



RESTRUCTURING THE WORLD POLITICAL ORDER  
The duty to enable developing nations to achieve total freedom

Thesis submitted for the degree of Master of Applied Ethics

Stacy Pinto  
7081340

Universiteit Utrecht  
17<sup>th</sup> June 2022

Supervisor: Christopher Wareham

Second Examiner: Joel Andersson

Word Count: 16505

## **Acknowledgments**

I want to extend my gratitude to my friends and family back home, who have supported me tremendously in my year of study abroad, my fellow friends from the course, who have provided important feedback and writing companionship, and my thesis supervisor Christopher Wareham, for his valuable comments.

## **Abstract**

Why are some nations able to create a good standard of living for their citizens, whereas others are not? Why do developing nations never seem to be able to reach development? Why do international organization like the World Trade Organization and the International Monetary Fund never seem to be able to solve developmental problems? What role does colonialism play in a nations capacity to facilitate the well-being of their citizens? If colonialism plays a role in a nations inability to facilitate the well-being of their citizens, what duties to perpetrators of colonialism have towards that nation?

This paper identifies why former colonial nations are unable to facilitate the well-being of their citizens. It assesses the structure of developed and developing societies, understands the role colonialism has played in the formation of developed and developing societies, and argues that former colonizer nations have a duty to engage in reparative justice with former colonies, to facilitate their self-determination, and ability to facilitate a good standard of living for their citizens.

## Table of Contents

<i>Acknowledgments</i> .....	2
<i>Abstract</i> .....	3
<i>Introduction</i> .....	5
<i>Chapter 1: The Relevance of Reparative Justice</i> .....	8
<i>Chapter 2: Reparative Justice in a Global System</i> .....	11
2.1 What does it mean for a nation to function well?.....	13
2.2 The capacity to meet Universal Human Values as a goal for reparations.....	17
<i>3. Reparations and Reparative Justice</i> .....	20
<i>Chapter 4: The Duty of Former Colonial Nation-States to Engage in Reparative Justice</i> ....	23
4.1 Colonial Chains and the World Political Order Today.....	23
4.2 Relations within and between LAOs and OAOs.....	27
4.2.1. Limited Access Ordered System.....	29
4.2.2. Europe’s Transition to OAO societies.....	32
4.3. World Political Order is an LAO.....	34
<i>Chapter 5: Determining how Nations become Capable</i> .....	38
<i>Chapter 6: Critical Discussion</i> .....	42
<i>Conclusion</i> .....	47
<i>Bibliography</i> .....	<b>Error! Bookmark not defined.</b>

## Introduction

The revival of the Black Lives Matter movement in 2020, after the murder of George Floyd, saw the recognition for the need of reparative and transitional justice (Edoh & Umubyeyi, 2021). The movement disfigured, tore down and pushed to remove, colonial and racist monuments, such as Confederate statues of soldiers. The movement targeted protests against police brutality and systemic injustices against Black Americans (Lawler, 2020). How did the disfiguration of confederate statues come about from protesting against systemic injustices?

It is because the movement recognizes colonial chains, in other words, understanding the root cause to marginalized and discriminated experiences pertaining to certain groups (Edoh & Umubyeyi, 2021). For example, how racial injustice and slavery touch every sphere of contemporary life; in the form of policing and housing policy, the kind of historical items of other nations kept in European museums, educational curricula and more (Edoh & Umubyeyi, 2021). Such discussions address the need for remuneration, not only to honor victims of the past, but to ensure a break in the cycle of discrimination. By disfiguring confederate statues, the BLM movement urged for reparative and transitional justice, calling for state-based accountability of historical atrocities that marginalized people, who continue to have a discriminated experience.

I am specifically interested in the loss of individual's capacity to achieve what Martin Luther King calls total freedom from historical harms that have been committed against individuals (Allen, 2018, p. 146). Total freedom is the ability of an individual to enjoy positive and negative liberties, without hinderances of dominion or interference from others (Allen, 2018, p. 146).

For individuals to enjoy total freedom, however, it is necessary that the system they are embedded in generates this capability for individuals, so that they can achieve total freedom. But what if the system of some societies, such as former colonies, are unable to ensure that their populations have the capacity to reach total freedom? If it is the case that former colonies cannot ensure that their populations reach total freedom because of atrocities committed during colonialism, what duty do former colonizer nations have towards former colonies? What steps are required to ensure that former colonies have the capacity to ensure the well-being of their citizens?

In this paper, I demonstrate that i) former colonizer nations and settler colonial-states have a moral duty to provide reparations to their former colonies ii) in the form that restores their capability to function as independent republics. Here, former colonizer nations are those nations that took part in colonial rule, by colonizing nations for their own gain, at the devastation of those nations that became colonies as a result. In this paper, I use the term (i) independent actors and (ii) independent republics to distinguish the two functions of nations – as (i) actors that can function well in the global system and (ii) as nations that can facilitate the ability of their citizenry to meet total freedom.

To do this, I a) first establish the need for nations-states to be able to function as independent nations. I aim to invoke Nussbaum's capabilities approach, where she argues that every actor in a social environment must not only enjoy certain basic human rights, but must also have access to, often material and infrastructural resources, so that they have the capability to do and function well (Nussbaum, 2007, p. 54). I can apply the capabilities approach to nation-states because I argue that nations-states should be regarded as moral, independent actors that can be held accountable for the decisions that they make, because these decisions usually have viable impact on livelihoods. I apply Nussbaum's argument to states as individual actors in a global system to establish that they should have the capability to do and function well (Nussbaum, 2007). I then b) explicate the function and goal of reparative justice, that reparative justice requires that victims are reinstated to their original state (Walker, 2010, p. 39). I define the term 'original state' in Chapter 3. I then argue that former colonial nations have a moral duty to engage in reparative justice for former colonies, because there is a viable loss of capabilities for former colonies that former colonizers are responsible for. Thus former colonies should be reinstated to their 'original state' where capabilities are restituted for all nations on two counts; (i) as actors to reach total freedom, and (ii) as independent republics that have the capacity to facilitate total freedom for their own populations.

I then c) analyze the global system independent nation-states are embedded in, to argue that this system does not allow all states to function as independent actors. I demonstrate that the structure of the global system today is a Limited Access Order (LAO), that is a bi-product of colonialism. Because the global system is an LAO, there are certain hinderances that block former colonies in achieving total freedom.

The next part of the paper demonstrates how reparative justice can be used to allow individual nations to reach total freedom, so that they are able to function as independent republics.

I use the methods and goals of Reparative Justice to argue that d) the global system must shift from a Limited Access Order to an Open Access Order society, and a means to this involves e) the moral duty for former colonial nations to engage in reparative justice towards former colonies. That is, (i) in order to achieve equitable relations between every nation-state and for (ii) every nation-state to have the capacity to ensure their people are able to reach total freedom, former colonizer nations have the moral duty to engage in reparations for their former colonies/developing nations that they have benefitted from, so that these nations are able to achieve total freedom as independent actors in a global system.

## Chapter 1: The Relevance of Reparative Justice

I begin this paper by illustrating an event that evoked negative sentiments among marginalized groups, due to the belittlement of important cultural artefacts. I use an event that occur in the United States of America because the U.S. is a settler-colonial nation that has benefitted from the profits of Britain's colonialism. Britain's set up of inclusive institutions in the U.S promoted permanent settlement for British migrants, making the United States a British colony, later separated from UK during the American Nation (National Geographic Society, 2022). Nevertheless, the U.S' infrastructure owes much to British colonialism. I will later argue that the U.S. has duties towards former colonies, because they benefitted from the devastation of former colonies.

This year's Met Gala themed Gilded Glamour, celebrated America's 'gilded age' – the period between 1870 and 1890 that saw massive economic growth and industrialization (Finnis, 2022). A case can be made that slavery played a critical role for the economic growth in America during this time (Mintz). "By 1840, the South grew 60 percent of the world's cotton and provided some 70 percent of the cotton consumed by the British textile industry. Thus, slavery paid for a substantial share of the capital, iron and manufactured goods that laid the basis for American economic growth" (Mintz). The guests at the Met Gala mostly consists of American and European elite. A celebration of America's economic growth today among those that have, directly or indirectly, benefitted from this growth can come across as tone deaf towards communities who have, indirectly or directly suffered from this growth.

