

TIMOTHY
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Redress for Colonial Injustice: Structural Injustice and the Relevance of History

Abstract: This article analyzes and criticizes the temporal orientation of Catherine Lu's theory of colonial redress in *Justice and Reconciliation in World Politics*. Lu argues that colonial historic injustice can, with few exceptions, justify special reparative measures only if these past injustices still contribute to structural injustice in contemporary social relations. Focusing on Indigenous peoples, I argue that the structural injustice approach can and should incorporate further backward-looking elements. First, I examine how Lu's account has backward-looking elements not present in other structural injustice accounts. Second, I suggest how the structural injustice approach could include additional backward-looking features. I presuppose here, with Lu, that all agents connected to an unjust social structure have a forward-looking political responsibility to reform this structure, regardless of their relation (or lack thereof) to victims or perpetrators of historic injustice. However, I suggest that agents with connections to historic injustice can occupy a social position that makes them differently situated than other agents within that same structure, leading to differences in how these agents should discharge their forward-looking responsibility and differentiated liability for failure to do so. Third, I argue that Lu obscures the importance of rectifying material dispossession. Reparations, *pace* Lu, can be justified beyond a minimum threshold of disadvantage. Theorists of settler colonialism and Indigenous scholars show how the dispossession of Indigenous land can be seen as a structure that has not yet ended. I conclude by arguing that rectification can be a precondition for genuine reconciliation.

Keywords: Catherine Lu; historic injustice; Indigenous peoples; structural injustice; Iris Marion Young; reparations; settler colonialism.

Introduction

Are the best justifications for redressing colonial injustice primarily forward-looking or do they have important backward-looking elements? Catherine Lu's book *Justice and Reconciliation in World Politics* (2017) provides a rich and sophisticated account of structural injustice and reconciliation as applied to redressing colonial injustice. In this article, my primary task is to interrogate and criticize Lu's views on the temporal orientation of colonial redress. I focus on the situation of Indigenous peoples in settler states like the United States and Canada.

Lu's approach is mostly forward-looking and draws on Iris Marion Young's account of structural injustice (Young, 2011). Structural injustice refers 'to the institutions, norms, practices, and material conditions that played a causal or conditioning role in producing or reproducing objectionable social positions, conduct, or outcomes' (Lu, 2017: 19). These structures can be, and often are,

rooted in historic injustice. However, Lu claims that, with few exceptions, colonial historic injustices serve as a justification for ‘special reparative measures’ only if they contribute to structural injustices such as ‘unjustified privilege and disadvantage in *contemporary* social relations’ (*ibid.*: 179, emphasis added). The mere fact that historic injustice occurred in the past is not enough to justify redress today. Lu opposes theories that justify providing reparations for colonial historic injustice where the compensated party ends up better than a minimum baseline (cf. Butt, 2009: 118). Lu’s approach does not focus on assigning fault to historic actors and providing backward-looking material compensation, but on reforming persisting unjust social structures. In this article, I show how the structural injustice approach can be adapted and extended to include significant backward-looking features.

First, I contrast and evaluate the different ways Lu and Young’s accounts look backwards. Lu improves Young’s account by saying that an agent can owe compensation for failure to fulfill their forward-looking political responsibility. However, Lu should extend this to intergenerational reparations. Young’s account is better and more backward-looking than Lu’s account in one respect: Young accords greater priority to addressing historically rooted injustices as compared to other injustices.

Second, I offer my own proposal for how further backward-looking elements can be incorporated into the structural injustice approach. I presuppose, following Lu and Young, that all agents have a forward-looking responsibility to reform unjust structures to which they are socially connected. However, I suggest that agents with *historic connections* (such as the intended beneficiaries of past injustice, persisting group perpetrators, and others with relevant connections to historic injustice) could be required to discharge their forward-looking responsibility in different ways than other agents differently situated within the same structure. Historically connected agents who fail to fulfill their different forward-looking responsibilities could owe greater and different kinds of compensation and reparations than other agents do.

