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## Responsibility, Structural Injustice, and Structural Transformation

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### ABSTRACT

This author's reply responds to five main issues raised by the commentators. The first two issues regard the concept of structural injustice and agents' responsibility for it. What kind of responsibility is generated by structural injustice? How is it distinct from responsibility related to the liability of agents for interactional injustice? Addressing these issues requires clarifying how my understanding of structural injustice draws on and differs from Iris Marion Young's account. A third issue addressed in this reply regards the question of what institutional and structural reforms or initiatives would promote emancipatory versus regressive responses to structural injustice. This question is particularly sharp in the case of redressing the injustice and alienation of settler colonial social structures on Indigenous peoples. A fourth issue relates to the question of what useful role states and international law, especially human rights law, may play in making progress towards eliminating various forms of structural injustice, such as those related to gender oppression. This response will finally address a fifth issue about reconciliation as a regulative ideal, and whether my conception of reconciliation as non-alienation of various kinds invites a tragic reading of the pursuit of reconciliation in politics.

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## Introduction

Mary Johns was 29 years old when she was murdered by Gilbert Paul Jordan in 1982. Jordan, the so-called Boozing Barber, targeted mostly Indigenous women in the poor downtown eastside of Vancouver, and offered them money to drink to excess until they died of alcohol poisoning. Although several of his victims, including Mary Johns, were found dead in his barbershop, he was convicted of manslaughter for the death of only one woman in 1988, for which he served six years in prison. The family of Mary Johns was the first to be heard last May by Canada's National Inquiry into Murdered and Missing Indigenous Women and Girls (Sterritt, 2017). The expectations of Johns' family for the process were articulated by Frances Neumann, Johns' sister-in-law, and quoted in the Interim Report of the National Inquiry: 'That is what I am looking for – not for my sister-in-law now, because no one can harm her, but that my daughter, my granddaughter, my great-granddaughters can walk the streets in safety, my nieces, that no

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harm can come to them. We must stand up for justice for these women that have walked before us' (quoted in Canada 2017, 2).

What does such a call to 'stand up for justice' entail? In an interactional sense, there can be no justice for Mary Johns, since the perpetrator, who died in 2006, was never held accountable for her death. The National Inquiry, however, may be interpreted as aiming to contribute to the redress of another kind of injustice, which consists in the persistently heightened vulnerability of Indigenous women and girls to all forms of violence (7–8).<sup>1</sup> This form of structural injustice is 'rooted in colonization', and making progress on ending violence against Indigenous women involves addressing 'the ongoing colonial relationship that facilitates' such violence (13). In *Justice and Reconciliation in World Politics*, I aim to make sense of such claims in contemporary politics to redress and address various structural forms of injustice implicated in settler colonial, colonial, and post-colonial contexts.

By focusing on a variety of cases of colonial injustice in modern international relations, the book aims to show that practices of justice and reconciliation in contemporary world politics have been inadequate in responding to the persistence of structural injustice and alienation in the development of modern international order. In making this argument, I challenge two dominant approaches to conceptualizing international justice and order. First, acknowledging the structural injustice of international order implies a rejection of conventional images of the international as a realm of anarchy. From a historical and sociological perspective, international anarchy is a normatively obscuring myth that is also empirically implausible in light of the actual historical development of international order (120). Second, I call into question the liberal progressive narrative of the development of practices of 'transitional justice', and show their inadequacy in redressing structural injustices based on race, class, or gender, as well as colonial injustices, and Indigenous-settler relations of domination in liberal democracies (281). Justice and reconciliation as moral/political projects must be conceived not only interactionally, but also structurally, raising questions about the moral and political responsibility of agents other than perpetrators and victims to respond to the challenges of overcoming different, but often intersecting, forms of structural injustice in domestic and international orders.

I am grateful that my work on these themes has engaged a diverse group of scholars in this symposium, which developed from a roundtable on my book, chaired by Sarah Song, that took place at the American Political Science Association meetings in September 2017 in San Francisco. In this response, I will respond to five main issues raised in these illuminating commentaries. The first two issues regard the concept of structural injustice and agents' responsibility for it. Both Paige Digeser and Farid Abdel-Nour question how I have conceived of the nature of the responsibility of agents for structural injustice. In different ways, they both seek further clarification of the relationship between culpability and responsibility for structural injustice. To answer their questions, I will also explain how my understanding of structural injustice draws

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<sup>1</sup>According to the Interim Report of the National Inquiry into Murdered and Missing Indigenous Women and Girls, 'Indigenous women are 12 times more likely to be murdered or missing than any other women in Canada, and 16 times more likely than Caucasian women.' The Report also notes that Indigenous women are seven times more likely than non-Indigenous women to be victims of serial killers (Canada 2017, 8).

on, and differs from, Iris Marion Young's formulation of structural injustice, and her two models of responsibility for injustice.

