Distributive justice in postcolonial studies

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A wide range of colonial practices have had significant and long-lasting effects around the globe: almost every present-day country, or their precursor, was a colonial power, subject to colonial oppression, or both. Many have debated how best to understand the present day impact of particular colonial enterprises: asking whether they have caused persistent and enduring harm; whether they might have led to beneficial long-term outcomes; and indeed whether the language of net harm and benefit is the right way to conceptualise past injustice which often involved terrible and grievous wrongdoing (Butt 2015). But while there is debate as to the character of colonialism's legacy, there is no questioning its scope and extent. We all live in a postcolonial world – indeed, many argue that not just the memory but the actuality of colonialism persists in the present through structural features of international economic and political institutions which work to the benefit of the rich and to the detriment of the global poor. So there is no doubt that both historical and contemporary colonialism are of great import to the issue which theorists of distributive justice seek to address: what constitutes a fair distribution of benefits and burdens within a given society. Yet the question of what distributive justice means in a postcolonial context specifically has received remarkably little scholarly attention. Two themes become readily apparent when one reads the work of postcolonial writers and of theorists of distributive justice. The first is that there is relatively little discussion of distributive justice in postcolonial political theory. The second is that there is relatively little discussion of colonialism in the literature on distributive justice. Of course there are exceptions to these generalisations, and recent years have seen the emergence of a new body of

work drawing usefully from both traditions, developing what might be termed critical theories of postcolonial distributive justice.

Postcolonial political theory has avoided focussing on questions of distributive justice for a number of reasons. This is partly a consequence of the trajectory of postcolonial studies, as compared to much mainstream liberal theory. Distributive justice has been the central topic in analytical political theory since the publication of John Rawls's *A Theory of Justice* in 1971. Rawls's influential work is an exercise in ideal theory: he imagines a closed society, understood as constituting a shared scheme of mutually beneficial social cooperation over time, which is characterised by "full compliance": its members share a sense of justice and fufil their moral obligations to one another. Rawls's inquiry concerns the principles of justice that should regulate the basic structure of this idealised society: one works out what a just society would look like before thinking about what happens in the real world (Rawls 1971, 8-9). By contrast, postcolonial political theory starts from the avowedly non-ideal: the reality of colonial subjugation. Writers such as W.E.B. Du Bois, Mahatma Ghandi, and Frantz Fanon grounded their work in their lived experience as oppressed subjects. Their subject was liberation: in the first instance, for particular peoples in particular places. Distributive questions do arise in such writings: much colonial practice was motivated by material considerations, and indeed we might identify the exploitation of colonised peoples as one of three defining characteristics of colonialism, along with political domination and cultural imposition (Butt 2013). Instances of exploitation such as the Atlantic slave trade, the misappropriation of natural resources and cultural property, the establishment of exploitative trade relations, and the forcible introduction of capitalist forms of production have had enduring effects which need to be brought into any post-imperial reckoning. Yet it is unsurprising that writers in postcolonial studies have typically shied away from the language of distributive justice. We might broadly divide postcolonial writing into two strands, which Margaret Kohn categorises as "Post-colonial Theory" and "Theories of Decolonization" (Kohn 2010, 203). Within the former, which Kohn describes as focussing on the issues of "hybridity, diaspora, representation, narrative, and knowledge/power" (209), prominent authors such as

Edward Said and Gayatri Chakravorty Spivak have concentrated on the cultural, rather than the distributive, effects of colonialism's legacy, stressing how power is reinforced, and oppression maintained, by forms of cultural representation (Said 1978; Spivak 1988). This suggests an understanding of justice and injustice which goes well beyond Rawls's focus on the "basic structure" of society: cultural domination can take many forms, from the political to the personal. Theories of decolonization, Kohn writes, focus on "revolution, economic inequality, violence, and political identity" (Kohn 2010, 209). While this may seem closer to the concerns of distributive theorists, this tradition is significantly influenced by (while often departing from) Marxist thought (Young 2001, 167-181), and as such, typically displays both a deep distrust of the bourgeois state, which often plays the role of the agent of justice in liberal theories of distributive justice, and of the supposedly universal vocabulary of terms such as justice, rights, and property, which in the hands of writers such as John Locke and John Stuart Mill were used in explicit ideological defence of Empire. Dipesh Chakrabrty writes that the postcolonial project "must ground itself in a radical critique and transcendence of liberalism (i.e. of the bureaucratic constructions of citizenship, modern state, and bourgeois privacy that classical political philosophy has produced), a ground that late Marx shares with certain moments in both poststructuralist thought and feminist philosophy" (Chakrabrty 1992, 20). Insofar as postcolonial thinking seeks to disrupt and transform existing normative orders, it poses a challenge to both the discourse and the methodology of much analytical work on distributive justice.

