Global Rectificatory Justice:
Repairing for Colonialism and Ending World Poverty

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“If the misery of our poor be caused not by laws of nature, but by our own institutions, great is our sin.”

– Charles Darwin –
Abstract:
The current state of the global distribution of income, wealth, and well-being is in many respects the product of historical acts and processes. Of these, some have been just, others not. In philosophical discourse, processes of the latter kind are referred to as historical injustices. Of these historical injustices, the most protracted, extensive, and (presumably) the most devastating, is colonialism. For centuries, innocent people – in fact whole continents – were subjected to plunder, despoilment, land-displacement, exploitation, slavery, oppressive rule, cultural rape, and genocide. The extent and persistence of the consequences of this particular historical injustice are, however, contested territory. With regards to the exact causes of global poverty and destitution, measuring the effects of colonialism vis-à-vis other determining factors is an empirical impossibility. Nonetheless, it is beyond dispute that during colonial times vast amounts of riches were illicitly transferred from the colonies to their (mainly European) masters. It therefore seems reasonable to assume that this massive and prolonged one-directional transfer (from South to North) of wealth and resources necessary for nation-building, i.e. self-sustained and successful economic development, has contributed, to a morally significant degree, to the unequal economic status of societies – resulting, ultimately, in the present unjust division of countries into developed, industrialized ones on the one hand, and under-developed (in many cases, extremely poor) ones, on the other. If this assumption is correct, then this is a problem of fantastic moral proportions.

The aim of this essay is to consider the moral implications of the consequences of colonialism in light of the problem of global poverty and against emergent, compelling theories of global justice. It is argued that the former colonies are justified in making reparative demands on their former colonial powers as a matter of rectificatory justice. The demands discussed here are aimed at property restoration and economic compensation. The salience of these demands is established by way of arguments for collective moral responsibility and historical (trans-generational) obligations. It is further argued that such reparations would constitute a great leap towards eradicating global poverty on the grounds that many presently poor countries were the victims of colonial atrocities. Such a leap would also take us closer to a just world.

Keywords: Global justice, rectificatory justice, historical injustice, historical obligations, collective obligations, colonialism, poverty, reparation.
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Chapter 1 – Introduction and Rationale

1.1 Why Global Rectificatory Justice?¹

In recent years, the world has witnessed a surge in reparations claims made by victim groups seeking recompense for their suffering. Inspired by the success of Jewish groups, who won reparations from Germany for crimes committed during World War Two ... these new collective actors are defining the modern ‘reparations field’... through their demands for truth, retribution, reconciliation, restitution, and monetary compensation (Woolford, 2004, p.429).

Serious demands for reparation as well as attempts to back them up by way of reasoned, moral argument seem to be on the rise, both within academia and outside. Such voices are, perhaps, most notably heard from normative political philosophers who concern themselves with theories of social justice in general, and of global justice in particular – as well as, of course, the victims of historical injustice themselves. More importantly, these voices are increasingly being taken seriously; their demands and arguments receiving public attention and even getting addressed in courts of law in various parts of the world. Native peoples of North America are a “group” whose claims for reparations have been heard, and on occasions won; Australian Aborigines and New Zealand Maoris have achieved some success in reclaiming land of which colonial settlers unjustly dispossessed them; descendants of slaves in the US have received preferential treatment; and Germany continues to pay compensation to families of Holocaust victims (see e.g. Barkan, 2001; Brooks, 1999; Coates, 2004; Gifford, 1993; Horowitz, 2003; Miller, 2006; Tan, 2006; Thompson, 2002; Waldron, 1992). There are other examples of relatively recent cases where steps have been taken by governments towards rectifying past injustices done onto individuals, groups, and communities, but these are among the most publicized ones. As welcome as these cases may be, they represent only the tip of the iceberg of historical injustice. What still remains a virtually uncharted territory is coming to grips, morally as well as practically (even psychologically and emotionally), with the immensely unjust and inhuman practice commonly referred to as colonialism – the manifestation of (mainly) European imperial ambitions – what Thomas Pogge refers to as a “paradigm of injustice” (2005-a, p.2). Argumentatively supported claims for reparations for (distinctly) colonial injustices have seldom been made and few have been addressed by any sort of justice-wielding authority.²

¹ Global Rectificatory Justice is a term which can at first glance be understood as referring to just about any conception of justice which is rectificatory in character (i.e. aimed at righting a wrong) and global in scope. In this paper, however, it shall be taken as referring specifically to the type of justice which is concerned with righting the wrongs of colonialism as intended by philosopher and theologian, Göran Collste, who coined the term.

² Notable exceptions to this deficiency are the cases referred to above in which reparations were paid to descendants of indigenous peoples who were expropriated by means of broken and unfulfilled treaties (Thompson, 2002).
The reasons for this lack of attention can be many and one can really only speculate; but it seems at least plausible to assume that the sheer scope and severity of this injustice, as well as the immeasurability of its consequences, may hitherto – in the absence of successful, precedence-setting cases like the Holocaust reparations – have had a paralyzing effect on those who would otherwise have instigated or engaged in the debate. Surely, it cannot be that people have just not thought of the consequences of colonialism as morally problematic and the idea of reparation for colonialism as unworthy of attention. What ever the reasons might be, however, they seem no longer to apply with the same force as before. One plausible explanation is that political philosophers have become increasingly aware of the (increasing) need to consider concepts of morality and justice in a global context. Subsequently, existing theories, principles, and other conceptual tools that deal with normative assessment of human interaction in general, and social institutions in particular, have been upgraded or adjusted – and new ones developed – to deal with changes in international – indeed global – affairs that have forced us to confront the commonality and interconnectedness of the human condition. For theorists and practitioners of justice – philosophers, politicians, jurists, judges, etc. – this process of theoretical cultivation and sophistication can be said to have led to not only increased speculatory confidence, but also increased demand to challenge traditional theories of justice; of distribution of goods and resources; of rights and liberties; of duties and obligations; of burdens and benefits. This has then resulted in increased imperativeness to address important moral issues and injustices that have, perhaps due to insufficient conceptual and informative frameworks, or insufficient political pressure, been neglected for too long. This essay draws on some of these carefully cultivated and adjusted theories of global justice and offers an insight into some of the moral arguments for reparations for historical injustice that, while resting on well established principles and theories, have only emerged relatively recently.

Moreover, it has been suggested that in terms of our basic duties as humans, the morally “urgent issue at hand is what can be done in the world economy to reduce extreme global poverty” and that “some form of humane assistance from the well-off to those in extremis is clearly called for quite apart from any demand of justice, if we are not simply ethical egoists” (Nagel, 2005, p.118). While I firmly agree with Nagel on this, I also share Pogge’s concern that arguing for a mere positive duty of humanitarian assistance may not prove effective enough when it comes to dealing with the problem of global poverty (2005-a). It certainly hasn’t been shown to be effective. I therefore think that a theory, such as the one canvassed below, that places the focus on a negative duty to rectify an injustice, has more potential of being of practical significance in dealing with extreme global poverty and unjust distribution of wealth.
1.2 Arguments, Premises, and Problems

The central aim of this study is to consider the question of whether the “former” colonial powers (i.e. their current governments and citizens) ought, as a requirement of justice, to take measures to rectify (such as by means of restoration, compensation or reconciliation\(^3\)) the injustices done onto their “former” colonies in the name of imperialism – the race of nations for riches and global dominance.\(^4\) More specifically, the question is whether there are grounds for the development of a philosophically sound and sufficiently forceful theory that supports demands for such rectification made by, and on behalf of, current (and future) generations – descendants, and successors of peoples whose countries and areas were colonized and, subsequently, impoverished. In answering these questions I shall argue that the citizens of former colonial powers do have an obligation to rectify and repair for the injustice committed by their ancestors and predecessors against their colonies; and that there are grounds for the development of a philosophically sound and sufficiently forceful theory of rectification for historical injustice that is based on defensible moral principles and arguments.

A central premise for arguing that such demands, and correlated obligations, exist is that under-development, extreme poverty, and destitute in the least developed countries of the world – at least those that were subjected to colonialism – are in part, and perhaps primarily, a consequence of colonialism, both directly and indirectly. The flip-side to this assumption is that the colonial powers not only can be seen as basing their present level of socio-economic development and prosperity on the fruits of the unjust acts in question, but that they will continue to reap the benefits of those atrocious acts into the distant future. These empirical assumptions are, I believe, widely accepted and rarely meet with much earnest opposition. This is not to say, however, that they should be taken indiscriminately at face value; which is why I shall offer some arguments and examples that aim to establish this link, while well

\(^3\) I shall focus my attention on arguments for rectification (also referred to as reparation) by means of monetary compensation, while recognizing that there are other measures available for the purpose of restoring the moral balance between the colonizer and the colonized.

\(^4\) The “former” colonies qualification reminds us that it is far from universally agreed that colonialism as a project of domination and economic exploitation has come to an end, even though the colonized nations have, to a greater or lesser extent, achieved some form of legal and political independence. Many, if not most, scholars who concern themselves with matters of development, global poverty, economic globalization, international relations and politics, etc., recognize that legal or political independence means little without some measure of economic independence. Many even go so far as to say that the current global economic order is de facto nothing but a thinly veiled extension of the colonial project (“old wine in new bottles” as Chomsky (1993) calls it), given the extent to which, for instance, autocratic global institutions such as the World Bank, World Trade Organization, and the International Monetary Fund allegedly act (quite openly) in the interests of the affluent, industrialized states at the expense of poorer countries. (For a disconcerting scrutiny of these affairs see e.g. Chomsky, 1993 and 2002; Ferro, 1997; Pogge, 2002; Singer, 2002; Tan, 2004; as well as the Marxist theories of World Systems and Dependence by e.g. Frank, 1996 and Wallerstein, 2004). Henceforth, this reminder will appear in italics.
aware of the inherent difficulty in exhaustively proving this causal relationship. With so many factors causing and contributing to the plight of the poor (and the success of the rich), it is hard to determine with any accuracy to what extent colonialism is to blame (or “thank”).

Secondly, it needs to be shown that such demands and obligations transcend generations. This is seeing how, depending on one’s perspective and definitions, in most cases the actual perpetrators of the cruel and unjust acts in question have long since passed on to greener pastures (or eternal Hell-fire, depending on one’s beliefs). Placing the burden of repairing for dead people’s sins on their (in this respect) innocent descendants and successors requires strong justification. Thirdly, it needs to be established that the arguments for historical obligations also apply to whole communities or collectives of people, regardless of whether individual persons within these communities can be shown to be themselves accountable – or direct descendants of persons who were accountable – for any such crime. These questions and others that will be raised in the ensuing discussion represent justifiable concerns and, besides being deeply philosophical, can conceivably be of immense practical importance. “Morality is a practical matter”, Waldron reminds us, “and judgments of ‘just’ and ‘unjust’ like all moral judgments, have implications for action” (1992, p.4). Depending on how we chose to answer – and act upon – the questions raised above, the world as we know it today could well be facing major alterations in terms of global scale distribution of wealth, resources, opportunities, and other natural and social goods. This brings us then to the question of what we ought, morally, to do about this injustice – what kind of action can be taken for justice to prevail?5 What I hope to show is that some of the concrete actions that could be taken, such as levying a global tax on the affluent, resource rich (or just disproportionately resource-consuming) nations in general, and the former colonial powers in particular, would serve, not only to compensate and repair for colonial injustice, but also to raise the level of development of the poor, under-developed countries; thereby eradicating global poverty and hunger and, ultimately, bringing about a more just world. The main arguments advanced for this purpose will draw on, and be presented against the backdrop of, a variety of contemporary theories of global justice; notably cosmopolitanism, Rawlsian theory, communitarianism, and lastly, a modified (adjusted for global-scale application) account of libertarian defence of property rights.

5 By we, I mean committed members of morally responsible collectives that have, directly or indirectly, benefited and/or continue to benefit from colonial injustice. This definition will be explored in detail in section 4.4.
1.3 Structure, Limitations, and Purpose of the Study

Inevitably, a discussion of Global Rectificatory Justice needs to be placed within a theoretical framework of global justice. I shall therefore begin by offering some insight into contemporary trends and arguments for a global-scale application of theories of social and political justice. Secondly, I will highlight the problem that the theory is, ultimately, meant to address – that of global poverty – by way of presenting some pertinent facts and figures, discussing the moral implications of these facts and figures, as well as reflecting on some arguments against helping the poor. Thirdly, I shall seek to make the case that there is a direct, causal link, however difficult to exhaustively prove, between colonialism and present day poverty by offering a brief case study of the relationship between an imperial power and its colonial subjects. I shall also present a graphic portrayal of colonialism vis-à-vis present-day poverty, to illustrate this link. Fourthly, I will introduce and explore the theory of Global Rectificatory Justice from a variety of perspectives and attempt to answer some possible questions and objections, such as the ones mentioned above, that require sound argumentative treatment. Lastly, I shall discuss what reparation implies in terms of action.

Given the scope and complexity of the problem addressed in this study and the staggering number of concerns attached to dealing with an injustice of this magnitude and severity, this work has necessarily to be limited in its objective. As mentioned, when arguing for rectification of colonial injustice there are numerous theoretical as well as practical difficulties and objections that arise which ultimately need to be confronted and answered. Furthermore, as Jon Miller observes: “As important and potent a tool for social justice as reparations has become, it is also conceptually very complex... and input from many different disciplines is needed” (2006-web). Overall, I will try to attend to those problems which I see as the more immediate and theoretically interesting ones, while leaving it to others to deal with some of the more peripheral (albeit significant) empirical problems. I do therefore not claim to offer a full-blown defence of Global Rectificatory Justice. The purpose of this study is twofold: (1) To try to construct, by means of descriptive and normative analysis, an important (if small) a contribution to the debate of whether former colonies have valid claims for reparations; and (2) to provide a morally sound argumentative bases for future courses of action. This work, then, if successful, can be seen as one step on the way towards momentous change in the unjust scheme of distribution of burdens and benefits that we – the human race – are faced with today.

Even the new three volume, multidisciplinary publication, Reparations: An Interdisciplinary Examination of some Philosophical Issues, edited by Jon Miller, where fifteen authors contribute to the debate, does not pretend to offer answers or solutions to all the problems related to this matter.
Chapter 2 – The Problem … Whose Problem?

