that colonialism was fundamentally exploitative; indeed, many people deeply involved in the colonial system believed the standard justification that this rule was in the interests of the colonial subjects. And it is problematic as a diagnosis of what is distinctive of colonialism because, while exploitation may arguably be a common feature in colonial systems, it is by no means confined to colonialism.

Finally, it is probably also not its central wrong. I do not dispute that exploitation was an important accompanying feature, and wrong, of most or perhaps all colonial relationships; that it was a probable motive for imperial aggrandizement; and likely to occur in a system where the government was not accountable to the people who were governed. But is that the only problem or even a central one? Suppose that a colony is ruled unfairly and exploitatively by the imperial authority and then, after decolonization, ruled unfairly and exploitatively by the local elites? Has nothing changed? Would a benevolent colonial order have been fine? This is doubtful, which suggests that exploitation was something that colonial rule tended to bring about, and an important wrong, but not something intrinsic to it.

### 3.2.2. *Cultural imposition*

Both Butt and Tan identify cultural imposition as a core feature of colonialism and an important source of injustice.

There is no doubt that a central feature of colonialism is the subordination of one group by another, and this is typically accompanied by replacing key elements of the subordinate group's culture with the concepts, categories, and ways of thinking of the dominant group.

What makes that an injustice though? In many cases of colonialism, the process itself was objectionably coercive. Straightforward imposition is clearly unjust: the forcible imposition of the ideas, categories, and concepts of one culture on another, and, related to this, the forcible denial, subjugation or repression of the concepts and beliefs of the group's own original culture. This frequently occurred in the context of indigenous/non-indigenous relations. For example,

indigenous children in Canada beginning in 1867 and ending finally in 1976, and in Australia in the 1905–1969 period, were forcibly removed from their families. In Canada, they were typically sent to residential schools where they were forbidden to speak their language and not taught their culture; and in Australia, they were forcibly removed and sent to live with non-indigenous families (Armitage 1995:236–237; 106–113; Stolen Generations Report 1982). There is no difficulty in conceptualizing this as a wrong, since it was a straightforward violation of people's liberty rights.

Is there something wrong with cultural imposition, though, apart from the coercive process by which it is done? What if the concepts and categories of the colonizers replace the colonized people's ideas without force and have a potentially liberating content? There are two things to be said about this, which are in some tension with each other. Consider the Roman Empire's introduction of the rule of law, a monetary system, trade, aqueducts, roads, and so on to the areas it conquered. Many of these Roman innovations involved the transformation of the way of life of the subjugated community, and the replacement of the concepts and categories and patterns of thought with that of the imperial mind-set. We might think that, while the coercion was wrong, the replacement of concepts and ways of thinking is not necessarily wrong; on the contrary, some of these ideas might be ultimately beneficial or liberating. (Of course this intuition may simply be evidence that those who suffered at the hands of the Roman Empire did not write the history that we know today, and that in some sense we are all heirs to the Empire, and so have difficulty conceiving of how the spread of ideas of the rule of law, the philosophies of Cicero and Seneca, and advances in technology and administration could be wrongful.) If we accept that in the Roman case, then, we have to be open to the possibility that western ideas, spread by European imperialism, may also be potentially liberating: ideas such as human rights, the rule of law, democratic governance, and advances in science and medicine, which may indeed be beneficial to all parts of the world, including the formerly colonized.

This thought leads me to reject a crude version of cultural imposition, which conceives as wrongful any case where the ideas or patterns of thinking of one group are replaced by the ideas and patterns of thinking originating in a different group. What I'm trying to avoid here is a genetic fallacy: the fact that a perspective or concept originated in the West does not provide evidence that it is 'western' in any parochial sense or that it has no liberating potential for human beings as such.

This brings me to the second point, which is in tension with the first and serves as a powerful corrective to it, especially when considering the case of colonialism. To see that cultural imposition is an injustice, distinct from the coercion that may accompany this process, it is necessary to see it as a species of a wider phenomenon of epistemic injustice, where the ideas of the colonized are belittled or not treated seriously, and the ideas of the colonizers are treated with respect. We need to recognize that certain ideas are not just abstract ideas with a certain (repressive or liberating) content but are bound up with a particular group and particular social structure and way of life.