Just as postcolonial studies have avoided the language of distributive justice, so much work on distributive justice has paid scant regard to the aftermath of Empire, even when explicitly discussing questions of global justice. John Rawls's work on international political theory, *The Law of Peoples*, is notoriously lacking in this regard: indeed, Charles Mills notes "nowhere in any of Rawls's five directly authored books (or the two lecture collections) is there any mention of Native Americans, the Atlantic Slave Trade, European colonialism and imperialism, the genocide of indigenous populations,

or the reality of systemic Euro-domination on a global scale."(Mills 2015a, 18) Mills argues that this neglect of postcolonial corrective justice, and of racial justice in particular, is symptomatic of much contemporary work on global justice, noting the field's "almost complete marginalization of... colonial history. The contenders in the debate will be egalitarianism, cosmopolitanism, the difference principle, positive rights, and so forth. But the idea that the West owes rectificatory justice to the rest of the planet because of its benefit from centuries of colonial and racial exploitation will rarely be raised." (Mills 2015a, 22) For Mills, the displacement of compensatory justice to the margins of normative concern, an afterthought to be belatedly considered following the establishment of ideal theories of distributive justice, is itself a manifestation of the colonial character of Western political theory. This said, one can point to some recent work within analytical theory which seeks to engage with the reality of the postcolonial tradition by bringing together ideas of corrective and distributive justice.

Most straightforwardly, some argue that existing theories of global distributive justice neglect how colonial exploitation forms the backdrop to contemporary schemes of socio-economic distribution. Ypi, Goodin, and Barry argue that historic forms of association which characterised colonialism give rise to extensive duties of distributive justice in the present. They consider two forms of social relation which, some claim, ground distributive justice: the Coercion Account, when being subject to the pervasive impact of the same coercive authority is sufficient to give rise to associative duties, and the Cooperation Account, whereby associative duties arise whenever members cooperate in some joint venture. These subjects are much discussed within the global justice literature with reference to the present day international order. Some cosmopolitans argue that the extent of globalization and international interdependence means that the world should be considered a single scheme of social cooperation with a shared basic structure, and so subject to principles of global distributive justice (see Beitz 1979, Buchanan 2000), whereas statists argue that the extent of coercion and/or cooperation between states is less than that within states, meaning that different

principles of distributive justice apply nationally and internationally (Blake 2002, Sangiovanni 2007). Ypi et al maintain that regardless of one's contemporary perspective, one should accept that colonial practices gave rise to shared systems of coercion and cooperation which triggered historic duties of distributive justice, which went unfulfilled during the colonial period, at the point of decolonization, and subsequently up to the present day. The result is a complicated package of obligations of both corrective and distributive justice, which rather than fading with the passage of time, may grow more and more significant with the addition of compound interest (Ypi, Goodin, and Barry 2005, 125). Since Ypi et al argue for what they call "robust" principles of distributive justice domestically (such as egalitarianism), it follows that those who accept such principles in relation to their fellow nationals should also accept they extend on a much wider scale, "to everyone in one's colonies, ex-colonies, and, indeed, fellow colonies and fellow ex-colonies". (135)

One can maintain that similar very extensive distributive duties apply in the present day without invoking controversial theories of distributive justice such as liberal egalitarianism. Some have argued that even relatively uncontroversial principles of corrective justice can have dramatic distributive implications when one takes seriously the scale of historical colonialism, and appreciates the extent to which not only past wrongdoing but subsequent failures to fulfil rectificatory duties can give rise to weighty present day reparative obligations. Daniel Butt articulates three morally relevant forms of connection between past and present, each of which can independently give rise to contemporary reparative duties, grounded in benefit, entitlement, and responsibility (Butt 2009: 17). Ideas of benefit are invoked when it is maintained that present day parties are advantaged, and others disadvantaged, by the automatic effects of historic injustice: a common feature of debates over the lasting effects of colonialism. Entitlement claims maintain that contemporary individuals or groups are in possession of property to which others have inherited entitlements. Colonial examples range from specific cases of cultural property taken during the colonial era, such as the Benin Bronzes currently displayed in London's British Museum, to claims for reparations for present day