In this chapter I shall begin by offering a cursory overview of some relevant conceptions of justice and then, more importantly, try to offer an account as to how and why relatively recent trends in political philosophy have transformed and developed these conceptions from being applied exclusively in the domestic context to being understood as having considerable moral force in a global context. Secondly, I shall present some facts that exemplify the state of affairs in many developing countries; facts that represent a problem often expressed in such terms as *global poverty* or *world hunger*. This factual presentation serves to make the case for the problem the principles and theory of Global Rectificatory Justice (discussed on chapter 4) are invoked to address. Lastly, I shall explore and reflect on the plausibility of theories that have been advanced as to the unfeasibility of any substantial help to the global poor by the affluent nations, whether by means of increased aid or immigration. Such theories draw on a perceived threat by human over-population to Earth’s limited carrying capacity.

### 2.1 Global Justice

We do not live in a just world. This may be the least controversial claim one could make in political theory (Nagel, 2005, p.113).

While many, if not most, of us who ponder questions of justice and morality, whether in the context of politics or other spheres of public life, domestically or globally, will subscribe to Nagel’s view; from the perspective of the world’s poor, this may even seem a ridiculous under-statement. Regardless of that, the assertion that the world is *unjust*, true as it may be, is quite meaningless without some frame of reference against which to assess it. “Justice”, it has been said, “is the first virtue of social institutions, as truth is of systems if thought” (Rawls, 1999-a, p.3). Strictly in the domestic context, Rawls defined the social institutions as forming the “basic structure of society ... the way in which [they] distribute fundamental rights and duties and determine the division of advantages from social cooperation” and, subsequently, the distribution of the benefits and burdens that are part and parcel of the human condition (ibid, p.6). These institutions therefore comprise the “rules of the game” that allow (or prohibit) the “equitable treatment of persons and groups ... [and govern] their access to material...

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7 John Rawls’s *A Theory of Justice* has “dominated the field” of political philosophy as dealing with social and economic equality and justice for over three decades, or since its publication in 1971. Whether they agree with Rawls or not, later theorists have had to position their arguments and theories in relation to those of Rawls (Kymlicka, 2002, p.55).
resources”, ultimately allowing (or prohibiting) “human flourishing” (Pogge, 2005-a, p.31). Thus understood, the social institutions are for our purposes, as well as those of the “main-stream of current political philosophy”, the primary subject of justice (Gosepath, 2005, p.147). In addition, judgments of just or unjust refer not only to domestic social institutions but also to particular actions, such as “decisions, judgments, and imputations”, as well as “attitudes and dispositions of persons, and persons themselves” (Rawls, 1999-a, p.6). This seems uncontroversial. But, however comprehensive and useful Rawls’s principles of distributive justice have proven to be, he did not intend for them to be applied outside the domestic sphere, much less on a global scale. In fact, he explicitly rejected some important and celebrated attempts at doing so; effectively regarding economic inequality, per se, between “well-ordered societies” as a matter of moral indifference. This is seeing how, Rawls maintains, “there is no society anywhere in the world – except for marginal cases – with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered” (1999-b, p.108). Therefore, acknowledging the equal worth of “peoples” (or societies as distinct from individuals), the well-ordered societies must not infringe upon the freedom and self-respect of the formerly burdened societies by enforcing a principle of global distributive justice (ibid, p.111).

In light of Rawls’s exceptionally comprehensive and thorough theory of justice, it is curious (and to some utterly mind-boggling), that he should insist on confining his criteria for the assessment of the justness of social institutions to the lives and well-being of those living directly under them, the citizens or residents of the particular state-society of which these institutions are a part – effectively shunning the interests of outsiders. Surely he must have been aware that significant domestic social institutions of at least the largest and most powerful nations of the world have vast influences over the lives of people around the world who happen to be citizens or residents of other nations. As an example, Pogge reminds us that “[t]he political and economic institutions of the US … through their impact on foreign investment, trade flows, world market prices, interest rates, and the distribution of military power - greatly affect the lives of many [non-US citizens]” - not to mention future generations (2005-a, p.32). Rawls was, of course, well aware of this, but he had his reasons for this narrow scope of social justice assessment. Besides the ones mentioned above, he has been said to have

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8 The most important of these is generally considered to be the “difference principle”, implying, in simple terms, that “social and economic inequalities between persons are acceptable only against a background of equal opportunity and a social arrangement in which the worst-off representative person is best off” (Tan, 2004, p.7).

9 By “peoples” Rawls is roughly referring to societies of different types, ranging on a continuum of desirable state of affairs from “benevolent absolutisms”, to “burdened societies”, to “outlaw states”, to “decent peoples”, to, finally, “reasonable liberal peoples” (1999).
harboured a certain reality-based scepticism towards the global order in general, and international institutions in particular, that compelled him to restrict his difference principle to domestic application (Hinsch, 2005). According to Hinsch, Rawls held that global redistribution “can not be part of a realistic utopia, because the moral psychology of human beings, as we know it, would not allow development of a sense of international justice strong enough to support a scheme of global redistribution that maximizes the collective wealth of the least-advantaged people” (2005, p.67, italics mine). Rawls therefore argued instead for a more restricted, non-egalitarian duty of humanitarian assistance to the burdened societies; “a merely positive duty … owed to countries that, but for their poverty, would be well-ordered” (Pogge, 2005-d, p.1).

Realistic Utopia aside, many have argued that as rational moral agents we cannot allow ourselves to ignore the interests of outsiders, vis-à-vis our fellow citizens, when asserting the justness of our domestic institutions. We cannot but regard the individual, regardless of nationality, citizenship, or any other morally arbitrary classification, as the basic unit of moral concern. This is an important observation – one which forms the basis of the cosmopolitan conception of global justice – in that it expands the domain of institutional assessment beyond the boundaries of the sovereign state or nation, to focus on global institutional arrangements, thus encompassing every individual of the human species (Tan, 2004). Only when we take Rawls’s groundbreaking liberal, egalitarian principles of distributive justice out of the limited scope of domestic institutional arrangements and apply them globally can we truly begin to regard all people (with regards to socio-economic needs and status, for example) as of equal moral worth (ibid). In fact, cosmopolitanism can even be said to regard global economic equality as a precondition for justice in so far as it reduces the effects of such conditions of inequality as “humiliation and denial of agency” (Beitz, 2005, pp. 114-15). This is why such cosmopolitans (and professed Rawlsians) as Kok-Chor Tan, Charles Beitz, and Thomas Pogge, for example, have focused considerable effort on devising arguments for applying Rawls’s domestically centred distributive principles on the global level. In terms of “the motivation for the cosmopolitan project”, Tan points to “the persistent problem of global poverty and the challenges of economic globalization”, demanding global justice as distinct from

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10 The relevance – and indeed importance – of cosmopolitanism as a framework for theorizing on global justice has increased significantly; and it has “enjoyed a resurgence of interest” as a result of increased attention to global-scale problems and questions of justice (Brock & Moellendorf, 2005, p. 1).

11 Pogge and Beitz have been particularly productive when it comes to turning Rawls’s theory of intra-societal distributive justice into a theory of global distributive justice. (See e.g. Pogge, 1988 & 1989; Beitz, 1999).
a global *ethic*, (i.e. the duty of humanitarian assistance), to offer “a complete solution to [global poverty]” (2004, pp.12-19).

But is it really reasonable to ask that we regard *all* people as the subjects of our principles of justice? Are there any morally imperative grounds for applying principles of distributive justice (or retributive, for that matter) globally, as opposed to just domestically? These are important questions, the answers to which, many will argue, have changed over time. Whether we like it or not, we now live in an era in which distant places, peoples, cultures, religions, ideologies, and value systems are being brought into ever increasing contact with one another. This interactive process typically referred to as *globalization*, can be seen as an integrating, barrier-braking global force that has been brought about and is perpetuated in large part by technological advances. Most important in this respect are advances in communication and transportation, allowing for swift mass-transfer of people, goods, services, capital, knowledge, ideas, and so forth. With the advent and fast-paced development of phenomena like the Internet and mobile phones, with their global reach and pervasive power, people’s information base and subsequent perception about their immediate situation and the world at large, has altered dramatically. They have also made possible such things as a global market place for investment, labour, information, and money; creating and consolidating a world order (or *system*) which many see as grotesquely unjust (e.g. Chomsky, 2002; Frank, 2005-web; Pogge, 2005-a; Singer, 2005; Tan, 2004; Wallerstein, 1989). This world order, in large part governed by such global autocratic institutional bodies as the International Monetary Fund\(^\text{12}\), the World Trade Organization, and the World Bank, is considered unjust in that the global economic structure, i.e. the free market economy on one hand, and its underlying political paradigm, known as neo-liberalism, on the other, not only precipitate and perpetuate but also legitimize “global maldistribution [resulting in] gross inequality and poverty” (Tan, 2004, p.26). These considerations make Rawls’s position on global justice, even more striking, given that “we acknowledge the existence of a global basic structure and the importance of regulating that structure by some distributive principle” (ibid, p.29).

Given these concerns for the individual as the basic unit of morality it is no surprise that the idea of a global-scale application of Rawls’s egalitarian principles of justice (as indeed his own domestic application) draws on a formulation of sorts of the Kantian Categorical Imperative stating that we ought to treat persons as ends and never merely as means to ends, just as we ourselves would want to be treated. Since, in one way or another – positively or negatively

\(^{12}\) That some say is “a euphemism for the US Department of Treasury whose instrument it is” (Frank, 2005-web).
we are all affected by the “increasing integration and interdependency of our national economies”, creating a single global economy, in a morally relevant sense, regulated by international organizations, although controlled by an elite minority, we are subjected to a duty of an encompassing global justice (Tan, 2004, p. 29). This implies that through, for instance, our methods of consumption and production and the exercise of democracy we ought, morally and as rational beings, to give equal weight to everyone’s interests and thus make sure that no one is affected in a way in which we ourselves would not want to be. It seems that with globalization the “Kantian notion that all those who can affect one another should form a civil constitution has come of age” (Linklater, 1999, p.481). This view is also shared by the authors of the United Nations Development Program’s (UNDP) 2005 Human Development Report, who note that “[i]f we are part of a global human community, moral concern over unacceptable inequalities cannot be confined to national borders. This is especially the case when the policies adopted in one country have repercussions in another” (2005-a, p.38).

So while philosophers have long been interested in justice of different kinds – going back at least as far as to ancient Greece – their focus has, until recent decades, been primarily on their own more or less ideologically and culturally isolated societies. Nowadays, however, as Peter Singer points out, “[o]ur newly interdependent global society, with its remarkable possibilities for linking people around the planet, gives us the material basis for a new ethic […] that will serve the interests of all those who live on this planet in a way that […] no previous ethic has ever done” (2004 p.12). So while it may have, in previous times, been acceptable – if not unavoidable – to confine one’s moral gaze to one’s immediate community, this, in light of the modern technology and globalizing processes referred to above, is no longer the case. Or if it is, we need only acknowledge that our conception of community has changed, in a morally relevant way, to include even those living in the farthest flung regions of the planet. Hence the catchphrase global village, referring, in popular parlance, to the communal character of contemporary international relations and global-scale interaction of any kind. The term “global family” has also been used to indicate the increasing interconnectedness of humanity (e.g. Sachs, 2005).

In addition to the movement of people, money, ideas, etc., Singer emphasizes the obligation to address such global-scale problems as environmental degradation, natural resource depletion, and not least, global climate change caused by human activity’s detrimental affect on our shared atmosphere. These processes, he claims, wherever they are taking place and whoever enjoys their benefits (in the short run), affect every being on this planet. Thus, all its inhabitants, humans and “even all sentient beings”, should be considered “the basic unit of con-
cern for our ethical thinking”; thereby sharing, if taking it a step further, the cosmopolitan position (2004, p. xxii). Importantly, the issue of our shared atmosphere has significant relevance to global distribution of wealth and possibilities for economic development. This is considering its limited capacity to absorb carbon dioxide and other greenhouse gases, the emission of which is an unavoidable condition of industrialization given our current reliance on fossil fuels for energy. Hence, our atmosphere’s absorbing capacity has become globally shared natural resource and as such should be subject to a principle of just distribution. But Singer isn’t the only philosopher to be worried about the effects of pollution; Robert Nozick saw it as “the dumping of negative effects upon other people’s property ... and upon unowned things which people benefit from, such as a clean and beautiful sky” (1974, p.79 – italics in original). If eloquently put by Nozick, it of course grossly understates the extent of the problem, in light of the information we possess today as to the grave threat of pollution to what lies beyond the clean and beautiful sky – our shared and precious atmosphere.

Given the current, unjust state of global affairs, as rightly pointed out by Nagel in the opening quote to this section, there is, according to Tan, a need not only to embrace the cosmopolitan ideal, but to “reform and democratize the existing global institutions” (2004, p.25). Nevertheless, in the face of affluent nations’ self-interested actions on one hand, and corruption and political instability in poor ones on the other, “the realization of cosmopolitan justice is not going to be easy […] but to set for ourselves a lesser goal because of this is too easily to give up our hope for a just world” (Tan, 2004, pp. 201 & 82, respectively).

All this said, however; while I hold cosmopolitanism to be generally better equipped to deal with most contemporary moral concerns – certainly in the global context – I still think that arguments for rectificatory justice, such as the ones presented in this paper, will fare better against a theory of global justice that regards communities or collectives of people as the basic unit for moral concern, as opposed to individual persons. After all, it was entire communities – and indeed whole continents – that were colonized and not individuals per se. The reasons for this position shall be become clear in section 4.4.
2.2 The Problem – World Hunger and Destitute

In moral terms, just stating the fact that one child dies every five seconds as a result of hunger and malnutrition should be enough to prove that we cannot afford to allow the scourge of hunger to continue case closed (UN Food & Agricultural Organization, 2005-a).

“In economic terms the case is more complex but no less cogent”, FAO continues. “On a global scale, every year that hunger persists at current levels, [it] causes deaths and disability that will cost developing countries future productivity with a present discounted value of US$ 500 billion or more” (ibid).

While the gruesome reality of global economic inequality may be familiar to many of us, as Nagel (2005) suggests, in order to fully grasp the seriousness of global poverty, a cursory glance at some of the facts and figures of this pan-human problem is necessary. Today, the richest 20% of the world’s population enjoys nearly 75% of the total aggregate income. This means that the other 80% have to share the remaining 25%, of which the poorest 20% get only 2% (UNDP, 2005-b). Furthermore, the poorest 20% accounts for only 1% of total global exports (Singer, 2004). What does this mean in monetary terms and how does this translate into means for survival? According to a World Bank estimate, approximately one-fifth of the world’s population of nearly 6.5 billion lives “life at the very margins of existence … almost beyond the power of our sophisticated imaginations and privileged circumstances to conceive”, as former president of the World Bank, Robert McNamara once put it (in Singer, 2005-a, p.219). Life at the very margins of existence is that which is supported by an income of less than US$ 1 per day, and is referred to as “absolute poverty”. Absolute poverty, as defined by McNamara, is “a condition of life so limited by malnutrition, illiteracy, disease, squalid surroundings, high infant mortality, and low life expectancy as to be beneath any reasonable definition of human decency” (in Sterba, 1996, p.133). People who live in absolute poverty are, Pogge says, “just about as badly off, economically, as humans beings could be while still alive” (2005-a, p.203). Such poverty, Singer speculates, is “probably the principal cause of human misery today” (2005-a, p.220).