This has two dimensions: psychological and social structural. Consider the psychological point: even if an alien culture has some potentially liberating elements, these might be difficult for the subordinate group to adopt, or the adoption is likely to be only piecemeal and potentially alienating, since it is psychologically difficult for a member of an indigenous group to embrace the concepts and categories of the non-indigenous society that has dispossessed and subjugated her own foremothers and forefathers. This is especially true when the justificatory narratives for this dispossession are itself bound up with other normative commitments and ways of thinking.

The second, social structure point focuses on the necessary conditions for viewing something as imposed. While the forcible imposition of culture is clearly unjust, this doesn't seem true of the transformation of one culture over time, even if it is in the direction of another, perhaps

more dominant culture. Mere cultural change ought not to be conceived of as a form of epistemic injustice. It is, however, hard to describe the transformation of culture that occurred in the context of colonialism as mere cultural change, indeed, hard to think of it as anything other than imposed, even if the imposition was not as forcible as the removal of children from families and their rearing in residential schools, because the conditions in which European ideas and values achieved their hegemonic status were ones of domination and subordination. The relevant distinction then is between natural cultural change, often through contact with other groups and other ways of life and cultural imposition. And we should determine what counts as 'imposed' culture not by reference to policies of direct coercion but by reference to the presence of the other two features of colonialism. In other words, in the context of both political and economic subordination, cultural change must be conceived of as imposed rather than as freely accepted (Patten 2014: 45–57).

### 3.2.3. Political domination

Finally, let's consider political domination, the third injustice that Butt and Tan discuss in their list theory. In their writings, they do not address head-on Valentini's challenge of explaining the injustice involved in one group ruling another, which is partly because of the framing of their work: they identify exploitation and cultural imposition as additional wrongful, or unjust, features of colonialism, which means that they only consider cases where alien rule was also wrongful for these reasons.

However, if, as I've suggested above, neither cultural imposition nor exploitation are fundamental injustices, we are left with political domination as the central injustice of colonialism. This is also argued for by Ypi and Stilz, both of whom argue that political domination is the singular wrong of colonialism (although they conceive of it differently). They do not deny that there were other injustices, but these were merely contingent.

What is political domination? It involves the domination by one group over another who is thereby prevented from exercising collective self-determination. Daniel Butt describes it 'as involving the subjugation of one people by another' (Butt: 893) thus conveying its relational and hierarchical character, and the fact that it involves the exercise of power. He describes it as involving a deprivation – the denial of self-determination – and argues that it takes a specific form – the 'imposition of rule rooted in a separate political jurisdiction'. Although this imposition is described territorially, as rule from another *jurisdiction*, it seems more accurate (recall the case of settler colonialism) to describe this as alien rule, as rule not by the collective self but by an outside group that thereby dominates.

In an influential article on the injustice of colonialism, Lea Ypi rejects what I have been calling the list view and the contingent view: she argues that there is a singular injustice at the heart of colonialism, close to what Butt and Tan mean by political domination. It 'consists', she writes, 'in the embodiment of an objectionable form of political relation'. The injustice or wrong of colonialism is 'situated within a larger family of wrongs, the wrong exhibited by associations that deny their members equality and reciprocity in decision-making' (Ypi 2013: 162).

The problem with Ypi's account has been helpfully articulated by Laura Valentini (2015), who points out that Ypi's formulation wavers uneasily between an aggregative view and a corporatist view of the subject of the wrong. Sometimes, it seems that the denial of equality and reciprocity is towards the individual members of an association, but if so, this is hardly distinctive of colonialism; sometimes, it seems that the denial of equality and reciprocity is to the collective agent, the political community itself, but if so, Ypi fails to explain the moral standing of these collectives and their relationship to the individuals that comprise them. Implicit in Valentini's critique is that the wrong of colonialism either has to be explicated in purely instrumental terms,

as discussed in the section on exploitation, such that colonial systems were likely to be unfair, poorly governed and not rights-respecting (but not otherwise unacceptable) or we must appeal to the moral status of political communities. This I think is the dilemma for liberals, who are all agreed that colonialism is wrong and are comfortable describing colonialism as unjust in practice (in terms of its poor governance record). They are reluctant to get to the heart of the problem of political domination, because they are concerned that articulating the reason why communities should govern themselves as communities would confer on the community a problematic moral status.

