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# ‘... restoring the dignity of the victims’. Is global rectificatory justice feasible?

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## Abstract

The discussion of global justice has mainly focused on global *distributive* justice. This article argues for global *rectificatory* justice, mainly by former colonial states in favor of former colonized peoples. The argument depends on the following premises: (1) there is a moral obligation to rectify the consequences of wrongful acts; (2) colonialism was on the whole harmful for the colonies; (3) the present unjust global structure was constituted by colonialism; and (4) the obligation of rectificatory justice is trans-generational so long as there are at present identifiable beneficiaries and victims of past injustice. Although it is too demanding to ask for full compensation for 450 years of colonialism, the former colonial powers can in different ways and to the best of their efforts contribute to change the present inequalities that are the legacy of history. A theory of global rectificatory justice is complementary to a theory of global distributive justice and enables us to develop a fuller understanding of the meaning of global justice.

**Keywords:** *global justice; rectification; ethical presentism; colonialism; entitlement; reconciliation; Durban declarations; racism*

## INTRODUCTION

With the publication of John Rawls’ work *A Theory of Justice* in 1971, justice became a main issue in political philosophy and ethics.<sup>1</sup> The theory was intended for justice within nations but as early as in the 1970s, Charles Beitz argued for a global application of Rawls’ theory of distributive justice and Thomas Pogge developed the argument in *Realizing Rawls* in the 1980s.<sup>2</sup> As a consequence of Rawls’ own contribution to the discussion about international justice in *The Law of Peoples*, the discussion on global justice was intensified.<sup>3</sup> Rawls’ limitation of his theory to international *political* justice—which means that he excluded the so-called Difference principle demanding redistribution in favor of the least advantaged from his theory of international justice—has been questioned by many.<sup>4</sup> In light of global inequality and wide spread poverty, this limitation is indeed questionable. However, what is striking

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about the present discussion on global justice is that it is solely focused on global *distributive* justice.

The present borders between the global rich and poor coincide approximately with the historical borders between former colonial powers and colonies. Is this fact a coincidence or is there a connection between the history of colonialism and the present global inequalities? During colonial times the economies of the colonies in Asia, Africa, and Latin America were adjusted in the interests of the colonial powers. As a consequence of the Spanish and Portuguese exploitation of Latin America, the British, Belgian, Portuguese and French of Africa, British, Portuguese and Dutch of Asia, etc., Europe and North America prospered while many colonies sank in despair. What happened during this period in history is well captured in the title of Brazilian author Eduardo Galeano's book *Las venas abiertas de América Latina* (*Open Veins of Latin America*).<sup>5</sup> A blood transplant took place from the South to the North.

How, then, can the history of colonialism have implications for a present theory of global justice? To answer this question I will turn to the philosophical discussion on justice. In his argument on justice, Aristotle distinguishes between *distributive* and *rectificatory* justice. Distributive justice focuses on distribution of scarce resources and goods. Rectificatory or corrective justice (Aristotle uses the terms interchangeable), on the other hand, is backward-looking and focuses on correction for past deeds. In explaining rectificatory justice, Aristotle writes:

... 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 has been unequally distributed: but the judge tries to equalize things by means of the penalty, taking away from the gain of the assailant ... therefore corrective justice will be the intermediate between the loss and gain.<sup>6</sup>

If the history of colonialism implied—in Aristotle's words—inflicting wounds, there is a *prima facie* argument for global rectificatory justice. But what does rectificatory justice imply if the wrong is done a long time ago?