According to UNDP, one-quarter of humanity subsists at a level of income or expenditure “below which a minimum, nutritionally adequate diet plus essential non-food requirements are not affordable” (in Pogge, 2005-b, p.7). This results in one out of three children in the developing world being underweight, two in five are stunted (i.e. irreparably impaired), mentally, physically, or both, while one in ten is wasted. According to FAO, “[e]very year, nearly 11 million children die before they reach their fifth birthday” (2006-a). Hunger and
malnutrition kills nearly 6 million of them – one child every five seconds – and is the under-
lying cause of more than half of total child deaths in the world (ibid). Furthermore, one-quart-
er of all 5- to 14-year-olds work outside their home in a desperate attempt to earn a living,
often under harsh conditions, such as in mining, textile, carpet production, factories of all
sorts, and agriculture. Some are even domestic servants, prostitutes and soldiers (Pogge,
2005-a, p.97; 2005-b, pp. 7-8). Many of these children are caught in what is effectively slav-
ery, bought from their desperately poor parents for “as little as US$ 15” and working “often
with no pay at all” (HRW, 2006-web). Lastly, while such deadly affluence-related diseases as
hypertension, anxiety, depression, diabetes, cancer and heart failure caused by stress, obesity
and unhealthy lifestyles, seem to be on the rise, the fact remains that a staggering “one-third
of all human deaths are due to poverty-related causes” (Pogge, 2005-b).

This is a problem of “clear moral dimensions” (Aiken & LaFollette, 1996, p.2). Most of the
victims of this life-destroying poverty are, as we have seen, young children who, undeniably
and without exception, are not only “paradigmatically vulnerable”, in that they are unable to
forage or care for them selves, but also “paradigmatically innocent since they are neither caus-
ally nor morally responsible for their plight”; they have not done anything to merit such cruel
fate (LaFollette & May, 1996, pp.71). So, LaFollette and May remind us, “if anyone were
ever an innocent victim, the children who suffer and die from hunger are” (ibid). This is not to
say, of course, that their parents, who themselves are starving and unable to do much to affect
their chances for survival, aren´t, in most cases, just as innocent and un-blameworthy for their
desperate situation. Nor were their parents, or grandparents, any more able to take responsi-
bility for their poverty, and we could go on. It is indeed the purpose of this essay to show that
many of those who are suffering and dying from malnutrition and hunger have not themselves
or even their predecessors to blame, but others, those who came and wrecked their countries´
chances for supporting their population. More on that in chapter three.13

But there is still reason for hope; the problem is still one of inequitable distribution of
resources and insensible, unsustainable modes of production and consumption, and not that of
overall shortage of food. There is still enough food and resources available worldwide to put
an end to absolute poverty and hunger (FAO, 2003; Pogge, 2005-a; Sachs, 2005; Sen, 1999;
Sterba, 1996; World Bank, 2004)… that is if we want to.

13 There have been countless cases made from a variety of moral standpoints for why we have a moral obligation
to end global poverty, but this is, in the broad sense, not the subject of this paper. See e.g. Aiken & LaFollette,
2.3 The Case Against Helping the Poor – Living on Lifeboats

Ever since “the principle enemy of the people”, Thomas Malthus, postulated in the late 18th century that “the period when the number of men surpass their means of subsistence has long since arrived” (in Sen, 1999, p. 205), scientists have from time to time argued – such as from the standpoints of human ecology and environmental biology – against helping the poor, and more recently, for hardened immigration policies (e.g. Hardin, 1996; Cairns, 2004, respectively). This controversial position was famously argued for from an ethical perspective in 1974 by ecologist Garrett Hardin, and became referred to as Lifeboat Ethics. Hardin’s infamous argument metaphorically portrays the affluent nations as lifeboats adrift in a “moral sea” full of poor people “who would like to get in or at least to share some of the wealth” (Hardin, 1996, p.6). But, if they are not to sink, thereby drowning everyone – rich and poor – the lifeboats must be protected from overcrowding. And since the lifeboats are already more or less full, as Hardin and other advocates of this argument perceive them, there is no room to save any of the poor from drowning. Likewise, throwing them some food or other supplies will just go to waste, reducing the welfare of the rich and prolonging the suffering of the poor. This seems rather harsh and inhumane, as is perhaps to be expected from such a crudely formulated utilitarian perspective on a matter as delicate as the welfare and future of mankind.

So, what is the justification for this seemingly counter-intuitive lifeboat ethics? Firstly, such arguments presuppose that the developed countries – if not Earth as a whole – have, or are about to, reach their carrying capacity in terms of sustainability of the human population. Secondly, they regard overpopulation as the primary cause of third world poverty, hence arguing for a Malthusian “population control the crude way” (ibid). From these premises the

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14 Malthus was so referred to by Karl Marx on account of his case against helping the poor (in Hardin, 1998, p. 182). Generally, the debate over how many people Earth can support is regarded as having effectively started with Malthus’s An Essay on the Principle of population, although it has now largely been discredited.

15 A formulation of sorts of the principle of triage, which roughly illustrates the necessity of focusing limited food or other resources on those who stand a chance of survival, while leaving the “hopeless” for death, so as not to waste the precious resources, and thereby lessening everyone’s chance for survival (in Singer, 2005, 235-6).

16 Hardin remained one of very few avid defenders of Malthus’s heavily criticized, allegedly inhumane, doctrine. He argued, similarly to Malthus, that “[i]f poor countries received no food from the outside, the rate of their population growth would be periodically checked by crop failures and famines” (p. 10). The main problem with Hardin’s “population control the crude way” argument is that it rests on the narrow view of aid as consisting primarily of food donations; whereby the population in poor countries would surely continue to grow with serious consequences. If he had realized instead that aid can, and often does, take the form of various capability maximization programmes, such as those aimed at raising levels of basic education and health care, he would, presumably, have seen that it can, in contrast, help keep fertility rates down and population growth in check, eventually reducing the population in much less crude a way. Furthermore, he should have been aware that, since Malthus first pioneered the over-population thesis some 200 years ago, the world population has grown nearly six times, while per capita food output and consumption have increased many times more. Presently, in the race between food production and population growth, food is still ahead (see Sen, 2001, pp. 204-226).
assumption is drawn that it is irrational – if not outright stupid – for the rich to try and alleviate poverty by sharing their resources, whether by such means as increased aid or relaxed immigration policies. As Hardin puts it: “Noble intentions are a poor excuse for stupid action. Man is the only species that calls some suicidal actions ´noble´. The rest of creation knows better” (in Cairns, 2004, p.169). Whether this is true or not, it is evident that in Hardin´s view, given his Malthusian perception of “reality”, there is no room for any concept of pure justice, for it is doomed, in theoretical terms, to produce “an infinite regression to absurdity”, and in practical terms, to produce the end of mankind – the poor dragging the rich down with them in a sinking lifeboat (1996, p.15). Therefore, Hardin concludes that “[f]or the foreseeable future, our survival demands that we govern or actions by the ethics of a lifeboat, harsh though they may be” (ibid). It is interesting to note that this interpretation of “reality” is convenient for someone like Hardin, who explicitly opposes the concept of rectificatory justice, stating that “[h]owever morally or logically sound this proposal [of reparations for displaced and dispossessed Native Americans] may be, I, for one, am unwilling to live by it and I know of no one else who is” (ibid). Accordingly, Hardin admits, at least implicitly, that such a harsh and “reality-based” position is incompatible with what is commonly regarded as the most fundamental principle of morality, that of universalizability (as explained in section 2.1). Instead he opts to regard “pure justice” and “reality” as two un-reconcilable phenomena.\(^\text{17}\)

Fortunately, however, for mankind – not least those who suffer the consequences of historical injustice – Hardin´s interpretation of reality is likely severely misguided insofar as it is based on premises which have not been proven to have much basis in reality. As mentioned in the previous section, the opposite perception of the problem of poverty and under-development (as an issue of unequal distribution and capability deprivation), as well as that of population control, have been shown to be more plausible.\(^\text{18}\) Furthermore, Hardin´s argument against developmental aid on the bases of the affluent nations´ limited carrying capacity has been forcefully rebutted (see e.g. Aiken, 1996).

Now, it is possible that if Hardin had not had such a distorted view of the reality of both under-development and the population problem (which, to be sure, is a problem that demands serious attention), he would not have regarded reality and justice as so incompatible. Even

\(^{17}\) He explicitly maintains the meaninglessness of “symmetrical rules and morals: a single rule for me and everybody else; the same rules yesterday, today, and tomorrow. Justice [not changing] with time and place”, regardless of how much our “craving for intellectual order leads us to seek and prefer” such a position (1996, p. 15).

\(^{18}\) Both of Hardin´s premises have been discredited as gross misinterpretations by scores of experts (see e.g. Aiken, 1996; Pogge, 2005-a; Singer, 2005; Sen, 2001; Sterba, 1996). Such experts, conversely, were referred to by Hardin himself as “unrelenting liberals” who have “for some two centuries” taken the population argument and “maneuvered [it] into the area of distribution” (Hardin, 1998, p.182). And so, the debate lives on.
though he expressly rejects the principle of rectificatory justice, he might still have accepted
that the affluent have a positive duty of beneficence to help the poor aboard their lifeboats, or
at least to throw them some flotation devices. Suppose then that Hardin had been better in-
formed, more committed to fundamental moral principles, and less dismissive of the notion of
pure justice in general, and the principle of rectification in particular. His lifeboat ethics meta-
phor might then have looked more like this: Suppose that at the dawn of the Great Discover-
ies, some 500 years ago, mankind was divided into, say, a couple of hundred floating rafts
spread out over the Earth’s oceans. The rafts are of different shapes and sizes, and while some
are perhaps sturdier and more comfortable than others, they all more or less safely support
their assigned number of passengers, and then some. Generally, the rafters spend their days
rowing leisurely around and for the most part minding their own business, although periodic-
ally stormy weather can cause some rough seas, calling for increased effort to keep everyone
aboard. Likewise, heavy rains and the scorching sun can make life difficult. Now, suppose
some of the passengers on the more comfortable rafts come up with the technology to build
outboard motors. Given the advantage they acquire from the superior speed and agility over
the motor-less, manually powered rafts, some of the captains decide that it would be a good
idea to make use of this technological advantage to try and increase the standard of living of
their own passengers. So, they start throttling around on murderous rampages to the more
technologically primitive rafts, taking them over, using up their supplies, cold-bloodedly
slaughtering and throwing their “uncivilized” passengers overboard. Along the way, in all the
violent fervour, the raided rafts get punctured, sometimes unwittingly but always predictably,
gradually rendering them useless, sending their survivors, now battered and beaten, adrift in
the bloody sea. This goes on for centuries, one raft raided after another, until a relatively small
minority of the world’s population finds itself gliding through sea of life on luxurious yachts
and cruise ships; cabins stuffed with goods and decks crowded with floatation jackets and
other high-tech life preservers. The less fortunate, who had had their rafts sunk and ruined,
crowd the ocean’s surface, struggling to stay afloat; it’s swim or sink for them – women and
children are the first to drown.

But is this an accurate analogy for colonialism? Was it really this brutal, and is there tru-
ly such a strong causal link between colonialism and modern day under-development and mis-
ery? If so, then the question for those who have benefited from colonialism, as required by
justice, becomes not one of a positive duty of beneficence towards those who have had their
chances for development destroyed by colonialism, but rather one of a negative duty of recti-
fication. Arguments for this link will be explored in the next chapter.
Chapter 3 – Is Global Poverty a Consequence of Colonialism?

In this chapter I shall argue that while difficult to prove, it would be neither illogical nor implausible to think that there is a causal link between colonialism and present-day under-development and poverty in former colonies. To this end I shall present an exemplary case study of a country that, before being colonized by the British, was home to a prosperous, even relatively wealthy, people. While necessarily suspended, the empirical assumption as to the causal link between the two states of affairs constitutes the central premise for demands for reparations for colonial injustice as argued for here. If there is no causal link there are no moral grounds for reparations; no injustice committed by the colonial powers that demands rectification. (To be sure, there exists, of course, a wealth of arguments for regarding the radical inequalities in well-being between the rich and poor countries as an injustice that demands action that would achieve the same or similar ends as would be achieved by rectifying historical injustice). Lastly, I shall present a graphic portrayal of the link between colonialism and world-poverty. But first of all, let us have a look at some widely accepted definitions and facts about colonialism, as a frame of reference against which to assess the plausibility of a causal link between colonialism and present day poverty.

3.1 “A Paradigm of Injustice”

We must find new lands from which we can easily obtain raw materials and at the same time exploit the cheap slave labour that is available from the natives of the colonies. The colonies would also provide a dumping ground for the surplus goods produced in our factories (Cecil Rhodes, in Broad & Heckscher, 2003, pp. 714-15).

According to reliable sources, and in accord with Rhodes’s frank (and, some would say, self-incriminating) remark above, colonialism refers to “a political-economic phenomenon where by various European nations explored, conquered, settled, and exploited large areas of the world” – beginning at around 1500 with the Great Discoveries and continuing on to this day (Encyclopaedia Britannica (EB) 2006-a). Besides economic exploitation of the colonies’ natural resources, the purposes of colonialism include “creation of new markets for the colonizer, and extension of the colonizer’s way of life beyond its national borders” (ibid-b). To that effect, the colonizers may “impose socio-cultural, religious and linguistic structures on the con-

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19 Cecil John Rhodes (1853–1902) was a prominent British financier, statesman, imperialist and colonial founder of Rhodesia, (presently Zambia and Zimbabwe). His influence as a politician was also instrumental in the adoption of British imperial policies in South Africa (Ferro, 1997; EB, 2006; Wikipedia, 2006).
quered population … [causing] displacement of the indigenous peoples to their permanent
detriment … [and leading] to the net transfer of wealth from the colonized to the colonizer,

Now, history – even as depicted in encyclopaedic accounts – is by no means irrefutably
accurate and generally remains open to interpretation and debate. However, the overwhelming
consensus among informed historic accounts of the global-scale atrocities committed under
the rubric of colonialism, and of their persisting consequences, will, for the purpose of this
paper, be regarded as representing the facts of the matter. There are, however, those who
maintain that colonialism can be seen as almost a noble enterprise, spreading positive cultural
traits and effects to the colonized peoples and the world at large (see e.g. Ferguson, 2003).
Presumably, those who think of colonialism as a noble enterprise, or believe that its positive
consequences outweigh the negative ones, will not find the argument here convincing. In any
case, debating the pros and cons of colonialism has been likened to “debating the pros and
cons of rape” (Arundhati Roy, in Wikipedia, 2006-a). In case one thinks the contemporary
understanding of colonialism is in disaccord with how the colonialists themselves conceived
it, this statement by German colonialist, Karl Peters, along with that of Cecil Rhodes quoted
above, shows otherwise: “The purpose of colonialism is, unscrupulously and with deliber-
aton, to enrich our own people at the expense of other weaker peoples” (in Ferro, 1997, p.83).
This comment also shows how the justification for colonialism was based on, among other
things, pseudoscientific theories of Europe’s superior race and culture (Sachs, 2005, p.39).