**Why is collective self-determination a good?** Or – to ask the question from the opposite direction: Why is alien rule unjust? This may be hard to fathom, especially when we distinguish the injustice attached to that form of rule from the unjust practices or policies that it might impose. Why not just view the legitimacy of a political order as dependent on meeting a standard of justice rather connected to group life or group rule? As Laura Valentini puts it, ‘only once those standards [of justice] are met do individual members have a legitimate interest in the collective’s will being honoured’ (Valentini 2015:330).

How might we respond to this challenge and explain the wrongness of alien rule? One possible argument is that self-determination is connected to democracy: it is a species of undemocratic government. This would link the good of self-government to the good of democracy, which is widely acknowledged. But the argument doesn’t work. To see that the wrong of political domination is not co-extensive with the denial of political voice, consider the case of the indigenous community outvoted by a larger white majority; or the case of Ireland, which viewed itself and was widely viewed as a colony of England, even in the period from 1829 to 1922, when the Irish people were enfranchised at Westminster on the same (admittedly patriarchal and classist) terms as English people. This suggests that while authoritarianism (undemocratic government) and alien rule are both forms of domination, the two are not necessarily connected: one can have group-based domination even while extending the franchise to the individual members of the subordinated group.

Some might think that the injustice of alien rule can be explained by the fact that rule was acquired unjustly and typically by conquest. That would locate the central political wrong, not in the fact of alien rule *per se*, but in the destruction of previously self-governing political communities. This gets closer to the problem, since most colonial land was acquired by conquest, and conquest, by its very nature, violates the rights of the political community whose territory is invaded – a point of concern in international law, but also a concern for liberals who place value on due process and the rule of law, and a concern too for natural law theorists who typically had a view about the rights of kings, both internally (over their subjects) and externally (in relation to other sovereigns). It is also supported by the justificatory narrative of colonizers in the New World, who were anxious to deny that they were destroying legitimate political communities: these colonizers often denied that the political orders they encountered were legitimate governments in the ordinary sense (Pagden 1995: 35). The ‘destruction of legitimate authority’ or ‘conquest’ claim does not capture a significant sub-set of cases of colonialism, where the colonial regime replaced local princelings or the officials of previous land empires. Here, colonial rule would still count as alien even though not associated with the destruction of a previously self-governing political order. To explain its wrongness, we need a positive account of the good that both earlier and later regimes deny to the subordinated group.

Anna Stilz (2015) has attempted to respond to this challenge. She rightly points out that the problem with colonialism is not simply that colonial rule was unjust and tyrannical, nor that colonized people were typically also denied democratic voice: it is that subject people are unable to affirm the political institutions their rulers imposed on them. This is surely right: colonized people did not simply want better government, or more efficient government, although

probably they did want these too: they wanted a government that they could identify with as theirs. In emphasizing the importance of subjective affirmation of political institutions, Stilz correctly identifies the main defect of colonial rule.

The problem with Stilz's account, however, is that, in line with her liberal credentials, she wants to characterize this as an issue of freedom. She begins her article by rejecting nationalism. 'There is', she writes (p. 3), 'a widely held view of self-determination that I will not discuss in depth here: the nationalist theory. This view holds that each cultural nation has a *prima facie* claim to its own political unit. Territorial boundaries ought ideally to reflect cultural boundaries. As a normative matter, I believe we should abandon the association between state and culture that inspires the nationalist position. If it is to treat its citizens with equal respect, a government should not privilege a particular culture, as doing so devalues citizens of other nationalities'. She then argues that the requirement that she is theorizing is one of freedom. But how is it an issue of freedom, in the normal sense? It is true that the requirement of group self-rule could conceivably be called collective freedom, but that would raise the question of the moral value of political institutions or political communities as subjects of freedom, and this is an issue that individualist liberals seek to avoid. In any case, Stilz is not referring to collective freedom; rather, she argues that the intrinsic value realized by decolonization is 'maker freedom' and this attaches to individuals.