The Metropolitan Museum of Art, the venue for this infamous Gala, itself contains stolen artifacts from Britain's colonial rule (Mashberg, 2021). Some of these artifacts were acquired by The Met in 2003 (Mashberg, 2021). The Met claims to conduct historical investigation to the origins of the cultural items part of their collection. They have expressed cooperation with the government in the Met's aim to return such stolen goods (Mashberg, 2021). However, it remains the case that they do continue to host and profit from such goods.

In the last decade, The Met developed policies on the acquisition of archeological material exported from other countries. According to new policies, if imported material can legitimately remain at the Met if the materials were gained before 1970, or legally acquired



after 1970 (Finnis, 2022). Decolonization occurred during 1940s and 70's, where 70's formed the years where the last colonies transitioned into independent republics (Doorn, 1987). This policy assumes that colonial legacy had legitimacy in looting items that now reside, not only in the Met but in Museums throughout the west, and that these items can legitimately be profited upon by former colonizer nations and settler colonial states.

Youtuber Emma Chamberlain adorned the culturally valued Patiala necklace, owned by the late Maharaja Bhupinder Singh of Patiala. As Brand Ambassador, she modeled the necklace for the infamous jeweler Cartier, who acquired it, embedded with the world's 7<sup>th</sup> largest diamond, the De Beer diamond, in 1998 (Philipose, 2022). The necklace went missing in 1948, from the Royal Treasury of Patiala, one year after India achieved her independence (Philipose, 2022). Cartier is criticized for loaning Chamberlain the necklace, critiques, who consisted largely of the Indian Diaspora, viewed the necklace as part of Indian stolen history, and demand the necklace to be returned to Punjab. The stirred sentiments indicate an offence committed against a nation, belittlement of historical relevance of a prized jewel, and offence at profiting from a culture's stolen goods (Cuccinello, 2017).

Unpacking the various elements of the Met Gala, from the historical artefacts maintained by the museum to items on display at the event and the companies that profit from this, reveal a tenuous and hierarchical dynamic between cultures and nations. It gives, an insight into the cause and effect of economic power, a hierarchical order of cultures and cultural values, and finally a negative sentiment of frustration and exasperation felt, generations later, by descendants of formerly oppressed people.

Another example that illustrates a response to stolen artefacts kept in museums; a Pan-African movement seeks reparations for colonialism, via the return of stolen goods that now reside in European Museums. Mr. Diyabanza, spokesperson of this movement, visited museums in Paris, live streaming his speech about the stolen artefacts in the museum, sometimes physical removing these artefacts from their secured places and heading towards the exit with the concerned artefact in hand. One of these artefacts was a 19<sup>th</sup> century African funeral pole (Greenberger, 2020). Mr. Diyabanza as a result was charged with an attempt to theft. The aim of this action was to bring to light the acceptability of displaying and profiting from stolen heritage. "The fact that I had to pay my own money to see what had been taken by force, this heritage that belonged back home where I come from – that's when the decision was

made to take action” (Daniels, 2020). He was eventually fined 2000 Euro. “Diyabanza’s trial was a symbol of how- or whether – the county could grapple with its history of colonialism” (Greenberger, 2020).

For these examples, reparative justice is necessary on two counts; to repair damages that have and continue to occur towards oppressed persons, and to delegate equal respect to nations and cultures that have formerly been oppressed. If we are to move to a society that is truly equal, I argue that we must, as a global community, engage in reparative justice. To repair damages and to delegate equal dignity to nations, I later argue, should be in the form of reinstating certain basic capabilities for nation states, so that nation states are a) able to reach self-determination and b) able to ensure the doing and being of their population. This later means encapsulates repairing damages to oppressed persons in the form of capability.

The above illustrated examples deal with reinstating the dignity of formerly colonized nations in the global sphere, through restitution of items valuable to those nations-states. On similar lines, it can be argued that land and property of indigenous groups must also be returned, to restore the dignity and respectability of indigenous groups in settler colonies. However, engaging in reparative action in quantitative terms can be difficult, since it is impossible to quantify the harm colonization has caused. Thus, while I argue for the return of stolen goods because these stolen goods evidently belong to certain nations, the respectability and dignity of nations involves restoring their capability to function well. I later argue for the restoration of the capability of nations on two counts, a) as independent actors in a global system (as illustrated in the examples above) and b) as having the capacity to ensure the full functioning of their population. The second count comes from a nations ability to represent and make decisions for their populations appropriately. As I argue below, it can be impossible for former colonies to ensure the well-being of their populations, because this capacity was never available to them, given colonialism.

## **Chapter 2: Reparative Justice in a Global System**

In this chapter, I establish the function and goal of reparative justice, and the need for reparative justice for nations as individual actors in a global system. For this, I first establish the need for every nation to have the capability to function well as an individual actor. I then illustrate what it means for a nation to function well. I employ Nussbaum's capability approach to establish that nations do need to be able to function well on two counts, a) as actors in a global system, and b) with capacity to facilitate the full functioning of their citizenry in a manner that is autonomous. Finally, I argue that the function of reparative justice is to reinstate a victim to its whole, original state, and that the capabilities approach forms the goal of reparative justice.

For writer and poet Margaret Walker (2010), who took part in the Chicago Black Renaissance literary movement during the 30s and 40s (Chicago Public Library), reparative justice is an ancient and universal moral intuition of owing amends (p. 9). The universal concept is practiced in our day to day lives, where-in a wrongdoer compensates for a wrong committed, a wrong for which an apology does not suffice. A repetition of wrongs in personal relationships often leads to an end in that relationship, where involved parties can choose to end any kinds of interaction with one another or draw boundaries to limit interactions with each other.

Nation-states as actors within a global system cannot avoid interaction with other nation-states, because of the dependency on international relations that each nation state is required to rely on for their own survival. Instead, nation-states maintain political relations with each other on a diplomatic level. Because nation-states have decisions making powers that have viable impact, nation-states can be regarded as actors who can be held accountable for the decisions they make.

This dependency of each nation on other nations creates an interdependent global system, where each individual state can be considered an independent actor. Such a global system is chaired by international organizations like the United Nations, The World Trade Organization, the World Bank, The International Monetary Fund, the International Criminal

Court of Justice, and so on, whose headquarters often happen to reside in the western world, or former colonial nations/ current settler colonial states.

Because nation states cannot separate themselves from the global system, nor from international relations crucial for a nation's survival, it is imminent that nation-states are able to interact peacefully to prevent violence from hampering the functioning of the nation-state. It is also important that international relations are conducted in an equitable manner so that nations, and oppressed groups of people like indigenous communities, can reach self-determination through equal political participation. I define self-determination as the process through which nations are able to, autonomously, represent themselves as independent actors in a global system (Roepstorff, 2013, p. 2). For equitable relations in the international sphere, this paper demonstrates that nations-states must be able to a) act as independent actors within the global system so that they are able to b) autonomously facilitate the well-functioning of their citizenry.

While it is not necessarily the case that if a nation functions well as an independent actor in the global system, her people function well as individuals within their society. However, the well-being of a nation-state in a global system would allow a nation-state to have the *capability* to facilitate the well-being of her people. This paper focuses on ensuring this capability for nation-states as individual actors, and argues that the most appropriate means of ensuring that all nations-states are capable, is by engaging in reparative justice.

Today, it is not the case that nations within the global system function well as individual actors. Often, we use the developed/developing categorization of nations to distinguish which nations are capable of ensuring a good standard of living for their citizens, and which nations do not, based on institutional stability. That is, some nations are able to meet certain universal norms that facilitate the well-being of their citizens, whereas other nations aren't able to. The next subsection elaborates universal norms and how they can be used to measure which nations function well as independent states, which don't, and why they don't.

Historical investigations attribute a crucial part of economic development, political stability, and strong infrastructure in the developed world to the exploitation of the now developing world. For example –The industrial revolution in Europe can be attributed to colonial legacy, whereas North American economic growth can be argued to be the result of

slavery and Indigenous genocide (Acemoglu et al., 2005). The developed and developing categorization of nations also determines the weight of political voice they can enjoy in the global system (Krishnamurthy, 2014, p. 9). The demarcation of nations into ‘developed’ and ‘developing’ elucidates the unevenness of the system at hand; not only in terms of who decides what measures must be used to evaluate progress, but in terms of why there are certain nations that do well on some universal measures, while other nations do not. Answering this why, investigating the cause behind why some nations can’t meet the standards to function well – provides insight into the gaps that need to be solved for, in-order to guarantee every nation their entitled capabilities. Below, I outline the steps required for nation states to a) act as independent actors in an interdependent global system.