A theory of global rectificatory justice can also draw from more recent work in philosophy. According to John Locke, justice implies a right of reparation. Someone who is injured has a right to seek reparation from the injurer.<sup>7</sup> Building on Locke, Robert Nozick's entitlement theory is an example of a historical, backward-looking theory of justice. According to Nozick, a person is entitled to his or her property provided that it is acquired in a just way. Hence, property rights depend on justice in acquisition and justice in transfer.<sup>8</sup> Nozick's theory is a philosophical justification of libertarianism. However, with some factual assumptions, the theory can justify a demand for global rectificatory justice. If we assume that the present concentration of property and wealth in the rich part of the world at least partly is the result of unjust historical acquisitions, i.e. plunder, theft, and war, one could, also in line with Nozick's entitlement theory, argue for a global '... rectification of injustice in holdings'.<sup>9</sup> Historical injustices thus beg for rectifying actions.

So far, we have come across three accounts of rectificatory justice. Aristotle argues primarily for penalizing a wrongdoer by taking away his or her gain. Locke argues for

a right of reparation and Nozick for rectification of past injustice in acquisition and transfer of property. They have in common the view that what happened in the past has implications for our present discussion of justice.

It seems to me that the idea of rectificatory global justice has some moral force. Let me illustrate the argument: Assume that I live a life in prosperity and welfare. My next door neighbor, on the other hand, lives in poverty and misery. Let us also assume that many years ago my grandparents stole the land from my present neighbor's grandparents and our present difference in welfare is the result of this historical fact. Then, it seems that my neighbor with good reasons could demand to get a part of my land or income, and thus, that I have some moral obligations to compensate my neighbor. And these obligations are generated by the acts of my forefather. Today we live in a 'global village.' My neighbor is a peasant in Malawi, a miner in Bolivia, and a slum dweller in the Philippines.

The ideas of historical obligations and rectificatory justice are not new in political ethics. They have been practiced in other historical instances of oppression and exploitation. One example is the compensation given by Germany to Israel since the Second World War because of the Holocaust and another is the policy of affirmative action in favor of the black people and former slaves in the USA.

There is an ongoing philosophical discussion on the meaning of corrective justice and on the justification of compensation to stricken groups. Some examples: Janna Thompson examines different cases of reparative demands and develops a theory of reparation and reconciliation.<sup>10</sup> Bernard Boxill argues for African Americans reparations after colonialism and slavery<sup>11</sup> and Stephan Winter discusses whether uncertainty of what would have happened if history looked different undermines the demands of black Americans.<sup>12</sup> David Lyons examines the historical entitlement arguments for returning American land back to Indians.<sup>13</sup> Theoretical accounts of compensation for colonialism are rare but one contribution is Kok-Chor Tan's argument that ideas of reparation for colonial injustices can supplement egalitarian arguments for global justice.<sup>14</sup>

The issue of historical wrongs was also recently addressed in the United Nations conferences on racism in Durban 2001 and the follow-up Durban review conference in Geneva 2009. Under General Issues, the final declaration from Durban states:

14. We recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. We acknowledge the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. We further regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today.

19. We recognize the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance, which have contributed significantly to the underdevelopment of developing countries and, in

particular, of Africa and resolve to free every man, woman and child from the abject and dehumanizing conditions of extreme poverty to which more than one billion of them are currently subjected, to make the right to development a reality for everyone and to free the entire human race from want.

100. We acknowledge and profoundly regret the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and past tragedies. We further note that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed.<sup>15</sup>

The final document from the follow-up conference on racism in April 2009 contains a quest for reparations for sufferings during colonial rule. It reads:

62. *Recalls* that slavery and the slave trade, including the transatlantic slave trade, apartheid, colonialism and genocide must never be forgotten and in this regard welcomes actions undertaken to honor the memory of victims.

63. *Notes* actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, initiated institutionalized mechanisms such as truth and reconciliation commissions and/or restituted cultural artifacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so.<sup>16</sup>

However, are the demands for restoration in the Durban declarations reasonable and fair? My answer is yes, and in this article I argue for a theory of global rectificatory justice. The theory is based on two pillars: the meaning of justice and some factual assumptions about the connection between colonialism and present global inequality. Colonialism implied political, cultural, and economic domination. Hence a theory of rectificatory justice must take into account political, cultural, and economic demands for rectification. However, even if there are some intuitively plausible reasons for a theory of global rectificatory justice, there are a number of possible objections that must be addressed. A related argument could be applied to other similar cases, for example, the exploitation of the Baltic states by the Soviet Union after World War II.