Third, Lu’s account of structural injustice obscures the importance of past and ongoing material dispossession. Rectification can, *pace* Lu, be justified beyond a minimum threshold of disadvantage. Also, the dispossession of Indigenous land can be seen as a structure that has not yet ended, a view argued for by theorists of settler colonialism and Indigenous scholars such as Taiaiake Alfred and Glen Coulthard.

I conclude by analyzing the backward-looking elements in Lu’s account of structural reconciliation and alienation.

Lu and Young on Political Responsibility, Compensation, and Prioritization

Lu draws on Young's distinction between two models of responsibility: the liability model of responsibility and the 'social connection' (or 'political') model of responsibility (Lu, 2017: 258; Young, 2011: 172-173). The first model is largely backward-looking and concerned with blame, guilt, or fault. Tort law and punishment exemplify this model. This model is mainly concerned with *interactional justice*, where there is a settling of accounts for wrongful conduct or unjust interactions between agents (Lu, 2017: 19). This can include group agents, such as states or peoples.

In contrast, the second model of responsibility, the 'social connection' or 'political' model, holds that 'all those participating in a social structural process that produces, even indirectly and unintentionally, unjust outcomes bear responsibilities to reform their activities, practices, and institutions to prevent the reproduction of similarly unjust outcomes' (*ibid.*: 258). This is a forward-looking, shared 'political' responsibility to reform unjust social structural processes.

Structural injustice and interactional injustice are distinct, but structural injustice can enable and encourage interactional justice. This is illustrated well by the violence suffered by Indigenous women in the U.S. and Canada. Lu focuses on Canada, where Indigenous women are murdered or go missing at four times the rate of non-Indigenous women (*ibid.*: 243, 259). I examine here the similar situation in the United States. Native American women are subject to sexual violence at a rate which is 2.5 times greater than the corresponding rate for non-Indigenous women in the U.S. (Duthu, 2013: 6). In *Oliphant v. Suquamish Indian Tribe* (1978), the U.S. Supreme Court held that tribal governments did not have inherent sovereign jurisdiction over crimes committed by non-Indians on Indian reservations. As a result, such crimes go largely unpunished and unpoliced, creating an incentive for non-Indians to commit crimes against Indigenous women, knowing they likely would not be held to account (Lu, 2017: 243, 259).

Lu and Young would both agree that there is a forward-looking responsibility to reform the structural processes that enable and encourage such commissions of crimes. An example of such reform would be how the U.S. Senate, when reauthorizing the Violence Against Women Act in 2012, passed a measure meant to partially counteract *Oliphant* by allowing Indian tribes to have jurisdiction over non-Indians in limited situations involving domestic and dating violence (Duthu, 2013: 130-131). On the structural injustice account, forward-looking responsibility extends beyond reform of formal, political institutions to include

acting together to reform more informal practices, such as racist ideologies pervasive in society. This would include combating narratives that Indians are not civilized enough and unfit to judge non-Indians, which arguably underpinned *Oliphant* and similar cases (Bradford, 2004: 84).

Lu's account of political responsibility has a backward-looking element not present in Young's, for which Lu makes a compelling case. Lu, unlike Young, thinks that *political responsibility* 'can include reparative obligations to victims of wrongdoing' (Lu, 2017: 259). Lu says that Young seems to 'think about compensation for victims only within the framework of a liability model of responsibility' (*ibid.*: 258). Young and Lu agree that only the perpetrators can be punished or held liable for *the perpetrators' conduct*. However, Lu goes beyond this, holding that non-perpetrators can be morally responsible, blameworthy, and partially liable (though not punishable) for *not fulfilling their forward-looking responsibility* to reform structures enabling such conduct (*ibid.*: 259).

Lu argues that if a state fails to do due diligence to prevent crimes, and as a result leaves people vulnerable to interactional injustice, then it may owe compensation to the individual victims or their families (*ibid.*: 259, 259n23). Even if the state or society is not morally responsible 'in a direct or complicit sense for the murders and disappearances of Indigenous women,' a focus on structural injustice reveals how 'they may be morally and politically responsible for the social, economic and political structures that produce the vulnerability of Indigenous women to victimization' (Lu, 2018: 46).