African-Americans on the basis of the inheritance of wages which should have historically been paid to slaves, or land wrongly seized from blacks in slavery's aftermath (Coates 2014; Craemer 2015). Finally, claims grounded in responsibility arise when present day parties are members of historically continuous communities that bear ongoing responsibility for failing to fulfil rectificatory duties. Such ideas are at the heart of current legal controversies over reparations for colonialism, such as attempts to hold the British Government accountable for torture perpetrated during the Mau Mau uprising in Kenya in the 1950s, or moves by the CARICOM countries of the Caribbean to sue former colonial powers such as the UK, France, and the Netherlands. Claims under all three headings are philosophically controversial, and successful claims for reparation will have to contend with a number of objections, including claims about the counterfactual course history would have taken in colonialism's absence, scepticism relating to the persistence of property rights when not in the physical possession of their rightful owners, and worries about how significant historical events change not only the course of history but the identity of present day individuals, who would not have come into existence were it not for the events in question (Waldron 1992, Thompson 2002). Two points could be made in response. First, these three backward looking rationales need not be seen as distinct and independent: the case for reparations seems strongest when one observes that all three frequently apply simultaneously in many postcolonial contexts. Second, the relationship between distributive justice and corrective justice here is complicated and under-theorised. Some writers have sought to separate the two, and maintain that reparative claims are secondary to forward-looking claims of distributive justice (Wenar, 2006). We may alternatively hold that corrective justice has independent, and potentially greater, moral force: this may provide a distinct rationale for international redistribution with greater popular appeal than that mustered by abstract principles of distributive justice such as cosmopolitanism (Butt 2009, Mills 2015b).

Such arguments maintain that mainstream theories of distributive justice do not pay sufficient attention to how past actions can give rise to rights and obligations in the present day, and so argue

for a different distribution of benefits and burdens within and between modern societies. Some recent work on reparative justice, however, has a different character, directly engaging with postcolonial theory's focus on oppression and liberation. Particularly influential in this regard has been Iris Marion Young's attempt to move beyond liberalism's "distributive paradigm". Young advocates a consideration of both socio-econonomic and cultural inequality, arguing that "the concepts of domination and oppression, rather than the concept of distribution, should be the starting point for a conception of social justice"(2011, 16), and articulating five "faces of oppression": exploitation, marginalization, powerlessness, cultural imperialism, and violence. All find ready counterparts within postcolonial studies. Young explicitly differentiates her structural model of "social connection" from "liability" based approaches which conceive of responsibility for injustice in terms of blameworthy conduct. Such an approach, in her view, understates the structural character of contemporary injustice, which "exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wider range of opportunities for developing and exercising capacities open to them." (Young 2011, 52). A range of everyday activities unavoidably make citizens of affluent states complicit in structural injustice, as they contribute to the processes that produce unjust outcomes. Such ideas are at the heart of Catherine Lu's influential work on colonialism as structural injustice, which charges a wide range of contemporary agents with political responsibility to seek to eliminate persisting social disadvantages stemming from the colonial past (Lu, 2011). Jeff Spinner-Halev focuses on "radical injustice", stemming from the enduring effects of past wrongdoing that result in cultural breakdown, harming communities' identities so that they can no longer "feel at home in the world" (Spinner-Halev 2012). Duncan Ivison's *Postcolonial Liberalism* articulates a vision of a postcolonial liberal order incorporating both indigenous and non-indigenous groups which draws upon liberal accounts of distributive justice, such as Martha Nussbaum's "capabilities approach", while also stressing the importance of self government and group determination. Rather than seeking the realization of a

particular distributive pattern, he describes a dynamic process of accommodation and recognition that "can not be prescribed or pre-determined in advance of the understandings and choices of indigenous people themselves" (Ivison 2002, 160-1). Finally, Sara Amighettit and Alasia Nuti's recent work on reparative justice argues against a "unilateral" approach to rectification whereby former colonies decide what should be done in response to their own past wrongdoing, arguing not for a particular reparative outcome but for a process of shared deliberation in pursuit of contemporary redress. Neglecting the active contribution that victims can make to such processes is not only problematic epistemically, in terms of understanding the character of the injustice, but also in relation to the agency of the oppressed: a conception of redress "that treats the former enslaved and colonized as passive recipients is likely to reinforce a discursive frame that reactivates the same social categories used to justify these injustices" (Amighetti and Nuti, 2015). Such approaches do not neglect distributive concerns, but they both reflect, and draw explicitly upon, postcolonial objections to the limitations of traditional liberal distributive theory. The door is at least opening to further exchange between these two traditions, and a more sophisticated understanding of what is owed in colonialism's aftermath.

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