In the following I discuss a number of objections to a theory of global rectificatory justice. According to ethical presentism, only living individuals matter when we discuss justice. Does not a theory of global rectificatory justice conflict with ethical presentism? My theory of global rectificatory justice assumes that colonialism was harmful and, hence, generates demands for compensation. But is that assumption correct? However, if there is a case for global rectificatory justice; who then has the obligation to rectify and who are the recipients of rectification? But, given that we can identify the agents and recipients of rectification, is it really possible to estimate a reasonable compensation to the victims? Should we not rather strive for reconciliation than rectification? Furthermore, there are strong arguments for global distributive justice. Is this not sufficient? Does rectificatory justice really add

anything substantial to a theory of distributive justice? In the rest of the article these questions are discussed.

## **ETHICAL PRESENTISM AND PAST WRONGS**

A theory of global rectificatory justice presupposes the possibility of both historical and collective responsibility. Is it reasonable that the fact that some European forefathers acted wrongly toward the forefathers of present-day Africans, Asians, or Latin-Americans implies that Europeans who live today have a responsibility toward, and are obliged to compensate, present Africans, Asians, and Latin-Americans, i.e. that moral responsibility can be trans-generational? From the point of view of ethical presentism this seems doubtful. One could argue that the oppressor owes something to the oppressed at the time of colonialism, but not that individuals living later, i.e. the grandsons and granddaughters, who themselves neither acted as oppressor nor oppressed, owe anything to each other.

A theory of ethical presentism is developed by Jon Elster. According to ethical presentism, for purposes of justice only the living individuals matter. Injustices done in the past have no relevance for the present. However, Elster accepts one limitation to ethical presentism. He writes:

Injustice done to individuals who are no longer alive may constrain present distributions only if it has left morally relevant traces in the present.<sup>17</sup>

According to the argument for global rectificatory justice, Elster's condition is fulfilled. What makes the historical injustices of colonialism relevant for the present discussion on justice is precisely the fact that 'it has left morally relevant traces in the present': prosperity in the former colonial powers and poverty in the former colonies. But does that not imply that we have to do with a theory of distributive justice, rather than of rectificatory justice? No, because the reason for reparation is the historical wrongs committed. When there are no traces left, there is no reason to repair. This does of course not rule out that there are also other relevant 'global justice-arguments', for example, arguments for distributive justice.

Elster's condition also provides us with a criterion for deciding which historical injustices are relevant in the present discussion and which are not. For example, would a principle of rectificatory justice imply that the Scandinavian countries should compensate England and France for what the Vikings did toward their ancestors in the ninth and tenth centuries? The answer is no. But not because the harms inflicted by the Vikings took place in the past but because—as far as one can notice—the Vikings' ravaging has not left any morally relevant traces in the present.

Ethical presentism shows why Nozick's theory is insufficient. Nozick is right in pointing at the importance of history for our discussion on justice. However, as our previous example about me and my neighbor illustrates, the historical wrong is only important for morality if it has caused a present injustice. If the historical wrong is not discernable today, it may be interesting for history but not for ethics. This leads us to another problem with a theory of rectification. Assume that two colonies are

treated equally bad by a colonial power. However, after liberation the two former colonies develop differently. Due to hard work and good ideas, after a number of years the former colony A prospers so that the traces of colonialism disappear. In contrast, in the other former colony B the people are idle and blunt and their poverty increases. Then one could say that there are traces left in B but not in A. Is it then reasonable that B should be compensated by their former colonial power and not A? In response to this objection let me differentiate between economic traces and other, for example, cultural. The idea behind rectification is that there is a causal relation between present-day economic distress and colonialism. If there is no such relation, then there is no reason for rectification either. Hence, B should only be compensated if present poverty is caused by colonialism and not by, for example, idleness. The theory presupposes some empirical information about the causes of poverty. On the other hand, both A and B may suffer from cultural traces of colonialism such as feelings of inferiority and humiliation. If this is the case, the former colonial power has a duty to make good for a history of subjugation.