Lu mostly restricts compensation and similar types of backward-looking reparations to cases where there are direct *individual* victim-survivors (2017: 250-251). However, I think Lu's view should be extended to potentially include compensation for more 'distant' historic injustices. Lu seems to basically rule out backward-looking reparations between *group* agents as appropriate over generations. Lu says we cannot change the fact that the dead suffered injustice, and that 'past unjust acts or interactions are not rectifiable by contemporary agents and thus constitute a permanent blight on the historic agents who lived and participated in them' (*ibid.*: 149; see also Lu, 2017: 179).

I think this is misleading. Even between individuals, relationships are not understood merely by activities at a particular time, but over a temporal horizon. Two individual agents during their life could change the quality of their overall relationship despite awful actions at a particular time. Of course, this is not always possible or desirable, but it may be possible sometimes. A good, bad, or improved relationship is defined not necessarily by one act; it can be defined by what takes place over time. Future acts *could* alter what type of story can be told about an ongoing relationship (Ackerman, 1997). Similarly, the

character of a relationship between two groups could change over generations; in some situations, reparations could change what story could be told about the relationship between groups. A precondition for repairing relationships between groups could include compensation for injustices beginning in the ‘distant’ past. Indigenous scholar Taiaiake Alfred argues that any possibility of true reconciliation between Indigenous peoples and Canada would require a massive amount of restitution, including the return of land and compensation for past and present wrongs (Alfred, 2009: 181-184; see also Coulthard, 2014: 127).

While Lu’s account is in some respects more backward-looking than Young’s, there is an aspect of Young’s account that is more backward-looking. Young says that in a world with many competing claims, seeing continuity between historic injustice and present structures gives added weight and urgency to proposals to address those injustices as opposed to others (2011: 186). In contrast, Lu states that historically rooted structural injustices do not necessarily have any ‘normative priority’ over other forms of structural injustice (which may not be historically rooted). Lu says that historically rooted injustices may be ‘normatively special or particular’ in that they require special types of remedies. As discussed below, providing Indigenous peoples with socio-economic goods and the same citizenship rights as others may not be sufficient, given a history of cultural destruction and forced incorporation. However, Lu says that ‘allocating material resources’ to combat historically rooted injustices over more general social disadvantages invokes concerns of ‘distributive justice’ and neither necessarily takes normative priority (2017: 177). I think that Young has the better view here. As I discuss below, a central mechanism or vantage point ‘allocating’ resources without such prioritization could reproduce the historical colonial relationships that Lu diagnoses as unjust throughout her book.

Historic Connections and Political Responsibilities

In this section, I suggest a further way to incorporate historic injustice within the structural injustice approach. Young and Lu both think that while all parties participating in unjust social structural processes have a forward-looking responsibility to reform them, the burdens fall differently on different parties, depending on their positions in structural processes. For Young, different agents can have ‘different kinds of responsibilities in relation to particular issues of justice’ or even a greater degree of responsibility (Young, 2007: 183; see also Lu, 2017: 138). Young suggests that *privilege, interest, power, and collective ability* are potentially relevant parameters for reasoning about taking action to discharge political responsibility (2011: 144). My suggestion is that *historic connection* is another parameter for reasoning.

Young says that differences in how to discharge political responsibility derive in large part from the social *positions* agents occupy in relation to others (*ibid*). I am suggesting that one relevant social position could involve an agent's *historic connections*, namely, an agent's relation to the historic victims or perpetrators of past injustice or other relevant connections to historic injustice. There are many possible examples of such historic connections. One example could be a contemporary individual agent who was the intended beneficiary of historic injustice. Another example could be a group agent that was a perpetrator or victim of an historic injustice, and which still persists today as a group even after the direct historic individual perpetrators and victims are no longer alive. Lu allows that groups can be corporate agents such as states, companies, or tribes, as well as other intergenerational groups such as a people with a collective narrative (2017: 159). These examples are meant to be illustrative, not exhaustive, in order to establish the plausibility of the category.