## **2.1 What does it mean for a nation to function well?**

Here, I use Martin Luther King’s argument (herein, MLK) for the capacity to enjoy total freedom, to argue that former colonies do not enjoy total freedom. As a result, they are not autonomous in internal or global affairs, and therefore do not function as a) independent actors. If they do not function as independent actors, they then b) cannot function as independent republics for their internal affairs, and therefore cannot facilitate the well-being of their citizenry.

For individuals in a society to do and function well, it is necessary that the society, or its nation-state, is capable of ensuring such a capacity for their citizens. Thus, it is important that nation-states, who represent the interests of their citizens, and make decisions aimed at the well-being of their citizens, have the capacity to do and function well. Because nation-states can make internal and external decisions that have viable impact, nation-states can be understood as accountable actors in a global system. Nation-states can also be understood as accountable actors because they are formed by and/or represent a certain group of people. In this manner, it is possible to visualize nation-states as individual actors that represent their societies in a global system, and interact with other representators of societies. This visualization allows me to apply certain theories created for individuals, such as Nussbaum’s capability approach, and Martin Luther King’s argument for the essentiality of positive rights, to nation-states as individual actors.

A step in the direction to ensuring that nations can function well as individual actors, involves facilitating the capacity of individual nations to participate as independent actors. In other words, it involves facilitating a nations capacity to enjoy positive liberties. Martin Luther King wrote of positive and negative liberties in his goal of integration during the civil rights movement. For him, positive liberties – the right to participate in “shaping the collective life of a community” cannot be sacrificed just as much as negative liberties – the right to not be harmed - cannot (Allen, 2018, p. 146). In other words, it is essential that an individual can shape the community that she lives in. Similarly, because a nation-state has the moral responsibility over the actions it takes, a nation must be able to enjoy positive liberties as much as they enjoy negative liberties.

Martin Luther King explains why positive liberties are as essential as negative liberties; “I cannot be free until I have had the opportunity to fulfill my total capacity untrammled by any artificial hindrance or barrier” (as cited in Allen, 2018, pg. 147). Thus, full freedom of each actor involves that the actors are able to positively participate in the global system. For MLK, full freedom involves the fulfillment of total capacity and the absence of artificial barriers to participation (Allen, 2018, p. 148). Here, artificial barriers hint at the capability an individual/ nation-state may have to face to enjoy positive liberties. These artificial barriers form non-capability to meet positive liberties. I interpret MLK to use a kind of capabilities approach, not in the form that ensures certain materialistic and institutionalized resources to facilitate capability, but the removal of hinderances that diminishes capability.

Total freedom for MLK consists of two criteria; (i) to enjoy non-interference and non-domination from other parties, and to (ii) enjoy positive rights (Allen, 2018, p. 154). The first step – noninterference and non-domination - constitutes the removal of barriers that hinders capability. “To live up to a standard of nondomination, any given policy in question would need to address the considerations of the well-being of those affected by it” (Allen, 2018, p. 154). This is the first practice of non-domination for MLK. The second element concerns the enablement of each individuals’ capacity to choose, take responsibility and be able to deliberate (Allen, 2018, p. 154).

For example, one of the functions of the World Trade Organization is to lend money to help member states, that often belong to the ‘developing’ world, overcome international debt (Krishnamurthy, 2014, p. 3). This is often done under certain conditions, that involve the implementation of economic policy aimed at economic growth and stability within the

concerned nation (Krishnamurthy, 2014, p. 4). Such conditionality often makes practices within the WTO undemocratic, by thwarting the value of autonomy and self-determination of a nation state (Krishnamurthy, 2014, p. 11).

Often, the kind of economic policy asked to be implemented are one's that have worked in the west. However, it cannot always be the case that economic policy aimed at growth and stability that worked in the west, would also work in a nation that does not share the same culture as that of the west, sometimes leaving the developing country in greater economic instability than before (Krishnamurthy, 2014, p. 6) . "There is little opportunity for citizens of the borrowing countries (which tend to be developing countries) to influence which economic policies are pursued....to deny this opportunity is to deny grounds for autonomy" (Krishnamurthy, 2014, p. 11). The system that a nation is structured according to as well as the kind of institutional infrastructure set up during colonial rule, dictate the impact of economic policy implemented in the concerned society (Krishnamurthy, 2014, p. 1). Here, the WTO does not take into consideration socio-economic-political and cultural differences that form the context for the appropriate functioning of implemented economic policy.

Immediately apparent is the prescriptive structure of the World Trade Organization, positioning nations to either aid or receive, that inadvertently creates a hierarchical system. I later argue why aid and charity creates a hierarchical power dynamic between donators and recipients.

Thus, it is important that nations are able to a) attain the loans that they need to pay off international debts and b) determine their own economic policy, or any other kind of ordinary functioning within their nation, so that nations are able to be autonomous independent actors in a global system. Being autonomous allows nation-states to then have the capacity to facilitate the full freedom of their citizens, by being able to decide their own solutions for economic development. Only when a structure is democratic can participating members right to autonomy be fully exercised. This structure is an example of a hierarchical dynamic that withholds some nations from enjoying positive liberties; by not interacting with those impacted by injustice on an equal basis, those giving aid subordinate those receiving it (Okeja, 2017, p. 7)

Thus, the structure of international organizations that chair the World Political Order functions in a way that violates MLKs criteria for total freedom, first through dominating

former colonies by maintaining neocolonial relations, and secondly, by hindering former colonies from shaping the system they are embedded in, through coercive processes such as conditional loans. “It has the consequence of forcing people to live in “some system that has largely made these a priori decisions for me....the result is that “I am reduced to an animal” (Martin Luther King cited in Allen, 2018, p. 154). By calling himself an animal, MLK recognizes that there are some essential conditions a human needs to enjoy to function as a human. Similarly, there are certain criteria nation need to meet to be independent. The criterium at concern here are positive liberties.

When a nation-state cannot enjoy positive liberties – such as equal voting power – merely because of their economy, they do not function as independent actors in equal power dynamics to nations that do enjoy positive liberties. For a nation to be autonomous, it is essential for the nation to be free from domination and interference from others (Shwartz, 2004). Thus, the removal of hinderances such as non-domination and non-interference involve the restitution of autonomy. Thus, a nation that enjoys full freedom is a nation that functions well. A well-functioning nation is one that enjoys positive liberties, non-interference, non-domination, and autonomy.

It is also plausible to note, however, that it may be necessary for some level of paternalistic restriction of freedoms to prevent others from interfering in the autonomy of oneself. This forms a central paradox – where, to be freer, one’s liberties must be restricted to prevent one from interfering in the freedom of others (Shwartz, 2004). As demonstrated from the functioning of the WTO, some nations do face interference and domination by other nations, because they are prevented from participating equally in international organizations, whose function is meant to regulate such freedoms, but fails to do so. As a result, some nations are able to enjoy positive liberties, but go beyond it to prevent some other nations from enjoying the same positive liberties.

Such discrimination within international organization becomes evident not only in the processes used for their functioning – such as conditions for loans – but down to where international organizations are situated, the demographic of employees and so on. Thus, IMF and WTOs powerful members who are also former colonizer nations/settler colonial states, continue to unjustly reap benefits from neocolonial relations, at the cost of hindering the positive liberties of former colonies. This hinder former colonies from functioning as an independent actor within the global system.



Thus, for a nation to function well as a state, that they must be capable to solve issues within their nations autonomously, so that they are able to efficiently meet standard universal values of capability. The next section defines universal values of capability for individuals, and applies this capability to nation-states as independent actors. Such universal values of capability can be used as measures to gauge whether a nation has the capacity to facilitate the well-being of their population. Thus, a well-functioning nation is one that has the capability to meet universal values.