### WAS COLONIALISM HARMFUL?

A demand for rectification presupposes that injustice is done. Regarding a theory of global rectificatory justice, it depends on some controversial factual assumptions:

First, it assumes that colonialism implied that injustices were made against the colonies.

Secondly, it assumes that this historical injustice has left morally relevant traces in the present, i.e. that the present poverty in the developing world is a consequence of colonialism. Perhaps, thirdly, it also assumes the counterfactual assumption that the former colonies would have been better without colonialism. One could argue that the need for rectification depends on what would have happened *if* colonialism had never existed in the first place.

It is not possible to extensively support these assumptions in an article of this kind. The first assumption implies a problematic generalization. It might be the case that for some colonies at some particular time, colonialism was beneficial. However, there seem to be good reasons for Thomas Pogge's summing up of the overall consequences of colonialism:

... most 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.<sup>18</sup>

Let me just mention a few historical examples of the implications of colonialism that illustrate Pogge's general picture.

As regards America, colonialism had devastating consequences for the native population. Due to diseases, starvation, and inhuman working conditions a 'demographic catastrophe' followed in the footsteps of colonialism. There are different estimations of the numbers of native Indians at the time of the conquest.<sup>19</sup>

However, a large proportion of the native population died. According to one estimation the number of Indians in Mexico decreased from 25 million in 1519 to 1.9 million in 1580.<sup>20</sup> The colonization of Latin America meant death for a majority of native Indians. Historian Nathan Wachtell comments: 'Even if it is accepted that these epidemics were the main cause of the demographic decline, it cannot be denied the Spanish conquest was itself a period of murderous oppressions.'<sup>21</sup>

When Latin America was colonized, the economies of the colonies were adjusted to the needs of the colonial powers. The economic history of Brazil since the sixteenth century is a history of dependence. Lacking gold and silver, the Portuguese started to grow sugar on huge *haciendas* in the north-eastern part of the country. Because the native Indians could not adjust to the plantation work, slaves from the Portuguese colonies in West Africa were imported. The slaves had an average useful life of seven years.<sup>22</sup> In the nineteenth century, sugar plantations were replaced by cotton and coffee now in the hands of British landowners. However, neither product gave a lasting economic stability to the region. When the markets declined, so did the north-eastern part of Brazil. Economic historian Celso Furtado writes:

The formation of the North-eastern population and its precarious subsistence economy—basic elements of the Brazilian economic problems in later epochs—are thus linked to this slow process of decadence of the large sugar enterprise ...<sup>23</sup>

The economic history of dependence, resulting in one of the most poverty-stricken regions of the world, has been called 'the generation of underdevelopment.'<sup>24</sup>

Colonialism and imperialism<sup>25</sup> had also devastating consequences for Asia. In *Late Victorian Holocausts: El Nino famines and the making of the third world* (2001), Mike Davis argues that the Victorian policy to integrate the economies of India and China into the world market, at the time dominated by the British, led to famines and mass starvation. Two severe famines hit India and China in the nineteenth Century. The first took place in 1876–1879 and the second in 1896–1902. In India between 12.2 and 29.3 million people and in China between 19.5 and 30 million people died during these famines. The famines struck the populations in an earlier unknown way. Why? Because, according to Davis, the integration of the Indian and Chinese economies into the world market implied that the stock of crops that in the pre-colonial society was stored in case of famines had been sold off and when needed it no longer existed. Instead, in the middle of the famines, a huge amount of wheat was exported to Europe! When the British colonized Bengal in the middle of the eighteenth century, the region was prosperous. British conqueror Robert Clive described the capital Dacca as a paradise, saying it's 'just like London.' At the time of the end of colonialism in the 1940s, the region had become one of the poorest in the world, and it still is.<sup>26</sup>