But what is the cause of under-development and the vicious cycle of extreme poverty in
today’s poor countries? This is an important and complex empirical question; one which
scores of thinkers and researchers – historians, developmental economists, geographers, social
scientists, politicians, philosophers, and so forth – have grappled with throughout history (e.g.
Davis, 2001; Diamond, 1999; Frank, 1996; Landes, 1999; Pogge, 2005-a; Sachs, 2005; Sen,
2001; Sen et al, 1997; Rawls, 1999; Rist, 2002; Wallerstein, 1974, 1980 & 1989). Despite all
the effort made by experts of such disciplinary diversity, the fact remains that it is virtually
impossible to say with any conclusive empirical certainty to what extent exactly the plight of
former colonies is traceable to colonialism, vis-à-vis other determining factors. “But doesn’t
this render the question of reparations for colonialism hopelessly unfeasible in any practical
sense, as well as philosophically vacuous, or at least argumentatively very problematic?” one
might ask. On the contrary; while this empirical uncertainty surely presents a great difficulty

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20 This is indeed an important concern, seeing how, as Nozick instructed: “This principle [of rectification] uses
historical information about previous situations and injustices done in them … and information about the actual
in proving the factual assumptions underlying the argument, this is by no means fatal to the
case for reparations as presented here. In terms of the extent, causation and consequences of
colonial injustice, and the corresponding claims for reparations, the argument is simply held
hostage to the hypothesis that the empirical evidence can be provided if *enough* is done (*en-
ough* implying, by definition, that the objective is accomplished). Hence, the fact that the
extent, causation and consequences of colonialism are virtually immeasurable does in no way
undermine the validity of the theory; much less get us morally off the hook. If it did, our crim-
inal justice system would, for instance, not judge it necessary for someone found guilty of,
say, murder (the effects of which are surely immeasurable) to pay compensation to the
victim’s family or other affected parties. What is assumed here is simply that colonialism is in
*part* to blame for the current state of under-development of former colonies, and that this is an
injustice that not only justifies but demands an argument for rectification. What exact form
this rectification may take is, however, a different matter; one that is quite possibly more de-
pendent upon the measurability of the effects of colonialism (to be discussed in chapter 5).

Nevertheless, I will venture to offer an exemplary insight into the practice of colonial-
ism as detrimental, in fact devastating, to the lives and opportunities of a colonized people –
namely the once prosperous and flourishing nation of Bengal, on the Indian sub-continent.

**3.2 The Case of Bengal/Bangladesh**

For better or for worse, the world we know today is in large measure
the product of Britain’s Age of Empire (in Ferguson, 2003. p. i)

Along with this observation, which is certainly true for large parts of North-America, Africa
and Asia, it is important to keep in mind that socio-economic development in general, and the
unequal status of societies in the world we know today, has by and large been determined histo-
rically by the access to, use, and distribution of commodities, i.e. resources, natural or other-
wise. Indeed, as global affairs analyst, Noam Chomsky, has pointed out, the industrial revolu-
tion in the USA would for the most part not have been possible if it hadn’t been for the low
price of “one commodity: cotton” (2002, p. 257). The low price of cotton, which was crucial
for the textile industry (which in turn fuelled the revolution), was made possible by “genocide
and slavery” – exterminating the native population, or driving it off its land, and bringing in
slaves to pick and process the cotton (ibid). In agreeing with the worldview presented by

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Ferguson, above, albeit casting it in a more philosophically critical light, Pogge reminds us that

> [t]he present world is characterized not only by radical inequality ... but also by the fact that 'the social starting positions of the worse-off and the better-off have emerged from a single historical process that was pervaded by massive grievous wrongs’... [m]ost of the existing international inequality in standards of living was built up in the colonial period when today’s affluent countries ruled today’s poor regions of the world: trading their people like cattle, destroying their political institutions and cultures, and taking their natural resources. In 1960, when the colonizers finally left, taking what they could and destroying much else, the inequality in per capita income between Europe and Africa had grown to 30:1…” (2005-c, p.38).

Another well documented, and even more horrifying, example\(^{21}\) involving cotton and textile as catalysts of industrialisation and development, describes the consequences of British colonial rule in Bengal; one of the first places colonised by the British, around the middle of the 18\(^{th}\) century.\(^{22}\) When British Baron and colonial conqueror, Robert Clive, first arrived in Dacca (now Dhaka, capital of Bangladesh) he recognized that he had hit the jackpot, describing it as a paradise, reportedly saying, it’s “just like London” (in Chomsky, 2002, p. 257). The then famous textile centre was indeed a prosperous region, rich in resources and agriculture, supporting a thriving textile industry at a level comparable with that in England.\(^{23}\) This meant that it was, in industrial terms, ripe for “take off” – had it only been left alone. But this, unfortunately, meant that it was also ripe for colonisation by the British. The primary agent of British imperialism in this region and “probably the most successful chapter in the British Empire's history”, the British East India Company, had been established specifically with the intent to advance “trade privileges”, (\textit{de facto} the monopolistic exploitation of trade) in the East Indies and South East Asia (EB, 2006-d; Wikipedia, 2006-b).\(^{24}\) As the “Company”, became involved in politics as the auxiliary agent of Her Majesty’s government in Asia, it gradually took on a military-type function and “the line between trade and outright plunder faded” (Chomsky, 2002-web). The consequences were simply devastating for the people of Bengal, which “was not to know peace again until she [had] been bled white” (Thompson & Garrett, in Chomsky, 1993). From the standpoint of the British, however, the “Company” was extremely successful. The Indian sub-continent became the British Empire's largest source of revenue and so laid the foundation for the wealth and prosperity Britain has enjoyed ever since – more or less guaranteeing her citizens access to the “social primary goods” such as

\(^{21}\) Discussed, for example, by Adam Smith in his \textit{Wealth of Nations} (1976).

\(^{22}\) Now divided between The People’s Republic of Bangladesh and Indian West Bengal.

\(^{23}\) Bengal was in fact commonly referred to as “the Manchester of India” (Chomsky, 2002, p.257).

\(^{24}\) The British East India Company is sometimes referred to as the world’s first multinational corporation.
“liberty and opportunity, income and wealth, and the social bases of self-respect”, in the words of Rawls (1999-a, p.54). Bangladesh on the other hand, is a poster-country for poverty and destitute; “the absolute symbol of disaster”, as “[t]he British just despoiled the country and destroyed it, by the equivalent of what we would today call ‘structural adjustment’” (Chomsky, 2002, p.257).

Accordingly, FAO ranks Bangladesh as one of the poorest countries in the world, with a per capita GNP of US$ 220 (FAO, 2004-a) and per capita income of approximately $160 (around 44 cents per day – less than half of the World Bank’s absolute poverty limit of US$ 1 per day) (FAO, 2004-b). This is the average; as much as fifty percent of the entire population subsists, if it does that, below the absolute poverty line as defined by FAO. It therefore “suffers from some of the highest under-nutrition and malnutrition levels in the world” (ibid), and is, as Hartmann & Boyce (1983) put it bluntly, “a land of hunger”; even referred to by one commentator as “a miserable mass of poverty-stricken, starving and dying people” (in Chomsky, 2002-web). According to some, in estimating poor countries’ odds for recovery from the vicious cycle of extreme poverty, Bangladesh falls into the “hopeless” category (in Singer, 2005, p.236). One reason for this is how poverty, understood as “economic unfreedom”, breeds social and political un-freedoms, which in turn exacerbate the economic unfreedom (Sen, 2001, p.8). In this way poverty begets more poverty. As an example of this vicious cycle, FAO estimates that in Bangladesh as many as 30% of all children are born underweight: “From the moment of birth, the scales are tipped against them” (2005-b). Nevertheless, Bangladesh remains relatively rich in resources and could, some say, with land reform and better technology and know-how (as that currently available to countries that had the opportunity to develop and industrialize on their own accord) feed its present population (Singer, 2005). The fate of India, still a real competitor with England in the early 19th century in terms of industrial development, was not all that different:

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25 Structural Adjustment, according to Chomsky, is “[the] economic policies from the World Bank and International Monetary Fund which expose Third World economies to foreign penetration and control” (ibid).

26 Bangladesh ranks 13th poorest of the 133 countries covered by the World Bank assessment from 1996, and “continues to run up a heavy trade deficit” (FAO, 2004-a).

27 “The poverty line in Bangladesh is defined by the 1991-92 Household Expenditure Survey and is calculated on the basis of a per caput minimum daily intake of 2 122 Kcal (as recommended by WHO), with a 30 percent allowance for non-food basic needs” (FAO, 2004-a). “Given that food availability is not equally distributed [however], it is clear that the situation is [even] worse for the poor than these figures would lead one to believe” (ibid).

28 It shall be recalled that “[t]he suffering and death that are occurring there now [as the result of extreme poverty] are not inevitable, not unavoidable in any fatalistic sense of the term … it is not beyond the capacity of the richer nations to give enough assistance to reduce any further suffering…” (Singer, 1972, p. 229) - until Global Rectificatory Justice has been implemented, and the reparations due paid.
[As late as the 1820’s, the British were learning advanced techniques of steel-making there, India was building ships for the British navy at the time of the Napoleonic Wars [1803-1815], they had a developed textiles industry, they were producing more iron than all of Europe combined – so the British just proceeded to de-industrialize the country by force and turn it into an impoverished rural society (Chomsky, 2002, p.257).

Tens of millions perished as a direct result of this inhumane process of de-industrialization (ibid) – or “re-peasantisation” (sos-arsenic, 2005) – and one can only guess how many millions of lives the multiplying effects of this impediment to development has claimed.

Sadly, the cases of Bengal and India are by no means unique. The same or similar stories can be told from other colonized peoples and continents; involving, in place of the British – and to a lesser or greater extent – the French, the Dutch, the Spanish, the Portuguese, the Belgians, the Germans, the Russians, the Japanese, the Danish, and others. In many cases, the colonized peoples met an even more horrifying fate such as slavery and genocide. (For detailed accounts of some of these events, see, for example, Chomsky, 1993; Davis, 2001; Ferro, 1997; Ferro et al 2005; Galeano, 1998).

Yet not fully addressed is the flip-side to this coin; the question whether the colonial powers gained from, and subsequently developed and prospered on account of their plundering and exploitation of their colonies. In short, while it may certainly be thought that there is need for making this case, this task shall be left unattended for now on the assumption that simple logic and reason (supported by extensively available historical accounts and official documents) will lead us to answering this question in the positive. Vandana Shiva (2005) summarizes well, I believe, the consequences of colonialism as seen from the point of view of its victims (the poor or “the South”), as well as consistently with the views, assumptions and beliefs held by a majority of the scholars referenced in this section – and many more, of course:

The poor are not those who have been “left behind”; they are the ones who have been robbed. The wealth accumulated by Europe and North America [is] largely based on riches taken from Asia, Africa and Latin America. Without the destruction of India’s rich textile industry, without the takeover of the spice trade, without the genocide of the native American tribes, without African slavery, the Industrial Revolution would not have resulted in new riches for Europe or North America. It was this violent takeover of Third World resources and markets that created wealth in the North and poverty in the South. 29

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29 This comment by Shiva is a rebuttal of what she takes to be a “totally false of history of poverty” as allegedly depicted by Earth Institute director and leading UN advisor on development, Jeffrey Sachs. According to Shiva, Sachs bases his famed solution to world poverty on the misleading view that poverty is an “initial state of human progress” from which the now economically developed nations escaped simply by industrializing. This, Shiva says, is a common misconception – indeed one of the “myths that keep the world poor” (ibid). It is well conceivable that such myths, if widely believed and perpetuated, can serve, if not as justification for inaction, then at least as recipes for misguided action.
3.3 A Coincidence?

If we remain unconvinced, a graphic portrayal of the link between colonialism and world-poverty may well serve to clarify the picture, and drive home the argument, so to speak.

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30 Central- and South-America, and the British “Commonwealth” colonies such as Australia, Canada, New Zealand, Newfoundland, Northern Ireland, and South Africa are not shaded on the Colonialism Map because they had, for the most part, achieved independence by the time of the Second World War.

31 The reason the Commonwealth colonies, along with Argentina, are not on the Hunger Map is presumably due to the fact that these were settler colonies to which the Europeans emigrated, largely exterminating or displacing the indigenous peoples in the process; as opposed to dependencies, which were, by contrast, colonised primarily in order to gain possession over resources: precious materials, agricultural produce, slaves, etc. To be sure, there is to a certain extent an overlap between the two types of colonies in terms of settlement and exploitation.
Chapter 4 - Global Rectificatory Justice

In this chapter I shall attempt to provide a comprehensive account of the concept of rectificatory justice as it relates to the argument for reparations for colonial injustice. First, for the purpose of clearing the ground for the discussion of Global Rectificatory Justice, I shall give an overview of some of the problems and complexities related to the application of the concept. Secondly, I shall offer an account as to how and why rectificatory justice may be seen as having a strong appeal to our intuition and sense of justice as fairness. Thirdly, I shall explore Aristotle’s concept of rectificatory justice and argue that his account may be seen as contributing, at least, to the largely unchallenged ethical framework for standard civil compensatory damages as a means for rectifying an injustice. Fourthly, I shall attempt to provide an account as to why members of a community can be said to have collective responsibilities, duties, and obligations, such as towards (not exclusively, though) communities that were (or are) the victims of historical injustice. To this end I shall draw on Alasdair MacIntyre’s concept of a narrative conception of the self as inescapably interlinked with the history, past and present, of the community (or collective) in which it is embedded. Lastly, I shall argue that communities (or collectives) can be said to have historical obligations that transcend generations of people living within them. For this purpose I shall invoke Robert Nozick’s principles of transfer, initial acquisition, and rectification as outlined in his celebrated, yet controversial, Entitlement theory.