A third issue this reply will address regards the question of what institutional or structural changes would promote or constitute emancipatory versus regressive responses to structural injustice. Avigail Eisenberg raises this question most prominently in the case of thinking about the institutional implications of redressing the injustice and alienation of settler colonial social structures on Indigenous peoples. How can we know if a structural change will produce emancipation, rather than co-optation and entrenchment of structural domination? Related to this uncertainty about the direction of structural transformation, and whether any measure is emancipatory or regressive, is a fourth issue about how we should evaluate the achievements and potential of current institutions and practices. In particular, what role may states and international law, especially human rights law, play in making progress towards eliminating various forms of structural injustice, such as those related to gender oppression? My reply will attempt to respond to Laurel Weldon's concerns that by criticizing the statist bias in contemporary practices of justice and reconciliation, my theory undercuts the fragile progress that has been made to-date on issues of gender justice. Finally, Digeser asks how the three forms of reconciliation as non-alienation I develop, in response to existential, interactional, and structural alienation, are related, and whether their potential incongruence may not spell an impossibility of reconciliation in a tragic world.

## Responsibility and structural injustice

The commentaries by Farid Abdel-Nour and Paige Digeser raise questions about one of the central themes of the book. I argue that practices of justice and reconciliation in world politics have focused too narrowly on interactional injustices between victims and perpetrators of wrongdoing. This focus is inadequate for accounting for most major political and social injustices because the widespread wrongs they typically engender inevitably involve the operation of various structural injustices in which many participate. Building on the work of Iris Marion Young, I argue that redressing colonial injustices requires redressing multiple structural injustices that contributed to the production of many cases of historical colonial injustices. Furthermore, the persistence of structural injustices in contemporary social structures, despite the end of particular acts, episodes, or policies of colonial rule, generates a responsibility of contemporary agents to transform social structures so that they are more just.

Both Digeser and Abdel-Nour raise questions about my understanding of responsibility in relation to structural injustice that require me to explain how my account draws on, but also differs, from Young's work. Digeser notes that one of the most striking features of Young's account of responsibility for structural injustice is that it is forward-looking, and eschews culpability or blame for wrongdoing. There is a pragmatic reason for this way of thinking about responsibility, which is to avoid the divisiveness that comes with blame (Young, 2011, 117), in order to facilitate the widespread social solidarity necessary for collective action to transform unjust social structures. Digeser wonders, then, why I seem to follow Martha Nussbaum in deviating from Young's account by arguing that those who participate in producing a structural

injustice have not only a shared political responsibility, but also a moral responsibility that makes them open to blameworthiness (Young, 2011, xxi). As Digeser puts it, ‘Why not adopt Young’s more radical perspective and retain the language of responsibility but forgo culpability when talking about the failure to address structure injustices?’ Abdel-Nour, however, worries that I have followed Young’s account too closely, thereby importing some of the difficulties of her account into mine, ‘most notably the claim that responsibility for structural injustice is qualitatively distinct from responsibility for interactional justice.’ He argues, *contra* Young, that rather than a qualitative distinction, ‘there is continuity in the conceptual tools needed for thinking about responsibility in the interactional and structural frames.’

Young’s pioneering work on the concept of structural injustice found its last articulation in her posthumously published book, *Responsibility for Justice* (Young, 2011), where she contrasts her ‘social connection model of responsibility’ for structural injustice to a ‘liability model’ of responsibility for wrongdoing. The latter refers to a standard form of moral and legal responsibility attributed to moral agents, individual or corporate, whose particular actions (or omissions) are uniquely related to a wrong. In the case of the murder of Mary Johns, a liability model of responsibility focuses on the question of who caused her untimely death, and whether the conditions of moral blameworthiness and accountability are appropriate to apply to the agent in question. Young includes in her liability model all practices of ‘assigning responsibility under the law and in moral judgment that seek to identify liable parties for the purposes of sanctioning, punishing, or exacting compensation or redress’ (98).

Young develops the social connection model of responsibility to capture the idea of a shared responsibility of agents to eliminate the structural injustices produced by the social structures in which they participate. In Young’s book, the example she refers to most is homelessness as an objectionable outcome produced by ‘a complex combination of actions and policies by individual, corporate, and government agents – actions and policies that most people consider normal and acceptable, or even necessary and good’ (99). She also mentions pollution and global climate change as forms of generalized and impersonal harms produced by structural processes that arise from the actions of millions of individuals. In her formulation of responsibility for these structurally produced harms, she rejects the idea that such responsibility can be understood as an ‘attenuated form of responsibility as complicity’ for wrongdoing. She notes, ‘To the extent that we participate in the ongoing operations of a society in which injustice occurs, we ought to be held responsible. This does not, however, make us guilty or blameworthy or directly liable for paying compensation to victims of harm’ (104).