While not offering Young's parameters, Lu agrees that agents connected to a social structure can be differently situated. Lu agrees that those who enjoy 'privileged social positions' are 'uniquely morally burdened,' while those 'who suffer structural disadvantages' are 'burdened in a different way' (*ibid.*: 171). Lu says that whether a contemporary agent *has* political responsibility need not rely on any relation to past agents: 'contemporary agents, however they are (or are not) related to past agents, come to share a moral and political responsibility to reform the social structures in which they participate [...]' (*ibid.*: 148). Since I am working here within the structural injustice approach, I am presupposing with Lu and Young that contemporary agents' historic connections to injustice are not relevant for determining whether agents have political responsibility. However, I am suggesting that *the kind and degree of* forward-looking political responsibilities that agents have could differ based on their position within that structure, which could include the agents' historic connections.

I can see at least two reasons why such historic connections could justify having different degrees and kinds of forward-looking political responsibilities. The first is efficacy, due to the *meaning* of certain acts. The second is concerned with special responsibilities based on past relations to particular structural injustices.

Repairing relationships would not have the same *meaning*, and thus the same efficacy, unless the relevant agents had certain relations. In the case of historic injustice, this can include connections to the past wrong. If the goal is to transform a relationship (and structure) by helping to repair historical distrust, then only action by a certain agent or agents (the distrusted, those who have benefitted from injustice, or those in another relevant relation) may

be able, or best able, to mitigate that distrust. If Tom steals Jerry's bike, but returns Jerry's bike, this has a different *meaning* than if Tom steals Jerry's bike, and Bob provides him with a bike.¹ Native Americans in the United States and the Maori in New Zealand suffer similar structural injustices in a settler colonial context.² Nonetheless, if New Zealand were to try to redress injustices suffered by Native Americans, this would not repair the relationship between Native Americans and the United States.

Further, even if a party related to the wronged party provides the remedy, the *reasons* given for redress matter. If Tom steals Jerry's bike, but then gives Jerry a bike for 'humanitarian reasons,' without admitting wrong, this has a different meaning. Similarly, Lu criticizes Japan for invoking 'humanitarian' reasons when providing funds to Korean 'comfort women,' as this evades Japan's moral responsibility for its past interactive conduct (2017: 139). In my view, this analysis can and should be extended to relationships between group agents over generations, such as Indigenous peoples and settler states.

Some arguments for Indigenous self-government and extensive land rights can invoke inappropriate (or incomplete) reasons. For example, Will Kymlicka (1989, 1995) once made arguments focused on the concerns of distributive justice, saying that Indigenous peoples should get more resources and group self-determination rights because they face more disadvantages. Indigenous scholar Dale Turner (2006: ch. 3) has argued that Kymlicka assumes Indigenous peoples are now unproblematically *incorporated* into the Canadian state, which holds sovereignty. Kymlicka's arguments present self-government as a *delegated* right, to be bestowed on the disadvantaged citizens of the state. Turner says that the issue is not how to balance the scales of liberal distributive justice, but how Canada can come to recognize the legitimacy of Indigenous sovereignty and renew the relationship between Indigenous peoples and Canada (*ibid.*: 69).

Lu at one point invokes a similarly problematic argument for why there should be 'special reparative measures' for Indigenous peoples, based on the state's obligation to provide 'all its citizens' a fair opportunity for self-determination 'in contemporary societies' (2017: 174). The argument allows that Indigenous peoples can receive a 'greater share of resources' without any violation of the standard of liberal neutrality, a standard which prohibits favoring one view of the good life over others. This would not violate this standard due to 'the depth of the structural injustice reflected in contemporary conditions' (*ibid.*: 174-175). Indigenous peoples had their cultures and languages devastated through past injustice. If these historic injustices continue to have structural effects, resources for cultural and linguistic revival could be justified to allow them fair

¹ Lu gives a similar example (2017: 223 n15).

² There are of course differences as well.

opportunity (*ibid.*: 174).

Is this argument problematically similar to the above examples invoking ‘humanitarian’ reasons? If the argument invokes *only* concerns of contemporary structural injustice, I think it is. The argument Lu invokes focuses on cultural harms still suffered by Indigenous peoples, and how the state can provide resources to fill these deficits. It does not focus on the relational wrong: the Canadian state is the agent that committed the injustices causing those deficits. Further, Lu’s use of structural injustice as the basis for *the state* giving *its citizens* a different amount of resources so they may thrive in *contemporary societies* involves assumptions much like those Turner criticized with regard to Kymlicka, namely, problematically assuming Indigenous peoples are already incorporated into the Canadian state and derive their rights to differential resources and treatment from their citizenship.