4.1 Introduction to Rectificatory Justice

Reparations seems to be an idea whose time has come (Miller, 2006-web)

While ethicists, lawyers, judges, and other practitioners of justice have for over two millennia analysed and elaborated on different concepts of justice, it is really only within the last century, with the exception of Aristotle, that they have begun to pay serious attention to the notion of rectificatory justice, per se (Roberts, 2002). As mentioned in the introduction, reparations, as a tool for social justice, is conceptually very complex and gives rise to a host of concerns and questions that warrant consideration and plausible, non-arbitrary answers and arguments. In its entirety it may therefore be regarded, philosophically, as a veritable can of worms. In light of this, and given the limited scope of this study, the discussion that follows is necessari-
ly restricted to picking some carefully selected worms out of the can, and hence dealing with a
certain rather narrowly defined conception of reparations. The arguments advanced here shall
be seen particularly (although not exclusively) as supporting demands for rectification by
means of economic compensation for tangible property of monetary value (e.g. land, resour-
ceses, artefacts, etc.) stolen or destroyed in the name of colonialism. (Some of the arguments
may also be taken, though, as contributing to the elaboration of a broader range of rectifica-
tory demands). Doubts have, however, been raised as to whether pursuing such “Nozickian-
style property rights issues” is engaging in “the right debate” (Miller, 2006-web). While the
property rights approach addresses an important issue for any debate over reparations, Miller
wonders whether it does so at the cost of trivializing other injustices that give rise to such con-
cerns as repairing ‘sacred bonds’ between peoples; acknowledging the “sense of betrayal felt
by historically oppressed groups”; reconciling formerly warring groups and restoring trust,
and so forth, which, according to some “partisans in the debates over reparations” are even
more important than restoring property rights (ibid). “Beyond that”, Waldron reminds us,
“there is an importance to the historical recollection of injustice that has to do with identity
and contingency. It is a well-known characteristic of great injustice that those who suffer it go
to their deaths with the conviction that these things must not be forgotten” (1992, p.5). Never-
etheless, while acknowledging the importance of these other issues (and feeling the temptation
to address them), the fact remains that one has to begin somewhere; and in light of the urgen-
cy of such matters as hunger and starvation caused by extreme poverty in the former colonies,
I feel there are compelling moral and practical reasons for sticking with arguing for some
measure of property restoration, such as by means of compensation. One cannot, for example,
et “sacred bonds”. “Rectification”, in the ensuing discussion, shall therefore be understood as
referring to monetary compensation and, to the extent applicable, restoration of property
rights.

Arguing for any given form of reparations raises similar fundamental philosophical and
practical concerns; but arguing for monetary compensation in particular requires a certain re-
fined approach. Furthermore, even a narrowly defined approach gives rise to an indeterminate
number of questions of varying interest and urgency. And while not pretending to set out to
answer all these questions here (or even the majority of them), any serious line of argument-
ation, however carefully restricted, requires that a certain basic questions be answered. Firstly,
in dealing with inter-communal or inter-national injustice, we need to ascertain the appropri-
ate dimension of collective, communal responsibility and obligations: what it means and en-
tails, in terms of responsibility, to be a member of a collective that has committed, and bene-
fited from, an injustice against other communities. Secondly, we need to determine whether we at all inherit historical (i.e. trans-generational) obligations to right the wrongs of our fore-fathers or predecessors. Thirdly, what would we base such obligations on? These questions will be revisited below, and steps taken towards answering them. But first, let us examine some basic, intuitively appealing conceptions of justice.

4.2 Intuition and Rectificatory Justice

Demands for reparations based on historical accounts of colonialism and its consequences such as the one advanced in the preceding chapter are presently not only being upheld on behalf of the communities that fell victim to colonialism themselves, or by learned scholars: historians, philosophers, development specialists, and such. They are also made by many (if not most) lay people who for a variety of reasons - not least of which their intuitive sense of justice - concern themselves with efforts to eradicate global poverty. An example of this is the following remark made by rock star and prominent poverty-eradication activist, Bono (2005):

Why Africa is still in the Middle Age is largely to do with us, and our exploitation through French and British colonialism, but also [lies in our] present exploitation of unfair trade agreements, or old debts. You can’t fix every problem. But the ones you can, you must. To the degree we are responsible, we must fix.

Opponents to the implementation of rectificatory justice could contend that such matter-of-factly formulated outcries for reparations are, to an extent, naturalistically fallacious insofar as they are merely groundless normative claims (for reparation) as derived from contested assumptions about a given event or sequence of events (such as exploitation and colonialism) without reference to any recognizable moral principle. If it were true that claims for rectificatory justice are made without reference to any recognizable moral principle, then they could indeed be conceived of as lacking plausible moral foundations and thus unworthy of philosophical scrutiny – much less any political action. But those who for some reason oppose the idea of reparation for, say, colonialism and speak indignantly about such “nonsense” as Europeans wallowing in pointless self-reproach, or the meaninglessness of the “white guilt trip”, need no longer beat their heads against the rock or indulge in self-serving denial. For these claims are indeed firmly grounded, if sometimes implicitly, in principled arguments for rectificatory justice that can, as this paper aims to show, by applied to affirm the moral demand to make right the grave injustices committed in the name of European conquest.
But what are the arguments upon which such demands – that can only have normative implications of colossal proportions – can be built? First of all, like the above quote by Bono shows, such appeals often rest on such seemingly self-evident principles as the one demanding that if you steal someone’s property you should (in most cases) return it, replace it or pay compensation; in any case you rectify the wrong you may have done. This principle, intuitively appealing as it is, and consistent with our “built-in” sense of justice as fairness – and our ability to distinguish right from wrong – seems so self-evident that it has the tendency to get stated somewhat straightforwardly when it is employed.\(^\text{32}\) Peter Singer has, for example, stated quite forthrightly that the fact that “the present global distribution of wealth is the result of the wrongful expropriation by a small fraction of the world’s population of a resource that belongs to all humans in common […] is grounds for rectification or compensation” (2004, p.32).\(^\text{33}\) But as Singer himself is probably better aware of than most, statements of intuitively attractive, seemingly self-evident principles are subject to forceful criticism. This is seeing how imperfect, inconsistent, and, ultimately, unreliable – if not useless – our intuitions can be shown to be.\(^\text{34}\) Utilitarians, then, like Singer, oppose appeals to intuitions vigorously and for the most part keep to arguing from a more principled position – namely that of maximizing utility at almost any cost. On the other hand, as Rawls (1999) has argued, while intuitionism, being the incoherent hodgepodge of conflicting ideas and principles that it is, may be useless; and however imperfect and unreliable our intuitions may well be on their own as frameworks against which to measure and ultimately judge the validity of the various moral theories and principles, they do serve an important purpose when employed in conjunction with those theories and principles. In very simple terms, working “from both ends”, when we upon reflection have a “match” between our considered and commonly held convictions (as opposed to pure prejudice and sentiment) on one hand, and logical, rationally derived principles on the other (such as the ones that would be chosen in the “original position”), we can be said to have arrived at a normative judgment of justice that is “duly pruned and adjusted”, i.e. in a state of “reflective equilibrium” (Rawls, 1999, pp.18-19).\(^\text{35}\) Therefore, Rawls maintains, intu-

\(^\text{32}\) “According to the provisional aim of moral philosophy, one might say that justice as fairness is the hypothesis that the principles which would be chosen in the original position are identical with those that match our considered judgements and so these principles describe our sense of justice” (Rawls, 1999, p.42, italics mine).

\(^\text{33}\) The resource Singer is referring to is our shared atmosphere’s limited capacity to absorb green house gases.

\(^\text{34}\) Which is why, in One World, he backs up this squarely stated claim with a wealth of empirical evidence and argument. For some criticism of appeals to intuition see Singer, 1974 and 2005-b.

\(^\text{35}\) It is important to bear in mind that not only does Rawls offer several interpretations of the reflective equilibrium, but he warns that “it is doubtful whether one can ever reach this state” seeing how our “considered judgments are no doubt subject to certain irregularities and distortions despite the fact that they are rendered under favourable circumstances” (1999, pp.42-3).
itions play a big part in our arriving at a just institutional order (insofar as that is possible), as well as in passing moral judgments in general.

While intuition, and by extension the principle of justice as fairness, has much to say for it, and has been shown to strike a chord with most of those who consider themselves rational moral agents, a broader grounding in moral theory is needed when it comes to arguing for as drastic and controversial - even “philosophically contentious” as suggested by Tan (2006) - a demand as that of reparations for colonialism. Also, its main focus is on distributive justice, or justice as equity. What we need in particular, is to base our arguments on firmly established accounts of justice as requiring *rectification*. For this we first turn to Aristotle.

**4.3 Aristotle and Rectificatory Justice:**

Aristotle, one of the pioneers of western philosophy, offered around two and a half millennia ago, what can be regarded as a hitherto un-refuted argument for a corrective (i.e. reparative, restorative or compensatory) conception of justice. In his *Nichomachean Ethics* he argued that the role of a judge, as the guardian and the enforcer of justice, is, among other things, to dispense what he termed “rectificatory justice” (Aristotle, 1908, book V-4). Aristotle saw the justice in transactions between men, whether on voluntary terms or not, as a sort of equality and, consequently, inequality an injustice. In his own (translated) words:

> the law looks only to the distinctive character of the injury, and treats the parties as equal, if one is in the wrong and the other is being wronged, and if one inflicted injury and the other has received it. Therefore, this kind of injustice being an inequality, the judge tries to equalize it; for in the case also in which one has received and the other has inflicted a wound, or one has slain and the other been slain, the suffering and the action have been unequally distributed; but the judge tries to equalize by means of the penalty, taking away from the gain of the assailant … Therefore the equal is intermediate between the greater and the less, but the gain and the loss are respectively greater and less in contrary ways; more of the good and less of the evil are gain, and the contrary is loss; intermediate between them is, as we saw, equal, which we say is just; therefore corrective justice will be the intermediate between loss and gain (Aristotle, 1908, book V-4).

According to Aristotle’s argument for a principle of rectificatory justice, then, if someone gains from inflicting harm, physical or otherwise, onto another, who then suffers subsequent loss, in order for justice to be done the former is obliged to compensate the latter for the loss caused by the harm inflicted. This is to say that it is not enough for the perpetrator of a wrongdoing, or a crime, against another person (or a people or a nation or a continent) to be punished (let alone exonerated) for that crime since justice requires the wrongdoer in question
to do what is deemed appropriate in a given situation to rectify – that is to make right, to the extent possible – the situation of the victim that was worsened by the harm inflicted. But the victim of a crime is not always – if ever – in the position to legally bring justice to bear herself. This, Aristotle continues,

is why, when people dispute, they take refuge in the judge; and to go to the judge is to go to justice; for the nature of the judge is to be a sort of animate justice; and they seek the judge as an intermediate, and in some states they call judges mediators, of the assumption that if they get what is intermediate they will get what is just ... the judge restores equality ... (ibid).

For the purpose at hand, the “judge” to which Aristotle refers, and to whom the thesis discussed in this paper is an appeal, is, for the time being, the reader’s sense of justice. If such an appeal is successful, however, there is no reason why one cannot assume that perhaps someday, someday an actual panel of judges of international law and order will pass a rectificatory judgment in accordance with Aristotle’s principle in the case of the former colonies vs. the colonial conquerors. Such a judgment would be a global response to a global problem created by a global system. More on this in chapter 5.

These and similar lines of reasoning have, of course, long been regarded as somewhat self-evidently providing the ethical framework for standard civil compensatory damages (tort) law.\(^{36}\) Such law states, in simple terms, that if I, through my reckless, irresponsible or criminal behaviour, destroy something of yours, say, your car, I am required by law to compensate you for the loss of your car by paying you the equivalent of its current market value at the time of destruction.\(^{37}\) Essentially, and as we have seen, this is a principle that is widely regarded as having virtually unchallenged moral and legal force. As such one could, prima facie, assume that the thesis advanced in this paper is a moral, if not also a legal, no-brainer. “It’s only fair”, one could say, arriving – intuitively – at justice as fairness.

But when it comes to Global Rectificatory Justice this is, of course, too quick. There are a number of possible objections to immediately accepting a global-scale application of the principle of rectificatory justice. For one, Aristotle’s formulation says nothing about extending this conception of justice across generations, to be applied when neither the victims nor

\(^{36}\) For a theoretical discussion of this link see e.g. Fletcher, 1972 and Posner, 1995.

\(^{37}\) According to one definition, compensatory damages refers to: “the sum of money the law imposes for a breach of some duty or violation of some right ... intended to compensate the injured party for his loss or injury ... awarded according to the amount of actual harm suffered” (LII, 2005). Another is: “money compensation for loss or injury caused by the wrongful act of another. Recovery of damages is the objective of most civil litigation” (EB, 2006). Yet another is: “reimbursement for actual loss or injury, as distinguished from exemplary or punitive damages [and] Money awarded to reimburse actual costs, such as medical bills and lost wages. Also awarded for things that are harder to measure, such as pain and suffering” (Encyclopedia-wiki, 2006).
the perpetrators are still around. As Thompson affirms, “[t]he dead cannot be restored to life, their suffering cannot be assuaged, or their possessions restored to them (2002, p. xii). This is why Nozick asks: “What obligations do the performers of injustice have toward those whose position is worse than it would have been had the injustice not been done? … How, if at all, do things change if the beneficiaries and those made worse off are not the direct parties in the act of injustice, but, for example, their descendants?” (1974, p.152). Neither does Aristotle discuss how to specify the collective dimension of justice for inter-national or inter-communal injustices. Therefore, to be consistent, we need to situate the bearers of reparative responsibility non-arbitrarily in both time and space. For this we need an account of collective, as well as historical, obligations and entitlements. Let us begin with looking at collective obligations.

4.4 Collective Obligations

It has been suggested that whether a person accepts her part in the collective responsibility of her state, society, community etc., and the corresponding duties and obligations, depends in large measure on that person’s self-conception (Thompson, 2002). Two opposing conceptions of the self are, on the one hand an individualistic self-conception, and on the other, what Alasdair MacIntyre (1981) calls a narrative view of the self. According to MacIntyre, one’s view of one’s self can be said to be narrative in that it is embedded in a history of traditions and practices that extends back to before one’s birth. “What I am”, MacIntyre says, “is in key part what I inherit, a specific past that is present to some degree in my present. I find myself part of a history and that is generally to say, whether I like it or not, whether I recognize it or not, one of the bearers of a tradition” – and by extension, a bearer of responsibility (1981, p.247). Thus, one’s self-conception and social identity are closely, and in a morally significant way, intertwined with the history (however glorious or gory) of one’s community, as well as current relationships, roles, and positions, public and private. As MacIntyre (1981, p.220) says:

I am someone’s son or daughter, someone else’s cousin or uncle. I am a citizen of this or that city, a member of this or that guild or profession. I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own moral particularity.