In response to Abdel-Nour, I want to defend Young’s account of responsibility for structural injustice as qualitatively different from the responsibility of agents for interactional wrongs. It is not only pragmatically misguided, but also conceptually inappropriate, to conceive of agents’ responsibility for structural injustice as merely a weaker, but continuous, form of liability for wrongful interactions. Participants in a social structure that is structurally unjust are not complicit in the specific wrongdoing of culpable agents, but they are morally and politically responsible for creating or entrenching social conditions that may make some category of persons more vulnerable to suffering interactional wrongs or objectionable harms.

To illuminate this distinction, we can consider the condition of the heightened vulnerability of Indigenous women to violence in settler colonial societies, such as in Canada and the United States, a case discussed also in Laurel Weldon's commentary. In each case of murder or disappearance of an Indigenous woman, there is a perpetrator or number of perpetrators involved. We might also suppose that in such cases, the perpetrators are not agents of the state carrying out state policies, so there is no sense in which these murders or disappearances of Indigenous women can be considered cases of state or corporate wrongdoing. Holding individual perpetrators morally responsible and accountable for such murders and disappearances is a demand of interactional justice. The structural vulnerability of Indigenous women to victimization, however, is not produced by the perpetrators' wrongdoing alone, but by features of Canadian social structures that place poor, Indigenous women in social positions of structural inferiority, marginalization, and disadvantage, all of which combine to produce their heightened vulnerability to victimization. Notice that in the case of this kind of structural injustice, it is not only the individual victims of murder or disappearance who are subjected to the structural injustice, but a whole category of persons who fall into a structurally vulnerable social position.

Punishing individual perpetrators for their wrongful conduct is important, but will not be enough to transform the relevant social structures so that Indigenous women become less vulnerable to violence. Although the Canadian state and society are not morally responsible in a direct or complicit sense for the murders and disappearances of Indigenous women, a focus on the role of structural injustice reveals that they may be morally and politically responsible for the social, economic and political structures that produce the vulnerability of Indigenous women to victimization. In the book, I argue that part of an analysis of the structural defects for which Canadian society is responsible includes understanding how institutions and processes of guaranteeing public safety and the administration of justice, including the police and the courts, may operate in biased ways and be less diligent in protecting Indigenous women, or pursuing accountability and reparation for their victimization. In such a context of structural injustice, wrongdoers may victimize members of such marginalized communities, knowing that they are more likely to escape accountability for their wrongdoing (Lu, 2017, 243). At a broader level, the persistent denial of Indigenous self-determination in a settler colonial order also reproduces the position of structural indignity that Indigenous peoples occupy, with foreseeable disproportionate impacts on the vulnerability of Indigenous women.

I believe Young's point in insisting on a qualitative distinction between the liability and social connection models of responsibility is to say that even though participants in an unjust social structure are morally responsible for structural injustice, they cannot be said to be morally responsible and liable to punishment for the specific cases of wrongdoing that were committed by specific agents in the enabling conditions of structural injustice. In an earlier article, in which she discusses the Nazi Holocaust, Young observes that 'the makers of genocidal policies and those that directly implement them are enabled and supported by wider social structures in which many participate' (Young, 2004, 377). In my book, I note that this example shows that Young understands structural injustices to be a constitutive component in the production of some flagrant interactional injustices (Lu, 2017, 125–6). The responsibility of planners of

genocide as well as of those involved in implementing genocidal policies falls within a liability model. The responsibility of those who participate in the wider social structures that produce the social conditions in which genocide, or any major social or political injustice, becomes possible, however, requires a different conception of responsibility. Most cases of social and political injustice, even those that include specific individual, joint, or corporate acts of socially organized wrongdoing – from inhumane labour conditions to sexual exploitation to genocide – should therefore ‘be analyzed on these two levels’ (Young, 2004, 377). It is true that Young at times goes to great lengths to argue that responsibility for structural injustice is not ‘moral’, but ‘political’, but I interpret her to mean only that the conventional practices of holding agents accountable for their morally blameworthy acts, such as punishment and compensation, are not the appropriate practices for engendering responsibility for structural injustice, which requires us to participate in collective action efforts to effect structural change.

In this light, I think Martha Nussbaum’s discussion of Young’s conceptual distinction, and Abdel-Nour’s critique as well, are somewhat misguided because they do not recognize that in the case of the liability model, agents are morally responsible for committing an interactional wrong, whereas in the social connection model, the wrong in question for which agents are responsible is *different*, and refers to the unjust structural processes or conditions that enabled the production of interactional wrongs or structural harms. It is not quite the case, as Digeser describes Nussbaum’s argument, that ‘knowledge moves [contributors to structural injustice] from a social connection model without culpability to something that looks more like the liability model’. Whether or not one has knowledge of one’s contribution to structural injustice, one bears moral and political responsibility to be aware of, resist, and halt structural injustice, but knowledge and participation in structural injustice still does not make one morally responsible and liable to punishment for the specific interactional wrongs committed by others. This is how I interpret Young’s conceptual distinction between the liability and social connection models of responsibility, and their references to two different kinds of wrongs, one interactional and one structural.