In this section, I have established that nations function well as independent actors in a global system if (i) they are able to enjoy positive liberties in the global sphere. From this, I have then established that nations function well as independent republics if (ii) they are capable of facilitating total freedom for their populations.

## **2.2 The capacity to meet Universal Human Values as a goal for reparations**

In this section, I use Nussbaum's capability approach to argue that former colonies b) do not have the capacity to facilitate the well-being of their citizens, because they are denied the capacity of a) being independent actors in the global sphere.

Nussbaum argues that there are certain universal human norms of capability that every individual must be able to enjoy, and are central to thinking about political principles that provide the foundation for constitutional guarantees in all nations (Nussbaum, 2007, p. 35). She conducts comparative studies across the diverse cultures in India to prove that such norms are universal – she gives an example of a woman from rural South India, who, when travelling to the North, was taken aback by the extent of seclusion some North Indian women faced. The South Indian woman describes secluded North Indian women as “sheep and buffaloes” that peep out of their houses without taking action in the world (Nussbaum, 2007, p. 43). Nussbaum points to the South Indian woman's ability to articulate well the diminished ability to be human without the universal norm of independence, despite a lack of theoretical knowledge on what it means to be human. Nussbaum points to the woman's ability to express that there is something essential in human functioning missing in the lives of the North Indian women

(Nussbaum, 2007, p. 43). Thus, Nussbaum argues that there are universal human values that are essential to human functioning. Such universal values ensure that a person is regarded as an end, and not as a means to an end (Nussbaum, 2007, p. 56). For example, an aim to raise the standard of living of women in India by ensuring they have the right to education, does not mean that they have the *capability* to enjoy that right. For instance, women could be tied with household chores, caring for children and the elderly, and dealing with abusive husbands, for them to have the time to attain the education they have the right to. For Nussbaum, solving for the capability of individuals is essential to ensuring that individuals can enjoy the rights they are entitled to. Nussbaum calls for an equal interaction with concerned parties whose capabilities are to be met, to solve for this gap in capability to enjoy entitled rights (Nussbaum, 2007, p. 58).

Nussbaum argues that the universal norms central to human living are not Western ideas, if anything, accusation of such values being western are used by the dominant group within that culture to further their national ideologies against minority groups. For example, it is often the case that Indian politicians relegate feminism as a western idea. This is however not the case, there have been many protests headed by women against the dominant group in Indian history (Nussbaum, 2007, p. 42). It is crucial to recognize protests against established norms as part of the culture being assessed, even if the dominant group of that culture stand by those norms (Nussbaum, 2007, p. 42). For example, dissent among Saudi Arabian activists campaigning for women's right to drive (McKernan, 2020). Acknowledging such dissent is a step towards understanding that there exist certain universal human norms for capability that is essential to the human functioning of individuals, without which one cannot be considered 'human' (Nussbaum, 2007, p. 39).

In short, "liberty is not just a matter of having rights on paper, it requires being in a position to exercise those rights. And this requires material and institutional resources, including legal and social acceptance" (Nussbaum, 2007, p. 54). This also includes information about certain goods important to determining the capability of a population, that might not necessarily be correlated to wealth and income – "such as life expectancy, infant mortality, educational opportunities, employment opportunities, political liberties, the quality of race and gender relations" (Nussbaum, 2007, p. 58). This set of goods necessary for ensuring an individual's capacity can function as criteria used to measure a demography's capability in a given society, and can be used too to compare the capability of different societies' with each

other (Nussbaum, 2007, p. 51). She asks that we look at how individuals do and be, and to what extent the doing and being can be facilitated by the government.

I use Nussbaum's capability approach of ensuring the functioning, doing and being of individuals, to the functioning, doing and being of nations as independent republics in a global system. Since nations have decision making capacity that has some kind of viable impact on peoples lives, it is possible to consider nations as accountable for their action. It is also possible to regard nations as either capable or incapable of making decisions due to structural hinderances.

Thus, for a a) nation-state to function as an independent actor, it is essential that they do not face hinderances such as interference and domination, and have the capability to enact positive liberties in the global sphere. a) is necessary if a nation-state is to b) autonomously function as an independent republic that ensures the capabilities of their citizens.

Below, my assessment of the world political order demonstrates that developing countries are former colonies, whereas developed countries are former colonizer nations, and acknowledging this is crucial to solving developing issues in developing countries. In the following sections, I map out the global sphere that nations are embedded in, chain colonial links to explain why developing countries are not capable, whereas developed countries are. I argue that the means to ensuring such norms of capabilities are established for every nation involves engaging in reparative justice, wherein former victim nations of past atrocities can regain lost capabilities to ensure that they, as nations, are able to do and function well as independent actors and republics.

### 3. Reparations and Reparative Justice

In relation to the BLM movements of 2020, the term reparative justice “more aptly characterizes what these movements are after, than the more common *reparations*, a term that has come to be equated almost exclusively with *financial reparations*” (Edoh & Umubyeyi, 2021).

According to Walker, full and effective reparative justice must take the form of restitution of rights , monetary or material compensation, rehabilitation facilitated by legal, medical and social services, a break in the institutional cycle through some form of guarantee of non-repetition through institutional reform, and an apology that allows those in the wrong to face their history head-on, via an acknowledgement that leaves victims with respect, a sense of dignity and the option to forgive their offenders, should they choose to (Walker, 2010, p. 13). In other words, reparative justice constitutes a series of intended actions that allow victims the possibility of healing from atrocities, so that their human capabilities are eventually restored.

As Walker demonstrates, reparative justice is a series of actions that does not only involve quantifiable reparations such as monetary compensation towards victim of a harm committed, but qualitative reparations. This is in the form of (i) an acknowledgement of the wrong done, (ii) compensation of that which is lost from an institutional basis, and (iii) a guarantee that the cycle of further discrimination ends (Walker, 2010, p. 13). Walker suggests that a fully developed conception of reparation involves two components; “that material compensation or restitution is the central business of reparations”, and that “the reparations cannot only consist of material transfer”, they must address the wrongs done through acknowledgement, with an intent to do justice (Walker, 2010, p. 13). For example, reparations for victims of the Japanese government for enslaved women for sexual use during WWII took the form of apologies and monetary compensation, but were not accepted by the now aged survivors (Walker, 2010, p. 23). This is because apologies were found inadequate due to “evasive or imprecise language and the failure of the Diet of Japan itself to put forward the apology on behalf of the Japanese government and nation” (Walker, 2010, p. 23). Further, while the monetary compensation offered was considerable, it was raised privately rather than provided by the government (Walker, 2010, p. 23). The fund was also inappropriately named

the Asian Women's Fund that failed to acknowledge the abuse that women suffered (Walker, 2010, p. 23)

Reparations, when only in the form of monetary compensation, can come across as charity and aid as a one-time transaction. Such a transaction could signify paying off a debt – where the payee has no intentions of addressing the issue at hand once the debt is paid, where the issue at hand is understood to be resolved because such a debt has been paid, and where the victim cannot revisit the issue because such a payment has been made (Walker, 2010, p. 39). Reparations are not payments of debts; they are vehicles of communication within a system of justice that enables victims to enjoy certain basic universal human values (Walker, 2010, p. 39). Paying off a debt does not take into account a mutual system of moral vulnerability within a social system that individuals function in, but rather functions as a “cold one way transaction” instead of an interaction with reciprocal relations of accountability, a memento of charity rather than justice, “or as a settlement of differences in which no one can claim vindication” (Walker, 2010, p. 40).

According to Walker, the goal of reparations involves reinstating the victim as a whole, to the original state they were in before (Walker, 2010). Such restitution is also possible for nation-states as actors, if one understands what ‘whole’ and ‘original state’ mean. While it is not possible to, for example, ensure that India rejoins with Pakistan and Bangladesh to form ‘British India’ again, it is possible to ensure that India, Pakistan, and Bangladesh are capable of a) participating equally in the global system and b) have the capacity to ensure that their citizens are capable of living and doing well. I argue for reparative justice in the form of restoring a nation's capability to function respectively as an a) independent actor and b) an independent republic – understanding this to be what Walker signifies as the ‘original state’. Thus, according to the criterion provided by Walker, reparative justice involves reparative actions embedded in acknowledgement of wrong done and an intent towards justice within a mutual system of moral vulnerability (Walker, 2010, p. 39). Along with Walker's conception of Reparative Justice, I add that the means of achieving the goal of reparative justice – to reinstate the victim to their original state, or whole, involves reinstating the capabilities of the victim so that they are able to reach this original state/ whole. Thus, I propose using the capabilities approach as a means to achieve the goal of reparative justice.