This point – the significance of a community’s past history for its members’ morale, culture, and aspirations (as preconditions for pursuing their own conception of the good life,
for example) – has also been made, although from the point of view of the oppressed or preyed upon communities, by Jeremy Waldron, who noted that

> Individuals make plans and they see themselves partly as living for the sake of their posterity; they build not only for themselves but for future generations... How [communities] fare at a given stage and what they can offer in the way of culture, aspirations, and morale may depend very much on the present effects of events that took place several generations earlier. Thus the moral significance of a past event has to do with the difference it makes to the present (1992, p.7).

From these insightful assumptions, rationality can very plausibly (though not exclusively) lead us to assuming responsibility for collective acts and deeds, past or present, engaged in on behalf of the community (such as a colonial – or a neo-colonial – power) of which we are a part.\(^{38}\) We would at least require a very robust justification for not assuming this responsibility (appeals to ignorance or egoism will, for example, not suffice). However, drawing normative conclusions from such an account of psychologically and socially determined variety of self-conceptions is questionable. We therefore need some criterion for ascribing collective responsibility to individuals of a community that is not only non-arbitrary, but also satisfies a broader base for normative theories and principles; i.e. liberal, as well as communitarian. One such criterion could be termed *committed membership*. A committed member of a community, as a moral collective, can be said to be anyone who assumes she has the right to enjoy a share in the benefits (and burdens) produced by the social cooperation, such as public education, health care, roads or other measures of public or social service and security. Taking active part in such joint public events as voting or paying taxes can be seen as signalling and reinforcing such a *committed membership* and, “since a nation is an ongoing, intergenerational, plural subject, joint commitment means sharing responsibility for the past” (Thompson, 2002, p.13).\(^ {39} \) To reject this responsibility on the premise that the past cannot be changed, no matter what, “is to ignore the fact that people and communities live whole lives, not just series of momentary events, and that an injustice might blight, not just hurt such a life” (1992, p.7).

In contrast to the narrative view of the self as a part of a continuous association or a community, MacIntyre notes that, in these *modern times* many people are rather inclined to identify themselves not as members of their society or nation, but rather as members of some sub-set of cultural, political, religious or other type of collective. Such individualists may

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\(^{38}\) One notable example of a nation whose members are said to feel a strong sense of collective guilt and shame (even amounting to psychological repression and self-hate) for a historical injustice committed in its name, is Germany – for the atrocities of the Holocaust (Barkan, 2001).

\(^{39}\) In order not to assign reparative duties arbitrarily to present people, I will define those “responsible” for carrying out these duties as anyone who is presently a *committed member* of a former colonial power.
defend their moral point of view like this: “I may legally be a citizen of a certain country; but I cannot be held responsible for what my country does or has done unless I choose implicitly or explicitly to assume such responsibility” (MacIntyre, 1981, p.246). Yet others can conceivably be regarded as pure atomic individuals that are culturally, politically, psychologically, and so possibly morally detached from their national identity. They may not vote, pay taxes, demonstrate any affinity for their fellow citizens, or even accept public health care (as long as they stay healthy), or in any other way signal commitment to their national collective. The proposition that such opposing conceptions of the self presents us with, is that “[t]he modern individualist is likely to deny historical obligations, but those with a narrative view of themselves cannot” (Thompson, 2002, p.11). Pure individualism and egoism notwithstanding, the fact remains that very few people are so thoroughly disassociated from their national or communal identity and responsibility that those that are may be considered as exceptions from the “committed membership”-principle, and as such, arguably, of moral indifference. Those, on the other hand, to whom the principle does apply, can be divided, regardless of their identity or self-conception, into two categories: those who accept their collective responsibility, and those who don’t. But this distinction is not crucially important. Either way, if any of the individuals in these two categories expect to reap the collective benefits of the social cooperation, they must, as committed members, carry the collective burdens and responsibilities attached to injustices that have “left morally relevant traces in the present” (Elster, 1993, p.36). Fittingly, Margaret Gilbert asks: “Can one accept the benediction and reject the curse? Can one accept the legacy and avoid the duty of paying its debts?” (in Thompson, 2002, pp.13-14). It would seem that the narrative view of one self as part of a collective (nation, community, whatever) that bestows on one both benefits and burdens – claims, liberties, powers and immunities, as well as corresponding duties and obligations – does not allow that. And we cannot (easily, at least) escape our narrative identity:

The story of my life is always embedded in the story of those communities from which I derive my identity. I am born with a past; and to try to cast myself off from that past in the individualist mode, is to deform my present relationships. The possession of an historical identity and the possession of a social identity coincide (MacIntyre, 1981, p.205).

Therefore, if MacIntyre’s account of the narrative self is correct, as I take it to be, it is difficult for anyone to disown their community’s past deeds and concomitant historical obligations. In any case, it is not absolutely necessary to accept such a communitarian argument, because, as I hope to have shown, for those who are committed members of former colonial powers, bearing the burden of repairing for colonial injustice is not a matter of accepting or
rejecting collective responsibility. And so, the principle that emerges is that so long as you benefit, in any way shape or form, from the social cooperation that has been made possible by means of colonial injustice, you share with those similarly situated the burden of reparation for that particular injustice. But what about those who have, for reasons related to poverty (as a consequence of colonialism), for example, emigrated from a former colony to the collective that is responsible for repairing the damage done to that former colony – say, Bangladeshi immigrants in the United Kingdom? Would it not be unreasonable to expect them to share in the burden of paying (through their taxes, for example) for a colonial-reparations programme embarked upon by the UK government (even indirectly paying compensation to other former colonies)? The answer is: not at all. First of all, they are (presumably) now committed members of the UK, and so share the benefits that come with that. Secondly, the reparations programme could conceivably be extended to cover those who suffered the consequences of colonialism, even if they are no longer citizens or residents of the colonial collective in question. And so, Bangladeshi immigrants in the UK would then be situated at both ends of the programme; the paying end and the receiving end – just as is the case with any publicly funded programme, e.g. health care, education, etc. In any case, for this line of argumentation to hold, and for the reparative demands to apply to present people, regardless of whether they voluntarily accept their collective responsibility or not, they have to be shown to in fact be the beneficiaries of an unjustly brought about state of affairs. Further, they have to be shown to have historical obligations. In the following sections we will explore some arguments to that effect.

4.5 Historical Obligations

Demands based on a conception of trans-generational rectificatory justice beg the questions why the descendants of passed victims of historical injustice are entitled to reparations, and why the descendants of passed perpetrators of this injustice have an obligation to bear the burdens of those reparations. These questions are of particular importance, and require careful consideration, if we want to avoid the unnecessary association of demands for reparative justice with demands for retributive justice, those requiring punishment of those who are the target of reparative demands (e.g. modern-day Europeans). It seems, at least prima facie, unfair and gravelly counter-intuitive to punish present persons for crimes or injustices they did not themselves commit. This is therefore not the objective of the thesis advanced here. On reflection, however, and if historical obligations can be established, it seems even more unfair – and more profoundly counter-intuitive – to deny that the beneficiaries of a grave injustice like col-
onialism, that produces its victims *ad infinitum* (many of which don’t live past the age of five, though), have a duty to repair the injuries suffered by those victims. Such duties arise, it has been argued, from the mechanism by which the “wealth of nations has been built”, i.e. on past injustices such as colonialism, for example (Thompson, 2002, p.9). As Pogge points out, “we are not entitled to the huge advantages we enjoy from birth over the global poor, given how these inequalities have been built up” (2005-c, p.39). Therefore, by means of such unjust measures of building wealth (upon which more wealth has subsequently been built that would not have come about otherwise), special justice-based responsibilities are acquired. European countries, as trans-generational associations (see below), are the receivers of stolen goods and, as Aristotle shows us, justice requires that these goods be returned to their rightful owners (in our case the trans-generational associations that are the *former* colonies). From this follows, that these beneficiaries of historical injustices, and receivers of stolen goods (e.g. Europeans), “do not constitute an arbitrarily selected class of separate, guilty individuals. Rather, they form a class of people who have been, and are, interrelated by institutional ties which persist to the present day … Their present well-being depends on the very institutions which carried out [these injustices]” (Bigelow, et al, 1990, p.336). The high levels of affluence and well-being enjoyed by present-day Europeans can therefore be seen as tainted in that they have been realized (as discussed in the previous chapter) at the expense of the well-being – in many cases the very means for survival – of the plundered and exploited communities. Our treatment of the principle of rectification can therefore be seen as relying (in part, at least) on a certain welfare-consequentialist principle related to present states of well-being of the affected parties, for, as Pogge argues: “The present circumstances of the global poor are significantly shaped by a dramatic period of conquest and colonization, with severe oppression, enslavement, even genocide, through which the native institutions and cultures of four continents were destroyed or severely traumatized” (2005-a, p.203). Reparations may therefore well be seen as a part of the “solution to present-day inequalities”, as suggested by Miller (2006-web).

Nonetheless, to ascribe such a responsibility to present-day persons, it needs to be established that historical obligations, and corresponding entitlements, exist. For this we turn to Robert Nozick, as it is commonly held that “some reliance on Nozick’s approach is almost inevitable for any defender of historic reparations” (Waldron, 1992, p.17).

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40 Bigelow et al argue here for compensation to be paid to Australian Aborigines by “white” Australians for dispossessed land, but their arguments apply perfectly for the types of historical injustice discussed here. They state that “although we focus on the specific case of the Australian Aborigines, our arguments, if successful, have implications for the policies of nations other than our own, in particular former colonial powers like Britain, France, Spain and the Netherlands, as well as those with more direct similarity such as the United States and Canada, and quasi-colonial powers such as China, the Soviet Union, Brazil, Indonesia and the Philippines” (1990, p.330).
4.5.1 Nozick and Rectificatory Justice

It has been suggested that “[t]he problem of explaining why we have historical obligation to keep agreements [such as tacit agreements about respecting each other’s rights to life and property] made by our predecessors might be avoided altogether if Nozick is right about historical title” – entitlement being the logical flip-side to obligation (Thompson, 2002, p.8). The obvious question, then, is whether Nozick is right in arguing for rectification based on historical title in the case of unjust appropriation and subsequent transfer of property, be it land, labour or other resources. This question has been the source of much and heated controversy in philosophical debate for over three decades. In his forceful, albeit heavily criticized, defence of libertarianism (and by extension, pure and adulterated laissez faire capitalism) – *Anarchy, State, and Utopia* – Nozick’s intention, of course, was to provide a range of arguments that showed that not only are absolute, unrestricted property rights compatible with justice, but that they are *required* by justice (O’Neill, 1982). He even, for the sake of rhetoric, went so far as to say that “[t]axation of earnings from labor is on par with forced labor” (1974, p.169). But, in defending property rights from interference as a requirement of justice, Nozick needed to give an account as to how property could be justly owned and this called for an account as to how property is acquired, and subsequently transferred, in a just manner – which indeed he did. I believe we can employ his principle of rectification without necessarily agreeing with the conclusions Nozick ultimately draws from his defence of property rights. But to appreciate his theory of entitlement, one needs to be familiar with its main principles and arguments, and their interplay; so here is a cursory glance at one of the pillars of Nozick’s defence of property rights – and by extension, argument for rectificatory justice.

First of all, it is important to keep in mind that Nozick’s theory, unlike, say, liberal or socialist theories, rests on a historical conception of justice; that is to say that the only definitive criterion against which to assess *justice in holdings* is that of history, since it “depends on what actually has happened” (Nozick, 1974, p.152). According to his historic “Entitlement theory”, absolute property rights rest on three principles: (1) a principle of transfer, stating that anything that is justly acquired can be unrestrainedly transferred; (2): a principle of just-

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41 It shall be noted that Nozick (like Rawls) intended for his theory to be applied only in the domestic sphere; but given the dramatically increased interconnectedness of nations (highlighted in section 2.1.) since Nozick published his theory of entitlement (in 1974) we will take the liberty (indeed see it as unavoidable) to apply it globally.

42 Thompson also offers, for our purpose, a useful definition of historical obligations of present generations as “a moral responsibility incurred by individuals as citizens, owners or executives of corporations, or members of some other trans-generational association or community, as the result of the commitments or actions of their predecessors … [and as such owed to] not the victims themselves, but their descendants or successors” (2002, p. ix).
ice in acquisition, which accounts for how people come to acquire the things that can then be transferred according to (1); and (3) a principle of rectification of injustice, which prescribes how to justly deal with property (or holdings) if it had been unjustly acquired or transferred (Nozick, 1974, pp.150-3). In other words, “[t]aken together, they [the three principles] imply that if people’s current holdings are justly acquired, then the formula for a just distribution is ‘from each as they choose, to each as they are chosen’” (in Kymlicka, 2002, p.104). From this follows the central point of the Entitlement theory, that “[n]o one has a right to something whose realization requires certain uses of things and activities that other people have rights and entitlements over”, i.e. are justly held (Nozick, 1974, p.238). Specifically, what Nozick says about the principle of rectification is as follows:

This principle uses historical information about previous situations and injustices done in them (as defined by the first two principles of justice and rights against interference), and information about the actual course of events that flowed from these injustices, until the present, and it yields a description (or descriptions) of holdings in the society. The principle of rectification presumably will make use of its best estimate of subjunctive information about what would have occurred (or a probability distribution over what might have occurred, using the expected value) if the injustice had not taken place. If the actual description of holdings turns out to be one of the descriptions yielded by the principle, then one of the descriptions yielded must be realized (1974, pp.152-3).

So, what is relevant here for our application of this principle, and what brings it to bear (if anything), is the extent to which the theory’s first two principles have, historically, been met (or, more accurately, violated). As shall become clear, fulfilling these principles and thus establishing unrestricted, defensible property rights – as withstanding philosophical scrutiny – is an “old problem for libertarians” and other property rights advocates “who hope Nozick’s theory will defend existing inequalities“ (Kymlicka, 2002, p.113). Let us then take a closer look at how the colonial powers failed to meet these principles and the implications there of.