With respect to interactional injustice, it is important to note that Young finds it completely appropriate to blame and hold accountable individuals who produce wrongs through their roles in structured organizations, such as public officials who make a disastrous policy decision that exposes some people to objectionable treatment or harms, or agents who commit wrongdoing ‘through a bureaucratic chain of command’ (Young, 2011, 115). Her liability model thus covers not only individuals acting singly, but also individuals acting to produce ‘structured injustices’ (Lu, 2017, 89) via their roles within corporate agents or highly organized and/or purposive social groups. With respect to structural injustice, I do not read Young, as others have, as saying that there is no sense of moral responsibility tied to her conception of responsibility for structural injustice. Young’s practical arguments against practices of blaming and fault-finding in response to structural injustice are related to their disutility in forging the social solidarity and mobilizing the collective action necessary to make the kinds of structural transformations required to halt the repeated production of harms by structural social processes (116). While Young eschews the language of blame and fault-finding when assessing agents’ responsibility for such structural harms, she admits that ‘we can and should be *criticized* for not taking action, not taking enough action, taking ineffective



action, or taking action that is counterproductive' (144) in response to structural injustices.

My sense is that in her posthumous book, Young ties the concept of moral responsibility, which refers to the blameworthiness of agents based on their character, actions, or consequences of actions, too tightly with one particular type of method or model of holding agents accountable for their blameworthiness. But her own account of the appropriateness of criticism suggests that she thinks that agents who contribute to structural injustice can be blameworthy for making that contribution. And although she emphasizes that they are not blameworthy in a liable way for the harms or wrongs that result, her account does open up questions about how agents who are blameworthy for their contributions to the production of structural injustice can be legitimately and effectively held accountable so as to forward the end of combatting structural injustice (Lu, 2017, 104).

On this point, I do disagree with Young that responsibility for structural injustice can only be a forward-looking responsibility, and that participation in a structural injustice excludes liability 'for paying compensation to victims of harm' (Young, 2011, 104). In the book, I argue that if structural injustices have played a causal or conditioning role in producing or reproducing objectionable social positions, conduct, or outcomes, then the responsibility to rectify or correct such structural injustices has both backward-looking and forward-looking functions. In its backward-looking function, rectifying structural injustices is part of the task of repudiating the wrongs they enabled or generated. The forward-looking aim of redressing structural injustice is to eliminate any continuing unjust effects that structural injustices may produce or reproduce. Both of these backward-looking and forward-looking functions of repudiating structural injustice and redressing its effects may entail some forms of victim compensation, although they will also entail much more than that (Lu, 2017, 19). The ground for such compensation to victims of interactional wrongs or structural harms is not agent culpability in the sense of moral blameworthiness and liability to punishment by virtue of being the wrongdoer. Rather, the ground in a structural justice framework is that agents responsible for structural injustice must repudiate and transform the structural factors that enabled the wrongdoing to occur, and seek to establish conditions in which those who were victimized can regain effective moral and political agency in the relevant social/political orders (259).

Abdel-Nour endorses my and Young's argument that those who participate in perpetuating or reproducing structural injustice bear responsibility for transforming the relevant structures so that they are more just. While I cannot engage comprehensively with the rich exploration of different accounts of responsibility presented in his commentary, I do want to raise some questions about his attempt to locate my (and Young's) account of responsibility for structural injustice in Bernard Williams' notion of responsibility that derives from the causal relationship between an agents' non-culpable action and a bad state of affairs. Williams' example to model this sense of moral responsibility is the lorry driver who, 'through no fault of his own, runs over a child' (Williams, 1981, 28). According to Abdel-Nour, although the driver is morally blameless and therefore ought not to be subject to punishment for the act, Williams is right to expect a minimal sense of responsibility in the form of 'agent-regret' in the driver for having contributed to a causal process that led to a bad state of affairs. Abdel-



Nour uses this idea of responsibility to identify which group of agents share responsibility for structural injustice, arguing that even though participation in bringing about a bad state of affairs may be unintentional or ignorant, those who become aware of their participation bear a responsibility that ‘is simply the weight we all bear by virtue of being agents in the world.’ Is this example a good model to think about the agency and responsibility of those who contribute to structural injustices that produce structural harms or wrongs?

I am not inclined to think so. One problem is that the kind of causation involved in the example of the unlucky lorry driver is exactly the kind of causation that cannot be established in most cases of structural injustice. The difficulty faced by the lorry driver as a moral agent is that he or she directly committed the act that caused a child to be run over. The agent who participates in producing a structural injustice, however, is one who commits an action, such as buying a cheap shirt, which is not connected in any linear way with a bad state of affairs, such as a garment factory building collapse in Bangladesh that kills over 1100 people (Lu, 2013). As a consumer of cheap clothing, I am not in the same position as the unfortunate person who drove the truck that ran over a child. Indeed, part of the challenge of engendering a sense of responsibility for structural injustice among agents is to make more apparent and plausible the structural forms of causation and conditioning that connect agents’ seemingly innocuous actions, practices, or consumer choices to the objectionable conduct, outcome, or conditions they enable or produce, such as unsafe buildings faced by workers in the global apparel industry.