What about Africa? Can underdevelopment in Africa be explained by the legacy of colonialism? Listening to economist Jeffrey Sachs, the answer seems to be at least uncertain. On the one hand, Sachs maintains that 'Far from lifting Africa economically, the colonial era left Africa bereft of educated citizens and leaders, basic infrastructure, and public health facilities.'<sup>27</sup> On the other hand he argues that



‘...Africa’s harsh colonial legacy and the West’s very real depredations in the postcolonial period do not explain the long-term development crisis.’<sup>28</sup>

Would then the peoples of the colonies have been better off without colonialism? To answer this question one has to make a counterfactual comparison between what actually happened and what would have happened if colonialism had not existed. This is of course impossible. The answer depends also on what we mean by ‘better off’. Is a native, traditional tribal life better than a life in a suburban Latin American ‘favela’?

Colonialism lasted from the sixteenth century to the middle of the twentieth century—a period of 450 years! It implied political, economic, social, and cultural domination. The political supremacy of the colonial powers implied oppression—more or less harsh—and humiliation of the colonized peoples. The slave trade—emphasized in the Durban declarations—when 30 million Africans were deported to America of whom half the number died in transit, is perhaps the most appalling example of the politics of humiliation. Colonialism shaped the future global economic and political relations. All in all, although impossible to establish in this article, colonial dependence seems to be one factor behind present underdevelopment in the so-called Third World.<sup>29</sup> As a consequence, there is a case for rectificatory justice.

## THE MORAL ENTITIES OF RECTIFICATION

If in line with the previous argument for global rectificatory justice we can assume a trans-generational responsibility, which are in this case the moral entities of rectification? Who has the obligation to rectify and who are the recipients of rectification?

In her book *Taking Responsibility for the Past* (2002), Janna Thompson discusses the problem of trans-generational commitments. In particular, she refers to historical obligations that follow from treaties. Treaties can be considered as promises by nations that should not be broken. Hence, violations of treaties are violations of promises which undermine mutual trust. Accepting such trans-generational commitments is ‘intrinsic to the practice of making agreements,’ Thompson argues.<sup>30</sup>

If we accept the moral requirements for treaties, we also get obligations to make reparations for violations of commitments, Thompson argues. In failing to make reparations one undermines the ‘... entitlement to make a commitment’.<sup>31</sup> Moreover, Thompson argues that formalities around treaties are not important from a moral point of view, ‘... the practice of making agreements should be wide enough to include informal understandings between nations ...’<sup>32</sup>

The history of colonialism includes many cases of false, coerced, and violated treaties.<sup>33</sup> However, colonial powers treated their colonies also in other morally blameworthy ways. Besides violations of treaties, the history of colonialism is a history of economic exploitation, military aggression, enslavement, and genocide. The obligation to repair for violations of treaties is one instance of a more general

category of obligations to repair for past wrongs. There is a basic moral obligation, what Margaret Walker calls a '*moral baseline* of acceptable conduct,' to treat other peoples with respect and acts of disrespect beg for rectification.<sup>34</sup>

But, perhaps, what we today consider blameworthy was at an earlier time considered fair? For example, the colonial masters may have thought they had a mission to cultivate the indigenous peoples and thus they were obliged to treat them paternalistically. Is it then reasonable to use present-day moral criteria when assessing their actions? When we judge the morality of past actions—and reflect upon the moral implications of these actions for the present—we do it from our present ideas of justice. There could be a case for rectificatory justice even for well-intended acts by our forefathers. As Aristotle points out, it is not the intentions behind, but '... the distinctive character of the injury' that generate a demand for rectification.<sup>35</sup>

In the framework of colonialism there were different agents involved. These were individuals, for example, conquistadors and slave traders, companies like the East India Companies, and official representatives of the colonial powers. Which agent has an obligation to repair for past injustices? The view of rectificatory justice so far developed implies that each agent that was involved in the exploitation is responsible and has a duty to repair, and if we accept trans-generational commitments, that this duty falls on the descendants of the responsible agents. But it may be difficult and even impossible to trace the descendants of the conquistadors, and companies active during the colonial epoch may no longer be in existence. Hence, we face problems in implementing rectification.