4.5.2 The Principle of Transfer

According to the Entitlement theory’s first principle, the current title to a piece of property that one comes to possess, or any free-will transfer thereof (such as passing it down to one’s descendants or successors), is legitimate if, and only if, one has acquired it fairly, i.e. without the use of force, fraud or theft. This principle is, of course, often and regularly violated. As noted by Nozick, “some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose…” (1974, p.152). As already indicated, I argue here that in the case of transfer of property in the name of colonialism, this
principle was definitely not fulfilled and therefore current title to this property (or any wealth that has, whether directly or indirectly, been subsequently built on or extracted from it) is illegitimate. This is, as might be expected, why “[m]any defenders of property rights would like to avoid looking too deeply into the historical origins of their property” (Kymlicka, 2002, p.112). As acclaimed pioneer of jurisprudence, William Blackstone, once observed:

Pleased as we are with [our] possession, we seem afraid to look back to the means by which it was acquired, as if fearful of some defect in our title ... We think it enough that our title is derived by the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner; not caring to reflect that ... there is no foundation in nature or in natural law, why a set of words upon parchment should convey the dominion of land (in Offenheiser, 2005, p.722).

And so, if we accept the normative authority of Nozick’s principle of just transfer, we are, I would argue, forced to rethink the justness of the imperialist powers’ entitlement to what was taken by force and fraud from the colonized peoples, seeing how those holdings are, to quote Nozick: “not sanctioned by the principle of justice in acquisition” (1974, p.152). It can therefore be held that libertarians, or anyone else for that matter, seriously defending unrestricted property rights as preserving the status quo, will be forced by the principle of just acquisition to rely on a kind of “historical amnesia” (Kymlicka, 2002, p.112).

But there remains a crucial issue to be addressed if this argument is to hold. The unacceptability of historical amnesia throws into question whether the victims of colonialism – the individual members of the colonized communities – had themselves just entitlement over the property that was later taken from them by the colonialists. “Is an injustice done to someone whose holding was itself based upon an unrectified injustice?, Nozick wonders (1974, p.152). This concern demands an account as to how we can conceive of the colonies as having just entitlement to their possessions. Nozick himself did “not know of a thorough or theoretically sophisticated treatment of such issues” (ibid). Therefore, in addressing this concern, I shall attempt to offer a workable treatment, though it may not be thorough or theoretically sophisticated enough to satisfy Nozick. The quick, and philosophically unsatisfying, answer to this concern of Nozick’s is, of course, that there is really no way of knowing whether the colonized individuals themselves had just entitlement over their land or resources – and, strictly speaking, they most likely didn’t. This is an important admission, but not one, I think, that is fatal to the argument as it is advanced here. This is seeing how I would venture to offer an alternative approach to satisfying the principle of just entitlement. I stipulate, firstly, that

43 Incidentally, this has also been interpreted by Kymlicka (2002) as showing that Nozick’s theory fails in its central task, namely to adequately protect existing holdings from schemes of taxation and redistribution.
we can treat each individual colonized collective – be it a people, a community, a country, etc., however defined – as an individual, collective proprietor of a land or resources – and as a collective bearer of the negative rights to life, liberty and the pursuit of happiness – to put it in familiar terms. So conceived, the collective becomes the basic unit for moral concern and from there we may, presumably, regard as irrelevant any unjust acquisition (such as by force or fraud) that may have taken place between individuals or groups within such a collective prior to the onset of colonialism. If such a treatment holds – and I don’t see why it shouldn’t, given how we have already concluded that the perpetrators of colonialism can be seen as constituting morally responsible collectives – we can then proceed to deal with the problem of determining just entitlement as satisfying the principle of just initial acquisition.

4.5.3 The Principle of Initial Acquisition

According to this second principle of Nozick’s Entitlement theory, then, even if property is acquired fairly (e.g. bought and paid for in full), for current title to be legitimate, previous owners’ titles have to be established as having been legitimate. Besides the fact that a previous owner may have unfairly acquired the property in question (thereby, as discussed, rendering subsequent titles illegitimate), another reason why the legitimacy of the previous owners’ title is of relevance here is that everything that is now owned, and the existence of which depends on some natural resource (such as anything made of wood, metal or plastic, for example, or in the production of which these materials played a significant role – to take it to the extreme) if not legally, then at least morally, “has some element of nature in it” (Kymlicka, 2002, p.111). And because of this element of nature – which initially belonged to no one (or to everyone equally) since it existed before man – in order to assess the legitimacy of any title or transfer of external resources (i.e. any distribution of wealth as dictated by a given distribution of resources), we have to be able to assert to whom the initial title to these external resources rightfully belonged. This means that the “question about the initial acquisition of external resources is prior to any question about legitimate transfer”, and legitimate current title (ibid). From this follows that only if we can trace the legitimacy of our property through legitimate titles and transfers right back to the beginning can we justly claim to have absolute rights over that property, and whatever wealth we can build on or extract from it.

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44 This proposed treatment rests on the hypothesis that we can in fact define what constitutes a colonized collective. It is therefore a treatment that is more in line with Rawls’s position of regarding “peoples” as the basic unit for moral concern in the inter-national context, rather than the individual, as cosmopolitans do (see section 2.1).

45 Locke held that in a state of nature individuals would be entitled to an equal share of Earth’s natural resources.
For the purpose of establishing a defensible criterion for determining just acquisition, Nozick bases his principle on what he termed the *Lockean proviso*. In simple terms, the Lockean proviso states that for anyone’s appropriation of a given “un-owned” portion of “the commons” – land, resource or whatever – to be just, “enough and as good” has to be left behind of it for others to make use of (Nozick, 1974, p.175). As Nozick puts it, in more technical terms, a “weak version” of the proviso refers to “a process normally giving rise to a permanent bequeathable property right in a previously unowned thing [that] will not do so if the position of others no longer at liberty to use the thing is thereby worsened” (1974, p. 178, italics mine). This is a big if, for what is meant by a “worsened” position can, and does, mean a million different things to a million different people. Therefore, determining this if is of crucial importance for the purpose of justifying demands for reparations for colonial injustice. This problem, as Nozick points out, lies in “[t]he difficulty in working such an argument to show that the proviso is satisfied is in fixing the appropriate base line for comparison. Lockean appropriation makes people no worse off than they would be *how*?” (1974, p.177, italics in original). For the purpose at hand, I suggest that we can *fix the appropriate baseline situation for comparison* (of what is meant by worse off) to an empirical assessment of a situation, such as the state of development enjoyed presently (or at the time of execution of a reparative program) by a *former colony*. This state of development-situation might then be compared with a state of development-situation as conceived by means of a balanced, counter-factual account of what would reasonably, logically, and all things considered, have happened in terms of development of the *former colony* in question.

In the case of Bangladesh, for example, one might – logically and all things considered – come to the conclusion that, given the relatively high level of industrial development and economic prosperity at the time of its colonization, its people would, but for colonialism, have continued to develop on their own accord to become (or maintain their status as) a prosperous, well-functioning industrialized society – and not, as we have seen, a “miserable mass of poverty-stricken, starving and dying people” that it is today (in Chomsky, 2002-web). A similar

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46 This is at least true if, as Kymlicka suggests, we consider the fact that not all that is of importance for one’s existence or well-being, and that can be made worse (or not) by someone’s appropriation of an un-owned property, is measurable in material or monetary terms. One’s material situation can remain unchanged by such appropriation by another person, while one’s emotional or psychological state deteriorates, and vice versa. This lexical ambiguity is contingent on how one’s right to *self-determination* is perceived and defined (2002, pp.115-27).

47 It is duly noted that this approach, while not ignoring it, bypasses Nozick’s important reminder that “[t]hose believing in collective property, for example those believing that a group of persons living in an area jointly own the territory, or its mineral resources, also must provide a theory of how such property rights arise; they must show why the persons living there have rights to determine what is done with the land and resources there that persons elsewhere don’t have (with regard to the same land and resources)” (1974, p.178).
conclusion might be reached in the case of any number of under-developed countries in Asia, Africa, and South- and Central-America, who, as argued here, had their development brought to a halt by colonialism. To be sure, such accounts will, of course, be empirically highly hypothetical and without a doubt subject to an infinite number of problems and criticisms. But this does by no means mean that working out such counter-factual accounts is a task that should not, or could not, be undertaken (by, say, an interdisciplinary team of historians, developmental economists, natural- and social scientists, lawyers, philosophers, etc.) if the arguments presented here prove persuasive. It shall, however, not be attempted here. Depending on the plausibility of such accounts, then, there may be, as Waldron suggests, “a sense in which we can affect the moral significance of past action. Even if we cannot alter the action itself we may be able to interfere with the normal course of its consequences” (1992, p.7). In any case, and for the purpose of employing Nozick’s Entitlement theory, I propose that we need here only concern ourselves with the narrow question as to whether a given former colonial collective was, in terms of development potential, made worse off by a given predator-collective’s pursuit of its own economic prosperity and development. An answer to this question was suggested in chapter 3. And so, for our purposes, contrary to defending the right of Europeans to hold on to their ill-gotten property and whatever wealth has been built on or extracted from it, Nozick can only be understood as arguing that such entitlements are unjust and demand correction. To be sure, there are other interpretations of history and of how historical entitlement is to be construed, but, as Pogge correctly points out, “[t]he relevant historical crimes were so horrendous, so diverse, and so consequential that no historical-entitlement conception could credibly support the conclusion that our common history was sufficiently benign to justify even the radical inequalities in starting positions we are witnessing today” (2005-c, p.38).

To summarize: if a colonialist collective treated a colonized collective such that it was left worse off, in terms of conditions and potential for development, than it might reasonably and logically have otherwise been, the former owes reparations to the latter, as per the principles of collective and historical obligations, as well as that of rectificatory justice. The desired effect of this would be to bring about changes in the present situation of global development and distribution of resources, wealth and well-being, so that it would more closely resemble what this situation would have been like, on any logical and reasonable account, in the absence of colonial injustice. This brings us, then, to the question of what form these reparations might take. The next chapter briefly introduces a few possible options.

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48 For a stimulating and comprehensive discussion of this particular problem, see Waldron, 1992; see also Elster, 1993.
Chapter 5 - What is there to do?

In this section I shall take up the question of what reparation implies. This entails, firstly, pointing out some alternative ends towards which gestures, or programmes, of reparation could be aimed. Secondly, and in continuing to focus on reparation as compensation, I will consider some (variably) concrete examples of measures that could conceivably be undertaken towards achieving the goals of repairing, financially, for colonialism. In doing so I shall try to show that such measures can serve the dual purpose of rectifying a historical injustice as well as dealing with the more general, and perennial, injustice plaguing the state of human affairs – namely global poverty. The alternatives presented fall on a continuum from a “strong” theory of compensation towards a “weak” one; ending on a “Nozickian”, as it were, argument for equal distribution of the burden to uphold justice.

5.1 What does Reparation Imply?

Reparation is that form of justice which is the paying back of an unpayable debt ... What you can do is provide recognition and compensation … Through acts of reparation the moral duty of the future to live by honoring the past is instituted. A vision of moral continuity into the future is set forth … (Herwitz, 2005, p. 539 – 42)

If the principles advanced in this essay, and on which demands for Global Rectificatory Justice rest, are sound, and the arguments that support them plausible, they can be perceived as having both extensive and weighty normative implications. These normative implications can furthermore be somewhat varied in nature and take on many forms. As Jon Miller points out, some of the alternative goals of reparations for historical injustice such as colonialism could be to punish the guilty parties; restore trust; repair sacred bonds; deter future injustice; pave the way for social reconciliation; or something else altogether (Miller, 2006). This view is shared by Andrew Woolford, who points out that “reparations as justice-making’ can be seen as an “ongoing reconciliatory process through which tolerance, trust, and reconciliation are gradually developed” (2004, p. 429). With the exception of the first of these goals (which was explicitly rejected in section 4.5), the arguments that run through this essay can be seen as applying to almost any one of such non-fiscal alternatives without too great a modification: so long as they establish the moral cogency of demands for rectification, and confirm the presence of correlating obligations to meet these demands, the leap from reparations as compensation to reparations as something more symbolic or socially and politically pragmatic is not
too great. One such important, symbolic requirement of rectificatory justice and, subse-
quently, any gesture towards repairing for colonialism, is to make an official apology, for
without it there is no formal admission of moral responsibility. Such an approach can be
said to be “theological” in that, besides apology, it is concerned with “forgiveness, contrition,
atonement and reconciliation” (Thompson, 2002, p.47).

Apology, however, is not the same as compensation and on its own does little to repair
or restore the loss experienced by the colonies. Nevertheless, it is undeniably an important
aspect of any reparative procedure seeing how “[o]ne difficulty with the objective of [property
rights] restoration is that achieving it is often beyond human powers” (ibid). Indeed, as Daniel
Herwitz points out in the opening quote to this section, the idea of fully repaying an un-pay-
able debt, as the one owed by the imperialist powers to their former colonies, that were left
crippled by centuries of rampant exploitation and mistreatment, may well be seen by some
as an exercise in the impossible. Contentions, such as this one: “to the degree we are responsible, we must fix”, expressed by rock star, Bono (see p. 28), may therefore, for empirical rea-
sons, seem unrealistically ambitious. One might further wonder whether repayment of this debt
is something the responsible parties (primarily Western-European states) can even afford to
pay in full if they are to avoid bankruptcy, which would surely result in the collapse of the
entire European economy, given the role they (interdependently) play in it. However, these
concerns, whether they are true or not, do not mean that we (the committed members of mor-
ally responsible collectives that have, either directly or indirectly, benefited and/or continue to
benefit from colonial injustice) are not confronted with a moral obligation to do what we can
to repay this debt. In any case, and as already indicated, the thesis presented in this essay does
not rely on the premises that (a) the exact appropriate amount of compensation will ever be
worked out; or (b) even if this amount could be calculated, that it will ever be possible (or
feasible) to pay in full. These potential imperfections are accepted and pose no embarrass-
to the thesis. And so, insofar as bringing about changes in the present situation of global dev-
lopment and distribution of resources, wealth, and well-being (as suggested in the preceding
chapter) is possible (and desirable), there are a number of different measures that may be em-
ployed for this purpose. While it is not the purpose of this paper to engage in an in-depth,
comprehensive discussion (much less an exhaustive one) of the available means for achieving

49 Regardless of the factual basis of the premise warranting this concern, if its proposed implication is to have
any moral validity, and thus warrant an argument against paying the former colonies compensation for
colonialism, the implicated states will first have to show that they have equal concern for maintaining the
security of the economies of other continents, such as Asia, Africa, and South-America, as per the principle of
universalizability (see section 2.1).
Global Rectificatory Justice, I think it is important to acknowledge and present at least a few conceivably plausible alternatives.