As Digeser astutely notes, in referring to the work of Clarissa Hayward (2017), one of the major challenges of structural injustice is ‘getting people to see that our present social rules and institutional arrangements are, in fact, harmful’ (Digeser). I agree with Hayward that ‘disruptive politics,’ including ‘boycotts, mass protests, sit-ins, die-ins, and other forms of unruly political action’ (Hayward, 2017, 405), such as those engaged in by the Black Lives Matter, and the Idle No More Movements (Coulthard, 2014, 159–65), are vital for combatting the ignorance, affected or non-culpable (Isaacs, 2011, 161; Mills, 2017, 49–71), of many of those who enjoy power and privilege in conditions of structural injustice. I disagree with Hayward that Young was not aware of the need for such politics and that her account of political responsibility is focused mainly on persuading ‘the privileged to assume political responsibility for structural change’ (Hayward, 2017, 407). After all, Young also notes that the power of the oppressed can effect structural change in their favour; for this reason, Young argues ‘that many of those properly thought to be victims of injustice nevertheless share responsibility for it.’ She argues that the oppressed ‘should take the lead in organizing and proposing remedies for injustice, because their interests, it might be argued, are most acutely at stake’ (Young, 2011, 113). In my book, I try to specify that one major task facing those oppressed by structural injustice is ‘disalienation,’ which entails repudiating their own alienated subjectivity and constructing the terms of their own non-alienated agency (277–80). The process of disalienation is likely to be unsettling and disorienting, but I argue that such effects may be productive for structural transformation (142 and 209).

Returning to the example of the unlucky lorry driver, another problem with it as a way to model agents’ responsibility for structural injustice is that the bad state of

affairs produced by the lorry driver is most accurately described as a random accident or misfortune. In the case of workplace disasters such as factory building collapses, however, the bad state of affairs cannot be described as merely a regrettable misfortune; rather, they constitute structural injustices in the form of objectionable conditions or harms derived from the interaction and operation of various kinds and levels of human agents, institutions, and structures. To see why more than agent-regret must be called for in those agents who contribute to the production of structural injustice, consider a different example of a driving incident. In Aravind Adiga's *The White Tiger*, Balram Halwei, the novel's murderously resourceful and ambitious narrator who rose from rural poverty to become the owner of a taxi company in Bangalore, recounts an incident in which one of his drivers has struck and killed a boy on a bicycle. The company owner then makes this assessment about the driver's guilt as well as his own responsibility: 'it was not his fault. Not mine either. Our outsourcing companies are so cheap that they force their taxi operators to promise them an impossible number of runs every night. To meet such schedules, we have to drive recklessly; we have to keep hitting and hurting people on the roads. It's a problem every taxi operator in this city faces. Don't blame *me*' (Adiga, 2008, 266–7).

The driver in this story may be like the lorry driver in Williams' example, but he may be more culpable, as it is implied that he drove too quickly or recklessly. The liability model of responsibility looks to the taxi driver and determines whether or not there is a basis to find him blameworthy and liable to punishment. Under strict forms of liability, the taxi company may also be liable to compensate the boy's family for his death. But this incident is more than just a case of moral bad luck in the form of an unfortunate, unintended, and random accident. The taxi company owner, even if he is not morally culpable for the act, is responsible for the company's policies that put drivers under time pressures, and incentivized them to drive too quickly or recklessly. Although we may balk at his disavowal of responsibility, his response also confirms Young's point about the disutility of the 'blame game', since he is probably right that others, namely other taxi companies, 'in fact *do* participate by their actions in the processes that produce unjust outcomes' (Young, 2011, 117). There may also be a defect in the regulatory regime of the state, which may persistently fail to enforce sanctions against traffic violations.

The many ordinary people who contribute to structural injustice are not in the position of the taxi driver who caused the accident, or the taxi company owner who is responsible for the policies that incentivize unsafe driving practices. But they are also not wholly distanced spectators. Perhaps they are more like the customers who use taxi services. I find this kind of example more productive than Williams' example for thinking about agents' relation to structural injustice, and for generating questions of moral and political responsibility for those involved in a social structural process to transform the relevant structural injustices that result in objectionable wrongs or harms, in this case, deaths from road accidents caused by pressured taxi drivers. That responsibility is not based on agents' direct, albeit unintentional, causal connection to a bad outcome (as in Williams' case of the unlucky lorry driver), but on agents' participation in a complex, structurally causal framework of social activity and exchange that produces not only a bad state of affairs, but an unjust or morally objectionable one.