A possible solution to the problem of establishing the agents for rectification is to assign responsibility to the colonial nations involved. As the colonial nations were themselves deeply involved as agents, homeland of the acting individuals and companies and provided the juridical framework for their activities responsibility falls back on them. David Miller makes a distinction between outcome responsibility and remedial responsibility. When we ask for outcome responsibility we ask which agent that '... can be credited or debited with a particular outcome—a gain or a loss either to the agent herself or to other parties,' Miller argues.<sup>36</sup> Remedial responsibility on the other hand asks '... whether there is anyone whose responsibility it is to put that [particular problematic] state of affairs right.'<sup>37</sup> Who should make right what once was made wrong? If the former colonial nations are assigned outcome responsibility, does that also imply that the same nations today have remedial responsibility?

There are at least three possible objections to assigning remedial responsibility for the consequences of past wrongs to nations. One is that the colonial nation may no longer exist. This objection has relevance in a parallel discussion about rectification for the harms caused by the Soviet Union to the Baltic States. Does in this case remedial responsibility fall back on present Russia? But—it may be objected—the former Soviet Union also included other nations, as for example, the Baltic States themselves! However, this objection is not relevant in the case of colonialism. There is a continuous identity of the former colonial powers, like Britain, France, and Belgium, and the nowadays existing nations. The former colonial powers still exist as

nations, and they still benefit from the earlier period. Even the former colonies exist by and large today as politically independent nations. Accordingly, the beneficiaries of rectification are the descendants of the peoples of the former colonies.

But assume that the colonial power at the time of colonialism was a totalitarian state and that the colonial policies lacked popular support? Then—one could argue—the policy was not morally legitimate and the present day democratic successors need not take responsibility for the acts of their totalitarian forefathers. There are two possible answers to this objection against rectificatory justice. The first is that there is a ‘trans-generational continuum’ of responsibility irrespectively of forms of government.<sup>38</sup> One can in line with Janna Thompson argue that obligations and agreements remain over time. The same goes for responsibility for past wrongs. She writes:

To be worthy of respect, a nation has to be prepared to fulfill its historical responsibilities. This means that its members have to be prepared to keep its commitments and make reparations for its past wrongs—including wrongs that were done in past generations.<sup>39</sup>

A sentiment of responsibility is illustrated by a personal experience I had some years ago. Together with some British friends I walked around in Beijing. On many old castles and mansions there was a sign saying ‘This building was burnt down by the British in 18xx’. My British friends were not unaffected by this. On the contrary, they experienced a trans-generational continuum of responsibility and they felt ashamed for the deeds of their forefathers.

The second response to the objection that there is no case for rectification because the democratic successors need not take responsibility for the acts of their totalitarian forefathers is based on the fact that the peoples of former colonial powers still benefit from colonialism. Their economic welfare was generated by colonialism and as long as they take advantage of this, they provide a tacit consent to how it once was historically generated. From this follows also that they have a remedial responsibility to repair for the past injustices.

A third objection to the argument that rectification is owed by the nation and not by the descendent of those who did wrong is that it implies holding citizens responsible irrespectively of whether their ancestors were perpetrators of injustice or not. It implies, for example, that recent immigrants are held responsible. Two responses to this objection have already been given. To be a citizen implies that one accepts the ‘historical responsibilities’, for good and bad. This acceptance also implies immigrants who become citizens. Secondly, while they all benefit from past wrongs they also share responsibility of reparation.