Reparations cannot be in the form of charity or aid for two reasons; a) the party that provides charity or aid does not acknowledge their own part in the atrocity committed, and there is no intent for justice. Secondly b) there is a power dynamic established between the involved parties, a saviour complex performed by the party that committed the atrocity in question. This does not allow for an equitable relationship between the two parties within their embedded global system and forms a sort of reliance from the recipient towards the donor (Okeja, 2017, p. 7) . This is why monetary compensations alone are not enough, an acknowledgement for wrong done and an obligation for justice that emerges out of it must be embedded in the compensation granted. Reparations, thus, should function as a vehicle of communication that recognizes individuals as equal actors within a respectful, social system (Walker, 2010, p. 14).

So far, I have argued the following – a) that positive liberties are as essential as negative liberties, b) that every nation, as an (i)independent actor in a global system, requires to enjoy positive liberties (ii)in order to function well as an independent republic that can facilitate the doing and being of their population.

The rest of this paper focusses on establishing that (i) former colonizer nations have a moral duty to former colonies; namely, to facilitate their functioning as an (a) independent actor. This in turn facilitates a nation-state to function as (b) an independent republic capable of facilitating their populations total freedom. I use the steps of reparative justice to establish this.

## **Chapter 4: The Duty of Former Colonial Nation-States to Engage in Reparative Justice**

This chapter aims to argue that reparative justice must take the form of ensuring positive liberties for every nation-state, so that they are capable of functioning as independent actors that can then eventually facilitate the full functioning of their population. I analyze the world political order – the global sphere that conducts international relations between countries to argue that (i) the structure of the world political order does not allow all nations to function and do well, because (ii) the structure denies certain nations from enjoying positive rights. Such a denial is what continues neo-colonial relations in the world today. Reparative justice is required to address this denial, so that (iii) formerly colonized nations can eventually facilitate the well-being of their citizens. I use the (iv) Limited Access Order (LAO) and Open Access Order (OAO) framework to analyze the world political order, and argue that (v) the world political order is a limited access order.

While the world political order does have many variables that contribute to its structure, I (vi) specifically look at the dynamic between former colonizer nations and former colonies to argue that former colonizer nations have had a significant role in shaping the world political order as it stands today. Given colonialism, and the hinderances that are created by the existing world political order that limits former colonies from enjoying positive rights, I argue that (vii) former colonial nations have a duty to engage in reparative justice with former colonies. This argument stems from the recognition today that colonial chains do account for the disadvantages of marginalized groups' experiences.

### **4.1 Colonial Chains and the World Political Order Today**

This section maps how colonial chains have shaped the global system, and looks specifically at the impact of neo-colonialism, and colonial drain. It looks at how neo-colonialism and colonial drain form the hinderances to total freedom for nation-states as actors and independent republics.

The eruption of the BLM movement in 2020 has a key takeaway: that today's discriminatory systems are rooted in colonial history, “ the movements demands have more to

do with the past than with the present, and drawing these historical links is the only way to emancipate ourselves today” (Bensedrine, 2021). Official historical narratives often hinder our perception of the past, of colonial legacy, of items of historic importance stored in former colonial nations. In order to participate in reparative justice, former colonial nations, that have and continue to profit from colonial legacies, need to engage in historic investigation of chains that link our present to the past. Such an investigation is a step towards acknowledgement of past atrocities. This step is also a part of a concept known as transitional justice (Bensedrine, 2021).

When societies are in transition, for example, from colonialism to democracy, societies face difficult practical questions on how to devise a new state and state-institutions that will diminish the potential for discrimination, conflicts over political power and/or intercommunal violence (Arthur, 2011). Former colonies were left to make such practical decisions with the infrastructure and ruin that colonialism left behind. They had to make these decisions to survive in a global system that, I argue below, has been established by former colonizer nations.

The term neo-colonialism is used to designate post-colonial relations between former colonizers and former colonies. According to Kwame Nkrumah, former colonizer nations ‘gave’ independence to former colonies, and engaged in charity to aid in their development, while using established relations, institutions, and economic structure, to achieve objectives formerly accomplished during colonialism (Nkrumah, 1965, p. 12). He calls such neocolonial relations the last and most dangerous stage of imperialism, arguing that imperialism exists today in processes that are invisible but detrimental to former colonies, where those that practice it enjoy power without responsibility, and those that suffer from it, exploitation without redress (Nkrumah, 1965, p. 5). It is an attempt for former colonial countries to externalize internalities in terms of social conflict within former colonies (Nkrumah, 1965, p. 5). It is the most dangerous stage because it is no longer possible to convert a nation upon which an imperial regime has been imposed, since nations are dependent on the global system for survival. That is, it is no longer possible now to reverse the process of imperialism off of a country's own accord, because the “state has outward trappings of international sovereignty”, where a state’s economic and political action are directed from the system they are embedded in (Nkrumah, 1965, p. 1).

“The result of neo-colonialism is that foreign capital is used for the exploitation rather than for the development of the less developed parts of the world. Investment under neo-



colonialism increases rather than decreases the gap between the rich and the poor countries of the world” (Nkrumah, 1965, p. 2). In this manner, neocolonial relations between developed and developing nations creates the first hinderance to total freedom; dominion.

Nkrumah calls for a struggle against neocolonialism, one that does not restrict the “the capital of the developed world from operating in less developed countries” but the prevention of the use of this capital to continue extracting, and thereby exploiting less developed countries (Nkrumah, 1965, p. 4). In other words, Nkrumah calls for the removal of the dominion that blocks developing nations from their capability to function as independent republics.

Colonialism left, in their colonies, very different kinds of institutional legacies in different parts of the world (Acemoglu & Robinson, 2017). While the intentions are very similar behind different European colonial institutional development, the conditions that the institutions were embedded in varied, leading to divergent consequences for economic development. Not only this, but the potential disease environment facing European colonizers shaped the kind of institutions formed (Acemoglu & Robinson, 2017). In some nations, such as the Americas, European colonizers created inclusive institutions that guaranteed European migration, whereas in nations in Asia and Africa, extractive institutions were created (Acemoglu & Robinson, 2017). Such inclusive infrastructure then creates the possibility for the immense current prosperity experienced by current settler colonial nations (Acemoglu & Robinson, 2017). This had and continues to have devastating effects on indigenous populations in those countries (Acemoglu & Robinson, 2017). Extractive institutions created what Dadabhai Naoroji (1901) coined ‘Colonial Drain’ referring to the phenomenon of raising tax in lands outside the colonizer nation, to fund infrastructure within the colonizer nation (Bhambra, 2020). For example, India was colonially drained since 1765 when the East India Company acquired tax collecting rights in Bengal. These rights were then taken over by the British Crown when expanding their territory over north India. These taxes were later used to fund countries other than Britain– ‘more than four fifths of export capital from Britain went to developing continental Europe, North America, and regions of recent white settlement such as Argentina, South Africa and Australia’ (Patnaik, 2017, p.184 cited in Bhambra, 2020). The colonial drain not only played a role in establishing firm infrastructure and economic growth, it also facilitated the welfare state of the former colonizer nations (Bhambra, 2020) “While decolonization involves no reparation for previous colonial drain, it does reduce the flow with consequences for welfare state finances and fiscal crises they enter, even if that relation goes

unrecognized” (Bhambra, 2020). The process for decolonization and re-configuration of economic structure could not be completed, given the devastation former colonial countries were left in (Bhambra, 2020).

Colonialism ended up creating very distinct kinds of societies with respect to the kind of infrastructure that was set up – extractive or inclusive, leaving very differently functioning societies (Acemoglu & Robinson, 2017). The infrastructure set during colonialism were too expensive for newly independent republics to replace. Republics were forced to take over the existing infrastructure and create Welfare States so that they fit within the colonially established global system (Nkrumah, 1965). This is also because it was impossible for new republics to turn back into the low-quality standard of life they experienced during pre-war years, at least for the elite within these new republics (Nkrumah, 1965). The infrastructure set up in former colonies and colonial drain, together, create the second hinderance for developing nations that prevent them from enjoying total freedom; interference.