## Structural change, the state, and international institutions: cases of settler colonialism and gender injustice

In this section, I move from conceptualizing structural injustice and the nature of agents' responsibility for redressing it, to address issues concerning the institutional implications of redressing structural injustices that were manifested in colonial injustices and that have persisted, albeit in modified forms, as contemporary structural injustices. What institutional or structural changes would promote or constitute emancipatory versus regressive responses to structural injustice? Avigail Eisenberg raises this question most prominently in the case of thinking about the institutional implications of redressing the injustice and alienation of settler colonial structures on Indigenous peoples. Her lucid commentary focuses on the case of Canada's Truth and Reconciliation Commission (TRC) and how its processes, mechanisms, and concluding recommendations may be considered a contribution to the redress of interactional and structural injustice experienced by Indigenous peoples in the Canadian settler colonial context. I find her thorough analysis of the limits and potential of the TRC's mandate, mechanisms, and processes compelling.

She also raises a challenging set of questions about structural change. Given the broadness of the structures involved in producing settler colonial injustice, it is difficult to know what kinds of structural changes are required. As she puts it, 'what counts as dissembling structural injustices such as colonialism, statist bias, racism or capitalism?' As an example, Eisenberg notes that some provisions of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) may 'reaffirm the power of the state by outlining actions that will legitimate state governance and thereby allow the state to govern better and more securely.' There is much debate among Indigenous groups about whether institutions such as the TRC and UNDRIP point in an emancipatory direction towards a better structure of relations between settler and Indigenous societies, or whether they serve a politics of extending, entrenching, or recolonizing the social/political order. How can we know whether any structural changes effected by such initiatives will produce emancipation, rather than entrenchment of structural domination? Even if it is clear that Indigenous self-determination is constitutive of structural justice, how can Indigenous peoples be co-authors of the institutional order without being co-opted in a way that undermines their own self-determination?

In the book, I note that the UNDRIP marks an extension of the historical decolonization process to Indigenous peoples within states. Article 3 of that Declaration mirrors Article 2 of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples: 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' Such a development was not preordained and required the active development of transnational mobilization and organization among Indigenous peoples. While this direct textual translation from the 1960 to the 2007 UN Declaration makes the extension of self-determination rights to Indigenous peoples seem straightforward, the latter Declaration in fact contains provisions that would entail great challenges to the conventional claims of states to exclusive jurisdictional and territorial rights. I argue that full implementation of UNDRIP entails

potentially radical transformation of domestic and international legal and political orders (Lu, 2017, 268–9).

In some new (Lu, [Forthcoming](#)) work, I have developed this point further by focusing on the Declaration's explicit assertion of the transboundary rights of Indigenous peoples divided by international borders, providing for such Indigenous peoples to 'have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders' (Article 36). Full implementation of this right would impose various kinds of limits on the scope of the regulatory powers of states to control the movement of people, goods and services across international borders (Lu, [Forthcoming](#); see also Simpson, 2014). This argument does not commit me to arguing for dismantling the entire states system, a possibility that Digereser raises as a potential implication of my account of decolonizing international order. While I think that states may play an instrumental role in providing the regulatory and administrative structure for facilitating social relations across international boundaries, Digereser is not wrong to think that the project of decolonizing international order, as a matter of global justice, requires great structural transformations of states and the states system. In other work, I have elaborated on the institutional implications of cosmopolitan justice, which could include the establishment of a global authority to ensure that states' authority to control borders is consistent with their duty not to undermine non-statist and transnational forms of individual and collective self-determination (Lu, 2018).

In the book, however, I am quite reticent about recommending any substantive vision of what a non-alienating institutional order between Indigenous and settler societies would look like. To avoid exactly Eisenberg's concerns about new official initiatives becoming means of co-optation or re-colonization, I argue that the project of reconciliation in response to settler colonialism ought not to require the pre-commitment of participants to an ideal of inclusion of Indigenous peoples within a Canadian constitutional framework. It cannot be the case that Indigenous peoples who were forcibly incorporated into the Canadian constitutional order can only have rights to participate in the social structure if they agree to restrict their options to reproducing a social structural framework that is itself a product of colonial injustice.

Reconciliation as non-alienation must be a process that opens political space for participants to devise pluralistic social and constitutional forms, within Canada and within international order, to facilitate rather than hinder different practices of non-alienated flourishing of Indigenous peoples (214–5). While I agree with Eisenberg that pluralizing the kind of agents that can have standing in international settings cannot be based on a 'naïve hope that non-state actors will be less cruel than state-based sovereigns', I am not arguing for a general pluralization, but only for the increased standing of marginalized and oppressed populations – such as Indigenous peoples all over the world, the Sahrawis of the Western Sahara, and the Palestinians – so that they can gain effective representation of their interests and claims in the international arena, as a way to offset the structural domination they currently face in statist domestic and international orders that deny their self-determination.