Citing Hegel, Stilz explains that in addition to Objective Freedom – a sphere of personal freedom within which individuals can act – there is also Subjective Freedom, which Stilz identifies as 'maker freedom'. The central contrast, she argues, is between citizen as *taker*, as recipient of justice and the various benefits and entitlements of the state; and citizen as *maker*, which involves a form of freedom, that is not passive but imagines the citizen as free in relation to the rules and policies of the state.

But it is confusing to describe this as a form of freedom, rather than group identification. We have already seen that political domination is not necessarily related to the denial of democratic government. What the colonized people want is a government that they identify with, meaning that the governed and the government (the people who occupy dominant positions in the state) share the same group identity. This is not helpfully described as an issue of freedom, but of identity politics (in a non-pejorative sense).

The instrumental argument for requiring subjective affirmation of political institutions is clear and uncontroversial: political institutions function better when people identify with them, see them as in some sense 'theirs', and not as imposed. The state functions better when citizens freely accept its authority, are willing to pay taxes, abide by laws, cooperate with police and state officials.

However, Stilz misdescribes the intrinsic argument: it is not individual freedom that is preserved when a person affirms her political community and its institutions. It is rather a matter of a group seeing the institutions of the state as reflective of their collective identity, on land that they regard as theirs, as I've argued elsewhere (Moore 2015) or, as cultural nationalists maintain, that people share a cultural affinity with each other that explains why they identify with each other (Miller 2007). So the relevant identification could be purely political, as I argue is necessary, or cultural, as Miller argues, but in either case, the issue here is one of group identity and not individual freedom. People care about the collective dimensions of their lives and want to see these collective identities reflected in political institutions. This is what a colonial order denies them and the reason why colonialism is experienced as 'alien rule'. Indeed, it only makes sense to see the central wrong of colonialism as one of political domination if we recognize that individuals are not isolated and atomistic, but operate within a structure of relationships, which give meaning to their lives. Individual persons have collective identities – as members of this or that religion or people or ethnic group – and these are also integral to their sense of who they



are. Alien rule, which is an integral aspect of colonialism, is by its very nature a form of disrespect for these collective identities, because it suggests that the individuals *qua* members of these groups are not fit, or their groups are not of the right kind, to exercise collective self-government (for a similar argument, see Wellman 2005: 57).

#### 4. *The Taking of Land*

One striking element of all these accounts – both the tripartite list theories of the wrongness of colonialism as well as Ypi's and Stilz's single factor theories – is that they do not discuss the taking of land as an injustice. Yet, it is an intrinsic rather than merely incidental feature of settler colonialism that people from one group, the dominant group, came to settle *as a group* in new territories, with a view to reproducing their culture on the land. Indigenous people in settler colonial societies have repeatedly emphasized that this taking of land constitutes one of the main wrongs of colonialism, and it is an injustice that continues to this day.

Why was this not theorized as a serious injustice when it is widely regarded as such by indigenous people themselves? I think the answer to that is connected to the capacious definition of colonialism, which as noted earlier encompasses many different political forms of empire/colony. Settlement as such was central only to one of these forms, though elsewhere, some settlement was necessary in order to facilitate political control. But this is no excuse for failing to theorize the taking of land as a central case of injustice. On the contrary: it tells against the encompassing definition that it leads us to disregard this aspect of colonialism's wrongness.

How can we understand the indigenous persons' claim that the taking of land was an important, perhaps even co-equal (with political domination), wrong of (settler) colonialism? First, it should be noted that, implicit in this argument is the claim that indigenous people had an entitlement to land that was lacking in the case of the newly arrived settlers. How might we understand the basis of that entitlement? One prominent line of argument is that indigenous people are connected in morally relevant ways to the land: it is the background context of their projects and plans, and it would be psychologically disruptive if they were to be forcibly displaced from it. This is relatively uncontroversial but it does not get us far enough: this line of argument seems only to generate rights of non-dispossession.

It is clear, however, that indigenous people feel that they were dispossessed of their land even when they were not expelled from it: that is, in many cases, they were allowed to remain on the land, but subdued militarily, and this was accompanied by significant migration, indeed waves of migration, from Europe, so that their presence on the land was no longer predominant. Now the question is: On what basis could indigenous people claim that this was an injustice? How could they generate a claim to land that involves the exclusion of others?