Lu presents a distinct but related argument for differential treatment that nonetheless does not avoid this critique. She argues that understanding the history of forced incorporation into/by a state is needed to see why unilateral denial of Indigenous self-government would constitute structural injustice today (*ibid.*: 157). If Canada unilaterally makes decisions about the terms of the relationship, this reproduces historical colonial relationships and mirrors the past breaking of treaties. Lu may be right that this identifies a specific and peculiar type of injustice rooted in history, one that can only be understood as unjust by examining the past. However, as discussed in the previous section, Lu gives no normative priority to alleviating historically rooted injustices over social disadvantage generally. By making distributive justice the arbiter between these claims, she is left vulnerable to Turner’s critique.

The second reason for why agents with historic connections to past injustice could have different political responsibilities has to do with special relational obligations. Lu and Young’s ‘social connection’ model, which generates political responsibility, is already relational in a certain way. The structural injustice approach does not assume a duty to generally help alleviate all harms in the world, or even all structural injustice in the world. Rather, it holds that there is a responsibility to reform social structural processes that one *participates* in. So even if the United States *could* effect structural reform in New Zealand by, say, providing resources to the Maori to help them revive their language and purchase land, the United States is socially connected to Native Americans in a way that it is not connected to the Maori, so the U.S. would generally have a greater obligation toward Native Americans than the Maori. However, one might reasonably argue that the U.S. has some special obligation to the Maori because it participates in a transnational discourse about Indigenous inferiority

that enables the unjust treatment of the Maori. Even if the U.S. did have such a special relational responsibility towards the Maori, it would presumably still have a greater degree or different type of special responsibility towards Native Americans. If the structural injustice approach were to hold that every agent participates in one global structure, and to the same degree, then the structural injustice approach does not seem to give clear guidance to agents, or tell us which agents have duties of redress. Lu wants to avoid diffusing responsibility to an ‘amorphous collective’ (*ibid.*: 172). I think the best way to avoid this is to view agents as more connected to some social structural processes than others, even though the boundaries between structures are not sharp. Different degrees and kinds of responsibilities correspond to different degrees and kinds of connection.³

Furthermore, special responsibilities with regard to particular structural injustices need not be confined to present connections to those structures. If an agent *participated* in historic structural injustice, or was connected to a particular past injustice to a greater degree (or is an agent with historic connections to it), then the agent could have greater responsibility with regard to *that* structural injustice simply because of this historic relation. Britain helped contribute to the colonizing discourse invoked in Anglo settler states (Mennen and Morel, 2012: 37-85). Even if it is no longer participating in this discourse (at least to the same degree), this may not absolve it of a special responsibility to alleviate the effects of its historic participation. On this analysis, Britain could have responsibility to help change this transnational discourse, perhaps by signing onto and urging others to sign the United Nations Declaration of the Rights of Indigenous Peoples without reservations.⁴

The points made in this section and the previous section suggest an amended view of the structural injustice approach that includes more backward-looking elements. Recall Lu’s view, discussed in the previous section, that agents can become morally responsible and partially liable for not fulfilling their forward-looking political responsibility. Recall from this section that the structural injustice approach allows that differently situated agents could have different kinds and degrees of forward-looking responsibility. What happens if one agent has a different type or degree of political responsibility as compared to another agent, but both failed to discharge their political responsibility? Plausibly, agents with differentiated political responsibilities could have a *differentiated liability* for failing to fulfill their political responsibility. As noted above, differences in degree or type of political responsibilities can depend on social positions. I suggested that one possibly relevant social position refers

3 Cf. Lu’s argument for widening the array of agents who might have duties of redress (*ibid.*: 127).

4 Other grounds for this obligation could exist.

to historic connections. Given these premises, if historically connected agents, such as group perpetrators, failed to fulfill their political responsibility over time, they might acquire different degrees and types of liability over time, as compared to other differently situated agents. Lu criticizes group-agent-centric interactional approaches to reparations that talk about a 'debt' accumulating over time on the simple liability model of responsibility. However, I suggest that agents can instead accumulate 'debt' through a sophisticated version of the social-connection model of responsibility: historically connected agents can owe more and different types of compensation and reparations than others over time, stemming from liability due to repeated failure to fulfill different forward-looking political responsibilities to alleviate structural injustice.