Not all nations in the nowadays wealthy part of the world had colonies. For example, Sweden had only the tiny colony New Sweden in Delaware for less than 20 years in the seventeenth century. Does the duty to rectify only apply to the nations in the, so-called, First World that also once were colonial powers? As outcome responsibility falls back on past deeds, one could argue that it is only the former colonial powers that have obligations to rectify. On the other hand, even nations in

Europe and North America that did not have their own colonies, benefited economically from colonialism. Hence, at least if they did not actively oppose colonialism, they can also be considered as part of the colonial structure.

In answering the question whether former colonial and non-colonial developed nations have the same duties to rectify or not, one can make a distinction between stronger and weaker, or primary and secondary duties. The former colonial powers have *primary duties* of rectification toward their former colonies, and the non-colonial powers that benefited from the system have *secondary duties* to rectify for the consequences of colonialism. Primary duties imply not only economic compensation but also political and cultural acts of rectification. Secondary duties imply only economic compensation. The rationale for this distinction is that the colonial powers in different ways influenced the economy, politics, and culture of the colonies, while the developed non-colonial nations only participated in—and gained from—the economic side of colonialism.

Who then are the recipients of acts of rectification? We should look for the descendants of the victims of colonialism. These are the peoples that today are independent but once were colonized. But not all former colonies are included. Due to the requirement that there must be ‘morally relevant traces’ left, for example, the USA and Canada are excluded, except perhaps for their Indian populations. Thus, the beneficiaries of acts of rectification are the peoples that were former colonies and that still suffer from this historical fact.

### **ENTITLED TO WHAT?**

In support of a theory of global rectificatory justice I referred above to Robert Nozick’s entitlement theory. According to Nozick, property rights depend on justice in acquisition and justice in transfer. A theory of global rectificatory justice that is based on Nozick’s entitlement theory will focus on past acts of acquisition and violations of individual property rights.

But, is it really illegitimate property rights that are the core of the historical injustices? Even if the history of colonialism witnessed many cases of unfair acts of appropriation, and hence, present property rights accordingly could be questioned, it is indeed dubious if it is illegitimate property rights that are at the heart of the historical injustices. What is important about Nozick’s theory of justice is its emphasis on what has happened in the past and its insistence on the need for rectification for past wrongs. However, as I have already argued, in the case of colonialism these past wrongs include many other violations of rights than violations of property rights.

### **IS RECTIFICATION UNFEASIBLE?**

According to Aristotle’s view, rectification implies ‘... to equalize things by means of penalty’ and to restore to a state of things that existed prior to the harm done. This could imply that when harm is done, the victim should be proportionately

compensated and former institutions should be restored. However, does not the theory of rectification depend on some intractable counterfactual assumptions and imply unreasonable demands for compensation? This is a critic that Jeremy Waldron formulates.<sup>40</sup> According to Waldron, the theory of rectification for historic wrongs depends on the premises or indeed speculations that if the injustice had not happened, people in the colonies would have acted rational. ‘Why should the exaction of specific reparation in the real world be oriented to what the idealized agents of rational choice would have secured for themselves in a hypothetical world?’, Waldron asks.<sup>41</sup> We can only in our fantasy but never in reality, envisage how the colonies would have fared if colonialism never had happened. Then, what should the compensation be approximated to?

Waldron’s objection is valid as long as the theory of global rectificatory justice demands some approximately full compensation for the suffering and injustice done. But this is impossible to estimate. What is sufficient for a more moderate theory is the account that there is a connection between then and now, between what happened during colonialism and how the world looks like today. The harm done is impossible to quantify and the institutions that once existed are gone for ever. Furthermore, a radical theory of global rectificatory justice implying full compensation would suffer from being over-demanding; how could former colonial powers in any comparable way compensate for the harm done?<sup>42</sup>

The ideas of ‘equalizing’, restoration or full compensation are not necessary elements of a theory of global rectificatory justice. Even if it is unfeasible to equalize, restore or fully compensate, there is still room for measures of rectification. Those who gain from past injustices can compensate those who are harmed in different ways and they can do their best to try to change present inequalities that are the legacy of history. This seems to be what the Durban declarations ask for.