Here, we need to return to the idea that indigenous people had morally important practical connections to each other and to their land, through their projects and plans, and their way of life. They also had an affective attachment to the land, which the newly arriving settler lacked. This relationship can be disrupted in a number of ways (beyond straightforward expulsion): they need control over their land in order to control the collective conditions of their life and plans and relationships against rapid, unwanted and debilitating change. Of course, the arrival of one non-indigenous person or even a small group of non-indigenous persons would not have the effect of disrupting their way of life and their sense of control over their collective life. Indeed, a migrant may have good reason to enter, sufficient to outweigh the potential for disruption that he or she might cause. But this line of reasoning is deeply flawed: it is a fallacy of composition to infer that something is true of the whole from the fact that it is true of each individual component. We know this from zero-sum games, like athletic races, where the fact that someone would win if she ran faster does not mean that everyone would win if everyone ran faster. In

the case of settlers, it may be true that one small group of settlers will not be disruptive, but many settlers, whose way of life and understanding of the value of land is very different from that of the indigenes (think of nomadic versus agricultural ways of life) may prove exceedingly disruptive. It robs, and will predictably rob, the indigenous people of control over their collective lives and disables them from exercising robust forms of self-determination with respect to the rivers that they live next to, their encampments, their hunting grounds, and so forth. Such lack of control will be disruptive of all aspects of their life. This is indeed a serious injustice, because it disrespects them as people with a particular collective identity and attachment to and relationship with the land on which they live.

### 5. Corrective Justice

In this section, I consider how the different features or elements of colonialism bear on the remedies that justice might demand.

In order to address the injustice associated with *exploitation*, it seems appropriate not only to end exploitation but to institute policies and mechanisms that are aimed at remedying the economic legacy of colonialism – the burdens of lack of development, unfair trade, and historical disadvantage. This might involve development assistance, transfer of funds, favorable trading relations, and other measures instituted by the colonizing powers to assist their former colonies.

There are some philosophical problems attached to this sort of remedy for colonialism. First, there is the question of the baseline by which we measure the harm that was inflicted and requires remedy. Is the baseline for counting as ‘harm’ a temporal one, which identifies the welfare of the colonized people at T1 (prior to colonialism) and compares that with their welfare at T2, using a relatively straightforward, agreed-upon metric to measure welfare, such as life expectancy, infant mortality, literacy and numeracy, and general health or happiness measures? As Risse has pointed out, a temporal comparison of the effects of interaction is the standard way in which we define harm in cases of individuals interacting with one another. However, a powerful case could be made that everyone, including colonized people, are better off after colonialism than before (Risse 2005). It does not follow that we can attribute this material improvement to colonialism as a system, rather than to advances in science, medicine, improvements in agriculture, and so on, which may arguably be unrelated to it. Nonetheless, it’s very difficult to identify and especially to measure the harm, that is attributable to a complex system that operated for many centuries and across much of the world. A standard inter-actionist approach, which measures harm over time in a small-scale (two persons) case does not seem appropriate in this case. Perhaps, though, we could recognize that, while people in the world are better off now than they were in the early part of the 15th century, when people died young, famine was rife, and poverty endemic everywhere, and even that some of this improvement is related to the economic and global structure of the world, in which colonialism is implicated, this is not the right basis on which to assess the impact of colonialism. The appropriate baseline is a subjunctive one, where the question is whether colonial people are worse off now than they would have been if they had lived in a more just, reciprocal and non-exploitative, and non-dominating political order.

The moralized subjunctive baseline, though, raises problems of a different kind. It may be the case that many people from the colonizing world are not as well off as they would have been in a fairer world. It may be that colonialism, like slavery, perpetuated economically inefficient patterns of behavior, hampering the economic progress both of the industrialized world’s working class and of colonial or imperial subjects. It is reasonable to suppose that the great masses of Europeans (even in the colonizing world) in the 17th and 18th, and 19th centuries were either wholly excluded from the benefits of the colonial system, or at least that the benefits they reaped

from a developing economy were fewer than they would have gained in a fairer world – so they were also harmed according to the subjunctive baseline. If we accept this, it certainly complicates the picture about the transfers owed from the beneficiaries of colonialism to its victims, because we can no longer distinguish between them on a simple geographic basis.