Societies are Welfare States if there is a source of common earnings that are used to finance common infrastructure, such as public healthcare. Among former colonizer nations, Welfare States were created from colonial earnings, and continues to be secured through neocolonial relations. For the profits of neocolonialism to be secured, however, it is required that in any given area, ‘a reasonable proportion of states have a neocolonial system’. The system then enforces small states to sell primary goods at prices determined by former colonizer nations, and buy manufactured goods at prices fixed by them (Nkrumah, 1965, p. 5). “So long as neocolonialism can prevent political and economic conditions for optimum development, the developing countries, whether they are under neo-colonialist rule or not, will be unable to create a large enough market to support industrialization” (Nkrumah, 1965, p. 6)

Newly independent republics could not actualize their full potential in terms of what the shape of their economic structure could have possibly been. They were denied the capability to shape their own infrastructure and position in the global economic and political system. The breakdown of nations into first world and developing nations, as according to The Wall Street Journal 1965, is categorized by the International Monetary Fund based on economic power. Those nations categorized as developing are those nations that are situated in neocolonial areas (Nkrumah, 1965, p. 10).

Despite the quantitative colonial drain that occurred during colonialism, I accept the general objection against reparation in monetary terms for colonial drain - that it is impossible to quantitatively measure and repay in monetary means the harms that colonialism brought about (Brophy, 2006). I focus instead on the denial of capability for new republics who had to reconfigure the economic structures of their nations, the development of a global system on this denied capability, and the persistence of this system. In this manner, former colonial nations profited and grew their economy, by taking away the capacity of self-determination, autonomy and positive liberty of newly independent republics, by creating hinderances in the form of dominion and interference in the economic capabilities of new republics.

It can be argued that slavery has a new face – in the form of sweatshop labour, charity and aid, profiting from stolen goods of colonial times in museums, through the supply of weapons, and finally, in the form of conditioned implementation of economic policy aimed at economic growth and stability albeit unsuccessfully. In other words, neocolonial relations in these forms are fostered by the new world political order. All of these forms deny former colonies their autonomy to be independent republics.

Kwame Nkrumah argues that colonialism worked because of one principle, to divide and rule. He argues that neocolonialism can and will be defeated, through unity among the nation members of the political world order (Nkrumah, 1965, p. 23) “In order to make it attractive to those upon whom it is practice, it must be shown as capable of raising their living standards, but the economic object of neo-colonialism is to keep those standards depressed in the interest of the developed countries. It is only when this contradiction is understood that the failure of innumerable ‘aid’ programs, many of them well intentioned, can be explained” (Nkrumah, 1965, p. 7). Aid is usually not in the form of instilling institutions that ensures capability, but in the form of monetary means, or military aid, sustainable methods that maintain neocolonial relations (Nkrumah, 1965, p. 8).

## **4.2 Relations within and between LAOs and OAOs**

International organizations like the WTO, IMF and the United Nations try to solve for development issues. Why is it the case that they never seem to be able to solve this issues? One

of the reasons development issues cannot be solved, argues North et.al (2013), is because issues are addressed via charity of aid.

Charity and aid can function as social currency that facilitates moral superiority for donor nations. Processes of charity and aid do not allow an equal interaction between donors and recipients, because they do not take into serious account the voices of those nations that are impacted. The reason donor nations do not take this into account is because donor nations do not hear the needs and requirements of recipient nations, given that recipient nations do not have an equal political space for voicing their concerns, as seen with the practice of weighted voting (Krishnamurthy, 2014, p. 9). I will explicate more on what weighted voting is in the next section. Instead of looking at the cause of the issue, international organizations seem to engage in measures that seem to be an ad-hoc band-aid for a very deep wound. There is no account of why the issue exists, who the perpetrators are, and does not treat those impacted by the situation as victims that require justice.

For South African Philosopher Uchenna Okeja, it is important that those trying to write about, or solve for, global justice issues actually interact with those people that are impacted by the issues on an equal basis (Okeja, 2017, p. 3). This is not possible in the context of charity and aid, because of the power dynamic that emerges between donor and recipient. “It should occur to anyone attempting to address these questions [of global justice] that one of the most viable starting points would be to investigate the theories deployed to explain this situation by the agents who bear the brunt of the impacts of the unequal and unjust world at the center of global justice” (Okeja, 2017, p. 4). For Margaret Kohn (2013), symptoms of development present in former colonies – whether of poverty, war or devastation, are often taken for granted as natural states within the developing world (p. 189). “In many discussions of global justice, there is little to suggest that ‘we’ might also be the agents of injustice rather than (potential) saviors” (Kohn, 2013, p. 190).

I propose that the Limited Access Order and Open Access Order framework by North et al. can be used by international organizations to identify developmental problems. This framework, in conjunction with MLKs philosophy for total freedom, and Nussbaum’s theory of capabilities approach, can be used to facilitate an equal interaction between victims and perpetrators of colonialism.

In the following sections, I outline two separate social orders – Limited Access Order (LAO) and Open Access Order (OAO). North et al. claims that developing societies tend to be LAOs, whereas developed societies tend to be OAOs (North et al., 2013). I use this framework, to encapsulate the delicate balance of political dynamics between individual nations in a global system, to argue that the world political order is an LAO. By being an LAO, the world political order creates hinderances for developing nations that are LAO's, preventing them from being (i) independent actors in a global system, and (ii) independent republics that can facilitate the well-being of their citizens. Because I argue that colonialism had a role in facilitating the world political order as it is today, I argue in Chapter 5 that (iii) former colonial nations have a moral duty to former colonies in ensuring that former colonies are able to function as independent actors and independent republics.

#### 4.2.1. Limited Access Ordered System

A society that limits rents and benefits among their elite, in order to prevent violence, is a Limited Access Order (LAO). How economic, political and social institution's function, depends on the structure of the society they are embedded in. LAO's form specific social conditions that allow one to identify symptoms of development in the functioning of concerned institutions. These symptoms, such a corruption, bribery, and so on, are a response to a threat of imminent violence (North et al. 2013, p. 8).

LAOs work as follows: a developing society is usually divided by class (or caste). Elites and leaders within elite groups from such a society produce goods and services that generate rents and benefits. Because leaders and elite groups have access to violent capacity, they retain these rents and benefits among themselves, by limiting its access among elites. Thus, a limit is formed to the creation of political, economic, social military and other organizations among elites, as those that form such organizations enjoy the benefits received (North et al., 2013, p. 4). Rents, benefits and political power then lie among leaders within the elite group, forming the dominant coalition that lies at the heart of an LAO (North et al., 2013, p. 4). "Violence reduces rents, so the prevention of violence can form credible ties among elites, allowing them to form strong organizations under them and a third-party system of checks and balances between them (North et al., 2007, p. 8). Creation and distribution of rents, for North et al. forms the glue to LAO arrangements, by securing elite loyalty to the system,

which in turn limits violence, protects rents and prevents disorder for most of the time (North et.al, 2007, p. 8). However, the dominant coalition, by limiting access to the formation of organizations, removes the capability of the rest of citizenry from enjoying their positive liberties, which, as argued by Martin Luther King, are as necessary as negative liberties. When the dominant coalition limits access to rents and benefits to themselves, the restriction creates a hierarchical power dynamic between the dominant coalition and the rest of society.

Each leader can form an efficient organization under themselves. This is because a third-party system of checks and balances form during the upkeep of inter-locking interests between fellow leaders of the dominant coalition. This allows each leader to depend on the other for the efficient functioning of their own organizations (North et al., 2013, p. 9). Thus, for the purpose of fulfilling one's own interest and survival, leaders depend on each other on two counts – the success of other leaders' organizations for the success of their own organization, and the dependency on other leaders to ensure one's own organization is efficient. In this manner, institutions are durable in an LAO (North et al., 2013, p. 8).