## **RECTIFICATORY JUSTICE AS A COMPLEMENT TO DISTRIBUTIVE JUSTICE**

But do backward-looking considerations have any moral force? Leif Wenar argues that ‘... backward-looking considerations add no weight to claims for reparations ... Only forward-looking factors give us reasons to repair historical injustice ... Reparations, when they are due, are reparations not for the sake of the past, but for the sake of the future.’<sup>43</sup> Wenar argues further that rectificatory justice has ‘no independent force’ and adds nothing to distributive justice.<sup>44</sup> What—if anything—are the practical implications of a theory of global rectificatory justice? Does it add anything substantial to a theory of global distributive justice?

First, a theory of global rectificatory justice and a theory of global distributive justice are not unrelated. It would be odd if a former colony that prospers today could demand economic compensation for past wrongs from a present-day poorer former colonial power. Hence, a demand for economic or other kinds of rectification for past wrongs can only be justified when the past wrongs leave traces in the present in the form of

persistent inequality. In this way distributive justice influences the implications of rectificatory justice. However, the former colony may with good reasons demand other kinds of rectification. For example, it might have been humiliated because its sovereignty was violated at the time of colonization. For this the former colonial power should pay tribute, for example, through ways of 'restorative justice' in order to repair the relationship.<sup>45</sup>

According to theories of global distributive justice, there is a need for global redistribution in favor of the poor in the underdeveloped countries. A theory of global rectificatory justice has similar implications. However, even though the social and economic implications are similar, the motives behind are different. A theory of rectificatory justice offers additional motivation for redistribution. The reasons behind a moral duty to redistribute are not solely fairness, rationality, or utility as stated in different theories of global distributive justice. There are additional reasons due to the past wrongs committed. Furthermore, rectification may take other forms than economic redistribution, for example, apologies. Hence, a theory of global rectificatory justice is complementary to a theory of global distributive justice and it will enable us to develop a more comprehensive understanding of the meaning of global justice.

### **RECONCILIATION RATHER THAN RECTIFICATION?**

But, lastly, one may ask: Should we not rather strive for reconciliation than for rectification for past wrongs? The acts of reconciliation and rectification are not unrelated. Reconciliation without rectification is empty. Reconciliation will only be possible if the party that has inflicted past wrongs is willing to repair. It is indeed impossible to repair for 450 years of colonialism. However, from the theory of global rectificatory justice follows that the former colonial powers (and other nations that benefited from colonialism) have a duty to repair for past wrongs. The aim is not backward-looking to return to a state of relations that existed before colonialism. Instead, the duty to repair for past wrongs is future-looking: it aims at improving the moral quality of future relations.<sup>46</sup> Rectification for colonialism is thus similar to other examples of corrective justice. As Margaret Walker writes:

The direct concern of restorative justice is the moral quality of future relations between those who have done, allowed, or benefited from wrong and those harmed, deprived, or insulted by it.<sup>47</sup>

In present global politics this could, for example, imply reformed terms of trade beneficial to the former colonies, cancellations of their debts, transfer of resources from the rich to the poor nations for health care, education and economic development, etc. Not until this happens can the question of reconciliation be put on the agenda.

But are not the implications of global rectificatory justice utopian and over-demanding? How could they be related to the real world? These challenging questions may be addressed in two ways. First, there are in fact historical examples of parallel 'utopian' demands that nevertheless have been realized. Reconciliation after apartheid in South Africa is perhaps the most telling example. Secondly, it might be a

contribution of normative ethics to point at even seemingly unrealistic moral demands and obligations—assuming of course that there are good reasons for them. Even if we are unable to live up to the demands and obligations, they may at least inspire us to realize approximations of them.<sup>48</sup>

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