There is a second difficulty attached to identifying the duty-bearers and those to whom the duty is owed. Many of the people who were wronged by colonialism – wronged by the denial of political sovereignty, by the deeply unfair and exploitative practices associated with it, and by imposed culture – are no longer living, and the people who wronged them are also dead.

The standard moral principle applying here is that a remedy is owed to the victim of an injustice by the perpetrator. How do we do this in cases of multi-generational injustices? One possibility is to trace lineage; and this might be an attractive solution for indigenous people, who often lack institutional recognition of their identity and rely on ethnic and biological descent criteria. However, this runs up against the problem that many indigenous and settler people are descended from people who were members of both victim groups and perpetrator groups, so an ethnic descent rule is unlikely to link appropriately the victims with current recipients, the perpetrators with current duty-bearer. For this reason, it makes sense to conceive of the return of land as linked to collective entities, such as indigenous groups or tribes, which might leave out many urban natives whose marginalization and economic exclusion is connected to the forcible dispossession of his or her forebears.

The problem of linking perpetrators of injustice with remedial duty-bearers is less problematic when we have an ongoing institutional entity. Thus, we might think of Belgium or Britain or France or Australia (with respect to its indigenous inhabitants) today as the same collective entity that existed in the past. This solution, which is premised on the idea of collective rights and collective rights violation, is philosophically neat but, in some cases, practically wanting. Belgium for example may owe many duties, as the horrors perpetrated by the Kingdom of Belgium were many and egregious. Switzerland and Norway are now relatively rich, but were not imperial powers. The agents of colonialism – the colonizing countries – don't line up with those who benefitted from the colonialism systems as a whole (which might include Switzerland and Norway). And it also runs up against cases where the injustice perpetrated by one constitutional order may not be continuous with the territory or political entities existing today, so it is not possible to identify a collective entity that bears the remedial duty. It could also be the case that the remedial duty, as with Belgium, exceeds their capacity to discharge the duties.

The second injustice that Butt and Tan argue was inherent in colonialism was *cultural imposition*, which involved degrading and disrespecting the culture, religion, and values of the colonized people. This was a serious wrong, too, which can have far-reaching psychological effects, even after political decolonization has taken place, as post-colonial theorists have argued at greater length. (Nandy 1983; Fanon 1963) It is not easy to eradicate the psychological damage of a system that treats the colonized population as subordinates and teaches them that their culture and ways of life associated with their community and their forebears are inferior.

What is needed to address this effect is a thoroughgoing rethinking of the assumptions and attitudes that underlay colonialism and a new affirmation of the culture and practices of the colonized people (Bhargava 2007). Consciousness-raising is an important element here, as it was for social movements of previously disrespected women, races, sexual orientations and religions, and ideally is directed at both colonized and colonizer.

There is of course a certain amount of idealization in referring to cultures as that of the colonizer or colonized, as if these are distinct and monolithic entities, and as if the culture could be or ought to be sanitized of elements picked up in the colonial period. Indeed, various kinds of cultural change are to be expected and may even be liberating. However, the main aim here is to recover from the psychological damage of being treated as and taught to believe that one is a

member of an inferior group. In many ways, the post-colonial literature has been at the forefront of identifying the ways in which our categories and assumptions are infected by colonial thinking and challenging both Western academics and the elite in the previously colonized world to engage seriously with non-Western political thought (Kohn and McBride 2011; Bhargava 2007).

Consider next the injustice of *political domination*. In general, the appropriate remedy for this is simply the end of forms of domination. To address the injustice of colonialism, it is necessary to remove the institutions and practices of unequal, unjust, and nonreciprocal political institutions. To some extent, this was what happened in the decolonization period of the 1950s and the 1960s especially, which was characterized by the rapid demise of the European empires, the dismantling of the colonizer's forms of political authority and conferral on the population of the liberty to create forms of political authority for themselves. It is true that many of the political institutions that were thereby created have not been fully equal and reciprocal, and problems of domination persist in different forms; but these are different species of the general problem that many relations – political, economic and social – are unequal and nonreciprocal, rather than a problem of colonialism per se. It does, however, suggest that colonialism has been replaced by other, less direct forms of outside control (by corporations, by the structures of a neoliberal economic order, and so on).