First of all, however, no matter which measures we choose to adopt for the purpose of achieving justice, to the extent that it is possible, in the case of loss suffered by communities at the hands of colonial powers, it is important to bear in mind that “[compensatory] reparations for historic injustice really is redistributive” (Waldron, 1992, p.13). This refers to the simple fact that where ever the resources that will fund colonial reparations programmes come from, they will consist of property that is to be taken from the rich and transferred to the poor. This observation, however, also signals a blurring of the distinction between rectificatory and distributive conceptions of justice. But, contrary to posing a conceptual problem to our arguments, as one might think, this fact merely reflects the compatibility of reparative programmes with other – distribution-based – initiatives and projects that are aimed at furthering the conditions of the global poor and eradicating hunger and starvation. There is no reason to think that one approach should exclude the other, but rather that they should be seen as operating in a complementary fashion. The obvious reason being (if we accept the causal link argued for in chapter 3) that, given the decisive territorial overlap in terms of presently impoverished and formerly colonized peoples, many programmes and policies that could be enacted for the general purpose of combating world poverty could, presumably, be modified in such a way as to simultaneously fulfil the compensatory requirements. But what kinds of initiatives could be undertaken for the purposes of either fulfilling reparative requirements or combating poverty – or both?

5.2 Possible Pathways to Justice

It has been suggested that theories of compensation for a historical injustice can take either a strong or a weak form. According to the former, it is the wrongdoer in question (for our purposes – the guilty colonial collective) who is to make restitution to the victim; whereas in the latter “[i]t is not necessary to identify the wrongdoer … [nor is] underpinning by any guilt on the part of the group making compensation, or even any member of that group [required]” (Bigelow et al, 1990, p.336). The suggestions presented below will fall into these two categories, respectively.
5.2.1 Domestic Tax

If one favours a strong theory of compensation, the most obvious way, *prima facie*, to raise revenue for the purpose of funding reparations programmes, is for the states in question to impose a tax-increase on its citizens (its committed members) and then redistribute the funds raised among the countries they formerly held as colonies according to some model that approximates their fair share. This approach can be applied separately from, and alongside, any Official Development Aid (ODA) initiative. But such a proposal raises, of course, some valid concerns. One of these relates to immigrants in a former colonial power, and was addressed in section 4.4. Perhaps the most serious problem with this approach, however, is that it unduly simplifies the scheme of accountability, leaving out accessory states who, albeit indirectly and to a varying degree, share in the responsibility of causing the misery of the former colonies, and thus have at least an indirect obligation to rectify this injustice. Without going into a too deep a discussion of indirect moral accountability, it bears mentioning that through such a process as trade in what are, as we have seen, effectively stolen goods, resources, or capital, neighbouring states and trade partners have through the centuries benefited from the colonial injustice. This concern might, therefore (though not necessarily), call for a different approach; one that distributes the burden of repayment more accurately (though never completely accurately) among countries (and continents) that have, in one way or another, benefited from oppressing and exploiting other countries (and continents), namely the developed countries as a whole – possibly with allowances for exemptions if a sufficient case for non-accountability is made – which, regrettably, remains a far too complicated an issue to be pursued here.

5.2.2 Global Justice Tax

One possible way of raising the level of development in under-developed countries in general, and in former colonies in particular – and that may be a step towards satisfying the concern about indirect moral agency – is to implement modified versions of such global tax proposals as those presented by Thomas Pogge, Hillel Steiner, and James Tobin (see Pogge, 2005-a, pp. 196-215; Steiner, 1994, and ul Haq et al, 1996, respectively). For our purposes, these approaches may be seen as pertaining to a weaker theory of compensation in that a weaker account of accountability may suffice to justify them than is needed to justify a domestic tax for
external redistribution.\textsuperscript{50} Firstly, Pogge’s proposal, known as Global Resource Dividend (GRD), “envisions that states and their governments shall not have full libertarian property rights with respect to the natural resources in their territory, but can be required to share a small part of the value of any resources they decide to use or sell … based on the idea that the global poor own an inalienable stake in all limited natural resources … [entitling them] to a share in the economic value of the resource in question” (Pogge, 2005-a, p.196). The revenue raised by even a very modest tax on any natural resource extracted, used, or eroded, Pogge argues, would, if effectively targeted and spent, make a huge difference in terms of speeding up the \textit{process} of eradicating extreme poverty.\textsuperscript{51} In essence, what this implies, is that it is “possible – without major changes to our global economic order – to eradicate world hunger within a few years by raising a sufficient revenue stream from a limited number of resources and pollutants” (ibid, p.206). Secondly, Steiner’s proposal is similarly aimed at correcting, by the means of a global fund, the entitlements of those she calls “over-appropriators” (of initially un-owned property or natural resource) vis à vis their deficient counterparts, the “under-appropriators” (2006, p.486). “Each current person”, Steiner argues, “has an enforceable right to an equal part of the fund’s assets, and each current owner of a portion of nature enforceably owes to the fund a payment – a tax – equal to the current (rental) value of that portion” (2002, p.352). Lastly, there is the Tobin Tax, named after its creator, and Noble prize laureate, James Tobin. This tax was initially suggested as an international charge on foreign-exchange transactions aimed at achieving international currency stability, but it has subsequently become to be seen as a possible tool for raising funds that could be used for meeting development needs, as well as to “reclaim part of the democratic space conceded to the financial markets” (Wikipedia 2006-c). It is “this coincidence of interests – the tax’s incentive side and its revenue side – [that] has brought Tobin’s proposal back into the political debate” (ul Haq et al, 1996, p.2).

Now, for any of these – or similar – proposals to fulfil our rectificatory requirements, they would need only a slight modification. If they prove workable and wind up getting implemented as internationally institutionalized poverty eradication initiatives (as one would certainly hope), it seems a feasible possibility that the states implicated in colonial injustice – whether directly or indirectly, depending on how strong or weak a theory of compensation

\textsuperscript{50} Admittedly, Pogge might not approve of such a classification of his proposal, seeing how he intends for it to be a tool for fulfilling a more stringent negative duty not to uphold injustice, not to contribute to or profit from the unjust impoverishment of others [the global poor]” - thus meeting the requirements for any strong account of responsibility and obligations (Pogge, 2005-a, p.197).

\textsuperscript{51} To be sure, there are conflicting views as to whether such a process is in fact underway. Depending on one’s definitions and methods of calculation, one can shift between assuming that global poverty is diminishing and that it is not. (See e.g. Singer, 2004, pp. 51-106)
will be deemed appropriate – be made to bear a slightly heavier tax-burden than others. With the taxation mechanism in place, as it were, the states in question could be made to foot the bill for a fund, financed by a given, multilaterally decided-upon proportion of the agreed upon tax, earmarked for colonial reparations. “A plausible conjecture”, Steiner argues, “is that the operation of a global fund, along with the rectification of past rights-violations and exploitations, would effect a considerable, lasting and global reduction in economic inequality” (2006, p.486).

Nevertheless, an important concern, as Pogge (2005-a) points out, is that the payments from a global justice fund be effectively targeted and spent. This implies that, as with any other type of transfer of funds to poor countries, care has to be taken not to direct reparations funds at corrupt, politicized military despotisms, which would be likely to use it to further solidify their oppressive military rule; thereby only causing a worsening of an already grievous situation. Furthermore, a global justice fund’s success is heavily contingent on being executed against a background of a just (i.e. fair and democratic) global institutional framework and, subsequently, fair and open global market system. This may require vast changes in our present situation.

5.2.3 Nozick and the Difference Principle

Finally, it is worth mentioning one, according to Nozick, conceivable (at least theoretically) “rough rule of thumb” for rectifying the illegitimacy of existing title – albeit in the domestic sense, but applicable, I believe (at least theoretically) in a global sense (1974, p.231, italics in original). As per Nozick’s own suggestion it might be that a just way of dealing with illegitimate current holdings would be to execute a one-time general redistribution of resources in accordance with Rawls’s (globalized) Difference principle. This is seeing how, as Nozick puts it (and adjusted for global application):

lacking much historical information, and assuming (1) that victims of injustice generally do worse than they otherwise would and (2) that those from the least well-off group in the [global] society have the highest probabilities of being the (descendants of) victims of the most serious injustice who are owed compensation by whose who benefited from the injustices (assumed to be those better off…)[we could] organize [the global] society so as to maximize the position of whatever group ends up least well-off in the [global] society“ (ibid).

Although a staunch opponent of Rawls’s egalitarian principles of justice (officially at least – though, perhaps, not ultimately), Nozick did state that “past injustices might be so
great as to make necessary in the short run a more extensive [socialistic] state [or, presumably, egalitarian distributive measures such as, for example, the ones presented above] in order to rectify them” (ibid). For this approach, the weakest conceivable version of compensation theory will suffice. In the absence of adequate historical information, let alone an accurate ascription of guilt and accountability, the only justification needed is that an unacceptable injustice was done and, hence, compensation is required. Subsequently, the burden of rectification is distributed equally.

The reason why Nozick may perhaps be seen, ultimately, as less opposed to Rawlsian liberal egalitarianism as he is generally taken to have been, is because in his later work – namely the short but revealing essay *The ZigZag of Politics* – Nozick can be said to have, upon examination of its political implications, changed his mind somewhat with regards to his famous theory of libertarianism. In this essay he advances, although very briefly, a fundamental critique of his previously held position. He, for instance, states that “[t]he libertarian position I once propounded now seems to me seriously inadequate”, even suggesting that there may have been more than one major area “where that theory went wrong” (1989, p.286-7). While this observation may perhaps, *prima facie*, be taken as undermining our (or anyone’s) application of Nozick’s theory, I think that for our purposes it does exactly the opposite. This is seeing how Nozick says that the reason why he sees his former libertarian position as “seriously inadequate” is “in part because it did not fully knit the humane considerations and joint cooperative activities it left room for more closely into its fabric” (ibid). Yet further, Nozick goes on to discuss community’s joint interests and needs for a political authority to symbolize and express the fundamental “human solidarity” and the “importance and urgency” of addressing communal “issues and problems” (ibid). It is precisely humane considerations, and such notions as human solidarity and joint cooperative activities that form the bases for our (globalized) application of Nozick’s principle of rectificatory justice.

**Conclusion**

Elementary moral principles matter, even if they have consequences that we would prefer not to face (Chomsky, 2006).

The central question this study has been aimed at answering is whether the former colonial powers (i.e. their current governments and citizens) ought, as a requirement of justice, to take measures to rectify, such as by means of restoration or compensation, the injustices done onto their former colonies for the purpose of self-enrichment. More specifically, the question that
has been addressed is whether there are grounds for developing an argumentatively sound and sufficiently forceful normative theory that supports demands for such rectification made by, and on behalf of, current (and future) generations – the descendants or successors of peoples whose countries and areas were colonized and, subsequently, impoverished. The answers to these questions, as I hope to have shown, are: (a) yes, the citizens of the former colonial powers do have an obligation to rectify and repair for the injustice committed by their ancestors and predecessors against their colonies; and (b) yes, drawing on a variety of established theories and principles, there are grounds for developing a philosophically defensible theory that supports claims for colonial reparations.

To this end I have engaged in descriptive, as well as normative, analyses of facts and philosophical argument that have, I believe, supported the view that such claims are not only argumentatively valid, and hence worthy of our intellectual attention, but that they are morally compelling and demanding of urgent recognition and action. As Thompson notes, these are “claims that require a response from us as moral agents” (2002, p.ix). This urgency arises not least due to the morbid state of the people and communities to whom the reparations are owed who constitute, to a great degree, the group often referred to as the global poor. A central premise for claiming that such demands, and correlated obligations, exist is that underdevelopment, extreme poverty, and destitution in the least developed countries of the world – at least those that were subjected to colonialism – are in part, and perhaps primarily, a consequence of colonialism, both directly and indirectly. This link, I contend, was, to the extent possible, established by way of a descriptive analysis of historical accounts, as well as reports and observations published by objective agencies and authorities.

Another premise for arguing that colonial reparations are owed is based on the assumption that the obligations to pay them rest with whole communities or collectives of people, regardless of whether individual persons within these communities can be shown to be either themselves accountable for them, or direct descendants of persons who were. Here the case was made that collective responsibilities and obligations can arise in at least two different ways. One is exemplified by Alasdair MacIntyre’s account of the narrative view of the self, which emphasizes a sense of collective responsibility as arising from a conception of the self as embedded in the history of traditions and practices of a particular community that extends back to before one’s birth. Secondly, collective obligations can be argued for on an account of committed membership to a community (or a political, historical collective) whereby by expecting to enjoy the benefits produced by the cooperation of this collective, one assumes responsibility for the ways in which the wealth, upon and from which these benefits are built
and extracted, was amassed. Such duties therefore arise, the argument goes, from the mechanism by which the wealth of nations has been built. So long as you benefit, in any way shape or form, from the social cooperation that has been made possible by means of colonial injustice, you share with those similarly situated the burden of reparation for that particular injustice.

Yet another condition that has been argumentatively supported, and that goes to the validity of claims for colonial reparations, is that such demands, and the correlated obligations, transcend generations. For this purpose we employed the principles of transfer, initial acquisition, and rectification of historical title that pertain to Robert Nozick’s Entitlement theory. Here the conclusion was reached that current title to the property stolen by former colonial powers from their colonies (or any wealth that has, whether directly or indirectly, been subsequently built on or extracted from it) is illegitimate and requires rectification. From this follows that anyone seriously defending unrestricted property rights; preserving the status quo against redistribution of unjustly held property, will be forced by these principles to rely on a kind of historical amnesia.

Furthermore, we have seen that arguments for rectification of an injustice committed date back, at least, to Aristotle, who showed that if someone gains from inflicting harm, physical or otherwise, onto another, who then suffers subsequent loss, justice requires that the former compensate the latter for the loss caused by the harm inflicted. This, I have argued, remains a largely uncontested axiom. Still further, and related to the self-evident nature of this principle, we have seen that the notion of rectificatory justice, such as in the case of colonialism, has strong appeal to our intuition and sense of justice. It can therefore be argued for from a standpoint of reflective equilibrium, i.e. the match between our intuitions, or considered convictions (as opposed to pure prejudice and sentiment) on one hand, and logical, rationally derived principles, such as that of rectificatory justice, on the other.

This work, then, given the variety of considerations that have been addressed and the apparent strength of the arguments for Global Rectificatory Justice, can be seen, I believe, as a contribution to the growing body of theoretical work being produced in support of claims for colonial reparations. I hold that the measures introduced here for the purpose of achieving global justice (or similar ones), if implemented, have the potential of being of great practical importance for (a) the global poor, who will, presumably, be helped by the redistribution of wealth and resources, and (b) the global rich, who will, presumably, come a step closer to being able to regard them selves as just, moral persons. Global justice can be achieved.
Bibliography