“The term “insitutional form” refers to explicit and formal institutional arrangements, such as a written constitution, and mechanisms to represent the formal or informal way the institutional reforms are implemented and sustained” (North et al., 2007, p. 25). Thus, constitutional rights are institutional forms. How these constitutional rights are enjoyed by a population, as argued by North et.al, depends on the structure of their society. In order to enjoy constitutional rights, one needs to also have the *capability* to enjoy them. I argue that the capability to enjoy intstitutional forms depends on the social order of the society. In an LAO, the capability to enjoy institutional forms might be restricted to prevent the eruption of violence. Institutional forms can be ridden with symptoms of LAO, due to limited access. For example, bureaucracies and judiciaries find it difficult to pass impersonal services, not necessarily because of corruption, but because the system in place has incentives to abide by the social order with little or no opportunity for change (North et al., 2007, p. 26). This is either because LAO societies find such reforms as a threat to their established system and are therefore not ready for it.

Similarly, to implement a conditional economic policy in an LAO that has worked in an Open Access Order is to ignore the cause, situation, and social condition of the concerned LAO (North et al., 2007, p. 15). “Along with loans or grants of funds, much of the assistance the World Bank offers to its clients come as recommendations and incentives to adopt specific

institutional forms and mechanisms. Understanding why reform or institutional forms often failed to produce transformations in developing countries requires recognising that the same institutional forms work differently in limited and open access orders, even if the recipient country has the political will to implement the reform” (North et al., 2007, p. 12).

In short, the Limited Access Order framework describes societies within developing countries, where economic and political institutions are characterized by the upkeeping of interlocking interests by leaders with violent capacity. In this manner, North et.al argues that developing societies live in the shadow of violence (2013). Since violence threatens and reduces rents, it is also in the interests of the population to collaborate with the dominant coalition rather than fight it (North et al., 2007).

LAO societies slide on a spectrum of development – on levels that are fragile, basic or mature. Fragile LAOs are societies where the dominant coalition can barely maintain themselves in the threat of imminent violence. It is difficult to sustain institutions in the face of violence. Most organizations are identified with the face of their leader, and the dominant coalition consists of personal relations. In Fragile LAOs, leaders have direct access to violence, and violence becomes the principal determinant of allocation of resources. (North et al., 2013, p. 11).

Basic LAOs consist of a well-established formal government that is often the main durable institution. Elite privileges and organizations are closely identified with the coalition and the government. Formation of organizations and institutions do not occur outside the dominant collation, it could even be the case that the government, made up of the dominant coalition, is threatened by private organizations, even if such organizations are usually tolerated (North et al., 2013, p. 12).

In Mature LAOs, the dominant coalition supports other sections of society in the formation of organizations, but restricts rents and benefits among themselves, by ensuring that elite groups lead external organizations, thereby limiting competition (North et al., 2013, p. 12). Mature LAO’s have economic and political institutions that are durable and resilient to shocks, unlike fragile and basic LAO’s (North et al., 2013, p. 13). Mature LAO’s are adaptive to changing circumstances as well as changes in the make-up of dominant coalition. Nevertheless, strong shocks do have an impact, and can cause the breakdown of a durable institutions, resulting in the sliding of a nation on the spectrum (North et al., 2013, p. 13).

The LAO and OAO are distinct self-sustaining frameworks with different kinds of equilibria (North et al., 2007, p. 6). When the dominant coalition thinks it is apt for rents and benefits to not be limited anymore, where institutions can be run by those that are qualified rather than those that are powerful, a society can then transition from an LAO to an Open Access Order (OAO). These are societies whose economic and political institutions are able to sustain without having close ties to the dominant coalition, where there aren't limits to access entry for groups to start economic or political organizations, and civilian government has the power to control violence between organizations (North et al., 2013, p. 14). Most of the developed world falls under OAO (North et al., 2013, p. 9).

Thus, the LAO framework encapsulates how within a society, the power dynamics that exist to maintain peace determine who is capable of functioning well as an individual and who isn't. The following section will explore how reparative justice can ensure that all nations have the capability to transition into OAOs, so that (i) nations are able to function well as independent actors in the global sphere, and that (ii) nations are capable of ensuring the well-being of their people.

#### 4.2.2. Europe's Transition to OAO societies

This section explores the elements involved in Europe's transition to OAO's, and how these elements created a disadvantage for former colonies/current developing nations, so that they were and still are unable to transition to an OAO. I describe the logic of an OAO, and argue that OAO's are compatible with the capabilities approach. OAO's allow a nation to function as an independent republic that facilitates the full freedom of their citizenry.

The basic logic of an LAO remains the same as it did in Europe in the 1800's, however, the transition in Europe to OAO had unique features (North et al., 2007, p. 5). The unique elements involve the phenomenon of colonial drain. As mentioned in section 4.1, the colonial drain from former colonies allowed European nations to shift to OAO societies, since colonial drain facilitated the creation of strong infrastructure, as well as stable inclusive and extractive institutions. On the other hand, new republics post-colonialism were forced to create democracies, from scratch, to be able to play in a system already established and controlled by colonial powers.



“The limited access order appears to be the means by which all but a handful of societies have secured order and limited violence for the last 10,000 years” (North et al., 2007, p. 6). LAOs came about as an invention to prevent violence in ancient societies, allowing the formation of complex civilizations with substantial specialization, exchange and wealth. It allowed economies to grow, facilitated the creation of large societies and allowed individuals to pursue specializations (North et al., 2007, p. 9). North et al. thinks of the LAO as a natural state because it seems to be the natural way in which societies have existed. The formation of a dominant coalition externalizes violence so that competition can take place in a situation that is peaceful (North et al., 2007, p. 8).

Former colonizer nations have had the opportunity to transition from this natural state to a stable society because of the rents and benefits acquired by colonialism, a transition that has been prevented for former colonies, since former colonizer limited rents and benefits among themselves during colonialism. Former colonizer nations then continued to retain these rents and benefits through neocolonial relations. Neocolonial relations created barriers for former colonies – in the form of dominion and interference, as mentioned in section 2.1. I focus on the denial of this transition for former colonies, and argue that former colonizer nations have the moral duty to engage in reparations so that LAOs today have the capacity to transition into OAOs.

Because the state or the larger society does not control rent creation in an Open Access Order, the political system cannot manipulate economic interests for their internal arrangements (North et al., 2007, p. 19). This inability for the state sustains open political competition; politicians can no longer cripple opponents by cutting off access to economic resources. Further, elite leaders cannot exercise their access to violent capacity, given that there is no limit to who can create organizations and unions, allowing marginalized groups to be able to form organizations to protect themselves and their rights (North et al., 2007, p. 19). “Because organizations mobilize and coordinate their members when their interests are threatened, open access to organizations of all types, especially economic, helps maintain political competition” (North et al., 2007, p. 19). Open access then replaces the third-party system of LAO’s, by providing incentives to political oppositional parties to check governmental processes that threaten open access and competition. “Access to organizational forms is thus critical to both political and economic activities” (North et al., 2007, p. 19).

Open access in the polity is dependent upon open access in the economy, one cannot sustain itself without the other. Such access encourages the emergence of sophisticated groups that balance the economy and polity. Both systems contain logic that integrate the functioning of interrelated parts to sustain the social order. In order to manage open entry, “the state in an open access order must have significant specialized institutions both that provide these services and that make the necessary credible commitments to maintain them without expropriating the value they create” (North et al., 2007, p. 20). Thus, the state exhibits specialization and division of labour, and must also have in place incentives that allow those in power continue to abide by the rules of the game, such as constitutional rules (North et al., 2007, p. 20). Without both polity and economy having unlimited access, an OAO is not possible.

It is evident from the description of the OAO, that this system grants the capability for all individual members to be able to enjoy certain positive rights. That is, citizens are able to politically participate in the shaping of the system they live in, by having access to rent and benefits, as well as the formation of organizations. In this manner, a nation that is an OAO is able to facilitate the capability of their population, so that individual citizens are able to reach total freedom. Thus, those nations that are OAO’s, theoretically, function well as independent republics.

### **4.3. World Political Order is an LAO**

In this section, I demonstrate that the world political order is an LAO. Because the world political order is an LAO, it (a) creates hinderances for former colonies that are structured as LAO’s from access to rents and benefits. This, in turn restricts their capacity to function well as (i) an independent actor in a global system and (ii) an independent republic that is able to facilitate the well-being of her citizenry. Because (b) it is former colonizer nations, or current OAO’s, that create hinderances for former colonies, or current LAOs, I argue that (c) former colonizer nations have a moral duty to former colonies, a duty that facilitates the transition of LAOs to OAOs.