Eisenberg also wonders whether in implicating both domestic and international order as sites of redress for the ills of settler colonialism, the demands of structural transformation become ‘unmanageably broad’, with the danger of diluting responsibility for structural injustice so much that it becomes meaningless. While I see this danger, I think it is a problem that cannot be avoided, given the complex nature of settler colonial injustice in modern global political conditions. I do not think that Herculean individual efforts will transform our politics, but structural transformation will require committed collective action, not only at local, but also domestic, international and transnational levels, because it is politics at all these levels that will combine to reproduce or overcome contemporary structure injustice.

In vivid ways, the work of empirical social scientists is necessary to help us to see better this complex social reality of structural injustice, as well as help us to assess the productive potential of different strategies of redress. As Laurel Weldon has put it in this symposium, ‘Constellations of institutions, both formal and informal, at multiple levels, combine to advantage some groups and ways of life and to devalue and oppress others, creating core challenges of global justice.’ Weldon’s commentary raises an additional issue regarding structural change that is related to how we should evaluate the transformative achievements and potential of current institutions and practices. In particular, what role may states and international law, especially human rights law, play in making progress towards dismantling various forms of structural injustice, such as those related to gender oppression?

Weldon’s empirically rich commentary is focused on a subset of issues of gender justice, specifically of the realization of women’s rights from a global dimension. She extends my assessment of the International Criminal Court to show that its operation has limited potential for achieving gender justice, given its focus on individual interactional wrongdoing versus structural injustice. Weldon also provides a fascinating account of the challenges faced by global feminist advocates aiming to enhance women’s rights through the Convention on the Elimination of Discrimination Against Women (CEDAW), given the entanglement of such international efforts ‘in the colonial legacies of the states system’. In her commentary, Weldon also provides a more systematic analysis than I do in my book of the legal and social structural mechanisms that produce the heightened vulnerability of Indigenous women to violence in Canada and the United States.

While Weldon agrees that structural change is necessary, she is concerned that my generalized criticism of the statist bias in contemporary politics ‘can be disempowering, especially if it is not coupled with a strong guidance as to what to do next’. While she acknowledges the implication of international law and institutions in the production of colonial injustice, she thinks that focusing ‘on the colonial roots of the states system that is the basis for CEDAW’ is an unproductive strategy for making progress on gender justice in current political conditions. I agree with Weldon that from a practical point of view, there is probably little choice for global feminist advocates but to engage in struggles over institutional design and policy development of legal instruments and institutions such as CEDAW and the ICC. If one takes seriously the structural analyses of gender injustice, however, it seems clear that making progress in overcoming gendered structural hierarchies will also require the development of forms of feminist organization and advocacy that maintain some critical distance from statist institutions and practices, and that can engage with more resonant and consequent local authority structures and practices.

Indeed, I view my criticism of the statist bias in political theories and practices of justice and reconciliation to be largely consistent with the empirical findings that Weldon's own research supports. As she and Mala Htun note in their recent book, the barriers to gender equality are multiple, 'deep, historic, and involves some of the most powerful actors in society, such as religious organizations, business groups, and political parties' (Htun and Laurel Weldon, 2018, 255). In my view, acknowledging this complexity about the production of structural injustices that sustain gender oppression should lead to a more realistic assessment of the limits and potential of state-led and state-centric solutions. To be clear, my critique of state-centrism does not amount to a claim that we should repudiate all state-based initiatives or not bother to engage in international reforms. International practitioners need, however, to be wary of their transformative potential, especially given the deep implication of the states system in the constitution and reproduction of colonial structural domination.

In post-colonial contexts, it is especially important to acknowledge not only the 'colonial roots of the states system' (Weldon), but also the persistent alienation of the legal and political apparatus of the state. Tanja Chopra and Deborah Isser, for example, observe that in many post-colonial post-conflict societies, international assistance efforts have difficulty 'shifting from the well-trodden programmes aimed at supporting state institutions' (Chopra and Isser, 2012, 338), despite universal acknowledgement of the remoteness of state systems of formal justice from the lives of ordinary people. The results of such efforts have been largely ineffective and even perverse, such that 'formal institutions that have been established with international support are used against women rather than to uphold their rights' (344). Mohamed Sesay (Forthcoming) has also shown in his study of rule of law reform in Sierra Leone and Liberia, that state-centric international efforts have concentrated on reforming a largely inaccessible formal system of justice, 'which benefits only those who possess wealth, education, and influence to use that system while alienating the vast majority of people they are supposed to serve.' International efforts to revise both formal and informal justice systems in post-conflict and developing countries face severe limits in effecting real improvement in women's access to justice, since 'neither system exists in isolation from the underlying socio-economic, cultural, and political context that determines the very real gender inequality and other power asymmetries' (Chopra and Isser, 2012, 339). Although Htun and Weldon argue that feminist advocates should take a 'sophisticated, pragmatic view' towards the state and international institutions as agents of structural change in world politics (256), it should be acknowledged just how limited and sometimes, counter-productive, such institutions have been in the quest to realize women's rights.