The next section further investigates how rectifying the distribution of holdings might be compatible with, or part of, structural justice.

Structural Injustice and Material Dispossession

Lu favors a 'structural approach that is focused not on rectifying the distribution of holdings between contemporary agents but on rectifying the historically developed structurally unjust institutions, discourses, and practices that produce and reproduce contemporary unjust processes and outcomes' (2017: 25). This approach seems to lead her both to a questionably low threshold to terminate reparative measures, and to elide the ongoing nature of land dispossession.

Lu says that a virtue of the structural approach is that it can explain which of the many historic injustices can serve as grounds for reparative responsibilities today. Lu's answer is that historic injustice is a concern almost solely for its structural effects in the present:

'[I]f historic injustices no longer contribute to the production of oppression, exclusion, marginalization, or domination, or sustain social positions of unjustified privilege or disadvantage in contemporary social relations, they would no longer serve as a justification for special reparative measures' (*ibid.*: 179).

Lu's view contrasts with that of Daniel Butt, who says that reparations can be justified even if the compensated party ends up better than a minimum baseline (Butt, 2009: 118).

I side with Butt; merely achieving the removal of 'unjustified privilege or disadvantage' may not remove justifications for additional reparations. For example, reparations for slavery and Jim Crow could permissibly result in a rearrangement of positions, making it so that Blacks on average were upper middle-class and whites were disproportionately lower middle-class. Such rearrangements should not make anyone fall below a threshold of distributive

and structural disadvantage. However, Lu would oppose such reparations because they go beyond the removal of disadvantage.

As a further example, suppose (which is admittedly unlikely) that empowerment efforts made it so that Blacks in South Africa no longer suffered structural disadvantage, but that white Afrikaners still held a great deal of inherited (stolen) land from their ancestors. The need to alleviate structural injustice would still not preclude its supplementation by other principles, such as disgorging unjust enrichment (and/or compensation to others). This principle could become even more plausible if refined: those who were the *intended* beneficiaries of injustice can have duties of rectification. Past agents often did wrongs that were intended to benefit their descendants or members of their nations (*ibid.*: 129-130). These holdings can be an ongoing ‘unjustified privilege’ because of these historic connections. I would suggest that the reproduction of this racialized dispossession over time can thereby *constitute* structural injustice.

Lu thus draws too neat a dividing line between the ‘distribution of holdings’ and structural processes. This becomes clearer when we examine the writings of theorists of settler colonialism and Indigenous scholars like Glen Coulthard and Taiaiake Alfred regarding how land dispossession can be a structure.

Coulthard argues that land dispossession is not a one-time, past occurrence: ‘Settler-colonial formations are *territorially acquisitive in perpetuity*’ (2014: 125, emphasis in original). Patrick Wolfe, a scholar of settler colonialism, says that the expropriation of the land base of Indigenous peoples is not simply a historic ‘event’; the erecting of a colonial society on it is a ‘structure.’ Wolfe says:

‘[S]ettler colonialism [...] erects a new colonial society on the expropriated land base—as I put it, settler colonizers come to stay: invasion is a structure not an event [...] elimination is an organizing principle of settler-colonial society rather than a one-off (and superseded) occurrence’ (2006: 388).

Coulthard invokes Alfred’s argument that ‘genuine reconciliation’ between Indigenous peoples and Canada ‘is impossible without recognizing Indigenous peoples’ right to freedom and self-determination, instituting restitution by returning enough of our lands so that we can regain economic self-sufficiency, and honoring our treaty relationships’ (Coulthard, 2014: 127, citing Alfred, 2009: 182-184).