The normative account of political domination and of colonies is broader than that current in international law, which has interpreted Art 1(2) of the United Nations Charter's principle enjoining 'respect for self-determination of peoples' as applying only to people living in overseas colonies, separated from the imperial authority by salt water. There is no principled basis for this distinction, although it did have the important political function of preventing the doctrine from applying to many current states, which dominate smaller peoples, exploit them, and repress their culture. In a just world, these forms of domination would be addressed, too, either through withdrawal of the dominant group from the territory (decolonization) or the enactment of a fairer constitutional order, characterized by territorial autonomy (self-rule) and various forms of power-sharing.

Finally, there is the injustice associated with the *taking of territory*, which poses a serious challenge for remedial justice. This is partly an historical injustice, but it persists into the present, because, for indigenous people, it is not simply that their ancestors were wronged by being victims of theft, but that the injustice continues: they are still without their land. It is not obvious how that injustice can be remedied, for there are both philosophical and practical difficulties. There is no way now to return to the *status quo ante*, at least not without massive further injustice, since many individuals have been born on land acquired unjustly, and this is the only home that they know and are attached to. They cannot 'return' to some other place: that requirement would be exile, displacement, removal, and constitute a grave injustice. This means that, while we can recognize the wrong of taking territory and settling on it, it is not always possible to reinstate the good that was taken. There can be forms of compensation, some return of public lands, some use rights for indigenous people over land that is now occupied by other people, and of course symbolic apology for the wrong that was done; but none of this really amounts to true compensation or redress for that wrong.

## 6. Concluding Remarks

The injustice of colonialism is widely recognized by both the formerly colonized and the former colonizers: indeed, along with slavery, it is one of the touchstones of normative theorizing on which we build, through reflective equilibrium, more elaborate theories of justice. But there has been less reflection on why exactly colonialism is wrong and on the importance of the

collective dimension of people's lives. This brings to our attention a central division in political thought, between those for whom goods and wrongs are primarily conceived of as attached to individuals, and those doctrines and ideas that can incorporate the idea of collective goods and collective wrongs. It is hard to flesh out in the usual language of liberalism why exactly alien rule is unjust. Liberals, after all, are comfortable with language rooted in human rights, individual liberty and equality before the law, but do not have a clear account of why people should care about group affinity, or how group membership should be related to political rule. I have argued that the injustice of colonialism cannot be cashed out in individualist terms only: some of its wrongs are collective in character – to do with the colonized people's collective aspirations to be self-governing (in a sense that does not necessarily presuppose a commitment to democracy) within their own territory.

### *Short Biography*

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### *Notes*

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<sup>1</sup> There is also a derivative use of the term 'colonial' as an adjective, applied to any set of social or political relations characterized by domination and subordination, and ideas that support these unequal relations (Bell 2013, 2007; Said 1993; Pitts 2005, Taylor 2004). It is not surprising then that post-colonial thinkers tend to examine practices and ways of thinking that exhibit a logic of domination and subordination, which can be unearthed by examining the concepts, discourses, and assumptions that structure knowledge, especially in our world as this affects relations between European (and European-descent) people and non-European people.

<sup>2</sup> There is also the so-called non-identity problem, which some philosophers think is a serious philosophical problem (Parfit 1986: 363–377). Many philosophers believe that moral theory should have a person-affecting norm, that is, in order to show that someone has been wronged, we need to be able to identify recognizable persons or individuals who have been harmed or benefited (Parfit 1986: 363–377). In cases where the person-affecting norm is absent, we cannot talk about individuals as harmed or benefited, but as states of affairs as better or worse. However, in many cases the victim of the injustice (indigenous persons A, B, and C) would not exist were it not for the practice of colonialism, because that system altered many things, including who met whom, and which people were born. If we take seriously the person-affecting requirement, it seems that a person cannot be compensated for wrong done by a system, when, were it not for that system, that person would not exist.

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