### **Transformation, alienation, and tragedy**

The final point I would like to address in this reply is raised by Paige Digeser, about my account of reconciliation as a regulative ideal that aims for the non-alienation of agents from themselves, each other, and the social/political structures that mediate their lives, interactions, and activities of self-realization. Reconciliation is a regulative political ideal in the sense that a social order is better from a normative point of view if the agents who participate in it are more reconciled or non-alienated from themselves, each other, and the social order. By using the negative concept of 'non-alienation' to define reconciliation, I aim to reject prevalent accounts of reconciliation that imply an implausible notion of social identity, harmony, or unity, which



typically accompanies ideas of reconciliation as engendering ‘belonging’ or ‘feeling at home’ in the world. For a social/political order to be non-alienating, it should not need to produce in all participants an oceanic feeling of identification or belonging with it, but it should afford social positions of structural dignity for all agents, from which they may engage in various activities and interactions of self-realization.

In the book, I develop an account of existential alienation, which is the loss of an agent’s subjective freedom that is precipitated by the collapse of social frames of meaning that structure agents’ conceptions and pursuit of authentic and meaningful forms of flourishing. This form of alienation arises in contexts where a group’s socialization processes have been radically disrupted, severed, or discontinued, such as in cases of colonial dispossession, usurpation, and forced assimilation. While my reconstruction of reconciliation is oriented towards redressing the multiple forms of alienation produced by colonial injustice, Digeser raises the concern that such alienation may be produced by the project of redress that entails structural change. In societies marked by colonial structural injustice, agents occupying different social positions may find that their interactional, structural, and existential reconciliation do not all go together. Some agents’ subjective alienation may be premised on views of the social order that are objectively unjust. For example, those who endorse the doctrine of white supremacy may find structural transformations towards a more racially inclusive and egalitarian domestic or global order deeply alienating. As Digeser puts it, structural reconciliation for the marginalized and oppressed could ‘rest on nativists and hyper-nationalists remaining in a state of existential alienation’. Digeser thus wonders how much reconciliation we should expect in a tragic world.

In the book, the case of the fall of the Weimar Republic demonstrates how difficult it may be to reorient political visions in the face of structural change. Even though defeat in World War I promised to precipitate a thorough and critical self-examination of German militarist and authoritarian traditions, historians have shown that influential parts of the conservative elite were able to subvert this politically painful and potentially transformative process by uniting Germans against the post-war international order. German alienation, however, was also enabled by that post-war international order, which, while depriving Germany of colonies, continued to validate colonialism as a marker of great-power status in the international system. In the book, I acknowledge that agents whose identities and beliefs about themselves, others, and the world are called into question in the process of decolonization may experience a subjective sense of alienation. While redressing the morally objectionable alienation of the oppressed is demanded by the obligation to rectify structural injustice, we should also care about the subjective alienation of those who may feel threatened by structural change, mainly because the stability and sustainability of progressive structural transformation depends upon strategies of immanent and external forms of critique and self-reflection that can reorient those whose alienation stems from the repudiation of problematic identities,

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beliefs, norms, and other social structures.<sup>2</sup> To the extent that these problematic identities, beliefs, norms and practices persist, the possibility of genuine communication and the durability of structural change may be undermined (Lu, 2017, 212). Thus, although I construct reconciliation as non-alienation as a regulative political ideal, I acknowledge just how demanding and elusive it may be in current political conditions.

The difficult but fundamental questions raised by my colleagues in this symposium about problems of injustice and alienation in our social relations deserve deep and lengthy conversations. I am immensely grateful to Farid Abdel-Nour, Paige Digeser, Avigail Eisenberg, and Laurel Weldon for their careful and critical reflections, and acknowledge that in this short reply, I cannot hope to have addressed them adequately in their richness and complexity. I do hope, however, that this symposium will motivate political theorists and philosophers to engage more thoroughly and systematically in the critical and constructive tasks of diagnosing, clarifying, and resolving the difficult challenges faced by all those who struggle for justice and reconciliation in contemporary world political conditions.

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<sup>2</sup>Rainer Forst has recently clarified that alienation is morally objectionable when it entails a loss of moral autonomy, or 'a denial of standing or, in the extreme, losing a sense of oneself as a rational normative authority equal to all others' (Forst, 2017, 525). The remedies for such 'noumenal' forms of alienation are social self-determination and non-domination, or what I would term structural justice. He distinguishes this account of alienation from 'ethical alienation', which focuses on individuals' loss of capacity for self-realization in the achievement of a good or authentic life. The overcoming of such alienation involves self-realization and self-affirmation.

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