Reconciliation

My analysis so far has not addressed Lu’s important discussion of reconciliation and alienation. As with her formulation of justice, Lu largely presents

reconciliation as a forward-looking goal aimed at creating ‘a mutually affirmable and affirmed social/political order that can support the flourishing of non-alienated agents’ (2017: 183). Lu’s discussion of the ‘processes of reconciliation,’ however, requires her to incorporate backward-looking elements.

Lu emphasizes that it is important that ‘processes of reconciliation’ cannot be premised on ‘continued acceptance of these concepts’ that made the historic injustices such as Indigenous dispossession possible. Lu has in mind concepts like *terra nullius* (that lands inhabited by Indigenous peoples were ‘empty land’) and the Doctrine of Discovery (*ibid.*: 269).

For Lu, justice and reconciliation are analytically distinct concepts. Justice aims to respond to wrongdoing and injustice. Reconciliation responds to various types of alienation that produced or were produced by wrongdoing or injustice (*ibid.*: 18). I will focus here on what Lu calls structural reconciliation.⁵ Structural reconciliation responds to agents’ alienation from the social/political order that mediates their interaction with other agents. (*ibid.*: 25)

Lu says that for many Indigenous peoples, colonialism is not over. Contemporary practices regarding reconciliation between Indigenous peoples and Canada often speak of *past* colonial abuses. Coulthard argues that this ignores the ‘abusive colonial structure itself’ (Lu, 2017: 200, quoting Coulthard, 2014: 109). Lu says that, from this perspective, reconciliation is unacceptable if it keeps Indigenous peoples in a subordinate position that Lu calls ‘structural indignity.’ This means they are not adequately enabled to ‘participate in the social/political struggle over what constitutes a just and nonalienating social structure’ (Lu, 2017: 200).

Lu’s criteria for what constitutes structural indignity and structural alienation are importantly backward-looking. Why does structural dignity for Indigenous peoples require a form of group self-determination? Why shouldn’t participation take place as individual citizens? Lu’s answer points to the history of forcible incorporation into/by a state (*ibid.*: 201-202). Reconciliation without group self-determination would involve the reproduction of historically objectionable political relationships. The reproduction of historically rooted injustice, including in new forms, can preclude genuine reconciliation.

This, however, should lead Lu to require restitution as part of reconciliation, which Lu’s forward-looking conception of justice would otherwise resist. As previously discussed, Lu’s threshold for justice seeks to eliminate disadvantage or undue privilege existing in the present. Reconciliation that addresses

5 Lu’s discussion of ‘existential alienation,’ drawing from Alfred, merits close attention, as does much else in her rich and fruitful book.

structural alienation, meanwhile, expands the type of historic injustices demanding redress today. Indigenous scholars make this link clearly: Alfred says that without massive restitution, ‘reconciliation will permanently absolve colonial injustices and is itself a further injustice’ (2009: 181). Alfred argues that ‘massive restitution,’ including land and compensation for past and present injustices, is a precondition for genuine reconciliation (Alfred, 2009: 181; see also Coulthard, 2014: 127). Lu says that ‘symbolic’ ‘acknowledgment payments’ could help reconciliation (2017: 251). These are not enough.

Lu states that when structural injustice is remedied and individual victims and perpetrators are long dead, any so-called ‘reparations’ have the *forward-looking* goal of improving relations, mitigating distrust, and creating an ‘affirmed and affirmable’ social/political order (*ibid.*: 180-181). Yes, those responding to claims for ‘reparations’ might justify them this way. But those demanding reparations likely ground their claims in part with reference to past wrongs (Kumar, 2014: 200). Those responding likely have views on whether rectificatory claims are reasonable. How parties view whether a social/political order is ‘affirmable and affirmed’ could legitimately vary based on its approach to restitution, apart from how it alleviates structural disadvantage narrowly conceived. Lu cannot so neatly distinguish rectifying the distribution of holdings from remedying contemporary structural injustice. As theorists of settler colonialism and Indigenous scholars have argued, land dispossession is an ongoing structural injustice and rectification is precondition for reconciliation. In contexts of settler colonialism, structural justice and reconciliation requires a much deeper reckoning with the relevance of history.⁶

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