The two social orders maintain themselves in very different ways; LAOs restrict access to rents and benefits to prevent violence, OAOs open access and encourage healthy

competition. It is important to recognize then, that the same institutions work differently in the two social orders (North et al., 2007, p. 25).

To understand the structure of the World Political Order, I analyze the functioning of the IMF and the WTO. International financial institutions like the IMF and World Bank shape the functioning of the international economy, which effects the lives of everyday people and how they proceed in their day-to-day functioning. Because such international organizations have an impact in the intimate lives of people, they should be considered “primary subjects of international justice” (Krishnamurthy, 2014, p. 1)

The IMF and the World Bank were created after The Great Depression by the United States and the United Kingdom, to ensure stability in the international payment system, by urging international economic cooperation (Krishnamurthy, 2014, p. 2). The institutions now regulate the free international movement of goods, where prior to the establishment of these institutions, nations barricaded this free movement to protect their own falling economies. Eventually, the goals of IMF and World Bank broadened to promote economic growth and alleviate poverty. The IMF did this in three ways; 1) by monitoring the international economies and those of member countries, 2) by providing policy advice to members and 3) lending money to help overcome international debt (Krishnamurthy, 2014, p. 3). Here, money is loaned to countries on an interest-free basis, with certain conditions that promote development (Krishnamurthy, 2014, p. 4).

Within the IMF, each of the 188 member countries holds a weighted vote. This is based on the country’s allocated quota, which depends on the country’s relative position in the World Economy, that is, based on its economic size (Krishnamurthy, 2014, p. 4). A similar system is established at The World Bank. This leads to a deficit in democracy within the system, where only the most powerful economies (The United States and EU) shape the agenda of policy making (Krishnamurthy, 2014, p. 9). It is important to note that the United States is a settler-colonial nation, and the EU consists of former colonizer-nations. “The most fundamental value that weighted voting conflicts with is self-respect” because it does not give equal considerations to all member countries, violating Rawls’ principles for a just international economic system, rendering the system itself unjust (Krishnamurthy, 2014, p. 10). Only when a structure is democratic can participating members right to autonomy be fully exercised. This structure is an example of Okeja’s claim that, by not interacting with those impacted by injustice on an

equal basis, those giving aid subordinate those receiving it within a hierarchical power dynamic.

The methods used by the IMF to solve for economic growth and alleviation of poverty a) create hinderances that barricade achieving total freedom and b) deny LAOs from enjoy positive liberties in the following ways. Method 1) involves the interference of most developing/LAO countries by developed/OAO countries. Method 2) and 3) involves the dominion of Developing/LAO countries by developed/OAO countries through forced economic policy implementation, that may have worked in OAOs but will not necessarily work in LAOs, and might even create an even dire situation (North et al., 2007). Finally, weighted voting based on economic power does not allow LAO nations to enjoy positive liberties, by denying them the opportunity to shape the global system they are embedded in.

When one looks at the functioning of international organizations that chair the global system – here, the IMF and the World Bank, it is evident that these organizations were built by OAO nations, who then use the concerned organizations to maintain rents and benefits among OAO nations, under the guise of aid, charity, conditional policy implementation aimed at economic growth for developing nations and processes such as weighted voting (Nkrumah, 1965, p. 12). Because OAO nations are able to maintain rents and benefits among themselves, and have access to violent capacity, they form the dominant collation in the world political order. The retaining of rents and benefits among the dominant collation also facilitate an unequal power dynamic between former colonizer nations and former colonies, as retainment of rent and benefits involves the maintenance of neocolonial relations. Maintenance of neocolonial relations allows the dominant coalition to also facilitate their own societies as OAOs.

Some symptoms of development present in the World Political Order that render its structure an LAO, are as follows; the dominant coalition is able to maintain efficient organizations, whether this be in the form of soft power or hard power – the global presence of American entertainment, American and European brands, control over natural resources and raw materials through extractive institutions in developing nations, making profits over these via neocolonial relations (Nye, 2004).

When the dominant coalition creates rents for themselves, it is inevitable that they deny opportunities and access to others, by limiting access to the creation of organizations, or

stepping into power in established organizations like the WTO and IMF – as seen with weighted voting (North et al., 2007, p. 27). Within the world political order, OAO societies have direct access to violent capacity, thus LAO nations must abide by this established system, in order to ensure peace and maintain low rents. But by abiding to this system, they are denied the capability of a) enjoying positive rights without hinderances, and thereby denied (i) the ability to act as independent actors within the global system as well as (ii) denied the ability to function as an independent republic that is capable of facilitating the total freedom of their citizenry.

In an OAO, citizens have the equal opportunity to enjoy positive rights by participating in the creation of economic and political institutions. In the global system, as demonstrated so far, this is not the case. It is quite hypocritical of the dominant coalition to enforce economic policies aimed at converting developing nation into an OAO, when the dominant coalition themselves profit from an LAO system that they are embedded in. “Limited access orders vary widely....and further analysis with this framework may help us understand the appropriateness of various reforms” (North et al., 2007, p. 5).

Thus, LAO nations cannot transition to OAO’s, because the structure of the world political order, that I have demonstrated is an LAO, creates hinderances for former colonies to transition into OAO’s. As demonstrated in Chapter 4 – neocolonial relations maintained by the dominant coalition in the world political order, in conjunction with process such as weighted voting and conditional loans evident in international organizations that chair this LAO, create hinderances of domination, interferences and a limit on access to political liberties for former colonies. Because former colonizer nation benefit from the hinderances created for former colonies, former colonizer nations have the duty to facilitate the well-being of former colonies as (i) independent actors in the global system that can transition into OAO’s so that (ii) they have the capacity to facilitate the well-being of their citizenry.

In this section, I have challenged the logic on which the global system is structured and ask to move towards steps that would allow the global society to transition from an LAO to an OAO. This is because an OAO allows the enjoyment of positive liberties for all nations, and healthy competition, that is, the proper functioning of an individual nation on two important counts. I argue that because former colonizer nations profited from hinderances created for former colonies, the onus of facilitating the transition of LAO nation-states into OAOs, falls on former colonizer nations.

## Chapter 5: Determining how Nations become Capable

This chapter explores how OAO's can facilitate the transition of LAO's. I argue that, in order for LAO's to transition to OAO's, it is necessary for the system these nations are embedded in, that is, the world political order, to be able to facilitate this transition. In other words, (i) the world political order must be able to facilitate the functioning of all nations as independent actors within the global system. For this, the world political order itself must transition from an LAO to an OAO, so that all nations have equal access to rents and benefits.

Two problems of development that the international organizations try to address in LAOs are; a) increase per capita income from \$400 to \$8,000 and b) from societies with per capita income of \$8000 to \$35,000 (North et al., 2007, p. 4). The later step involves transitioning societies from LAOs to OAOs.

The means of LAOs shifting to OAOs requires ensuring that LAOs have the capacity to transition. To ensure such a capacity for LAOs, the system surrounding these nation-states should allow for LAOs to have this capacity. As demonstrated in the previous chapter, the global system is an LAO and therefore, does not allow all nations within the system to achieve total freedom, because the rents and benefits of that system are limited among the dominant coalition. Thus, there is a need for a shift in the system itself, to ensure that all nations are able to achieve the capacity of transitioning from an LAO to an OAO. Thus, the world political order must shift from an LAO to an OAO, so that each nation is able to a) enjoy total freedom via essential positive liberties and an absence of hinderances in the form of dominion and interference, and b) engage in open access and healthy competition for available rents and benefits.

International organizations were created to solve problems of development. However, as established in this paper, how institutions function depends on the system they are embedded in. If it is the case that the world political order is an LAO, international institutions created in this system will not achieve their aims of solving development problems in LAOs. This is because there are limits on who runs these organizations and who retains rents and benefits; access of which is restricted to the dominant coalition. If LAOs are to enjoy international justice, they should be able to have access to formation and running of international organizations, as well as to rents and benefits. As demonstrated in Chapter 4, Okeja's call for equal interaction between victims and perpetrators of global justice issues, both on a theoretical

and practical level, could be fulfilled from the transition of the world political order to an OAO. For the purpose of international justice, then, it is important that the global system shifts from an LAO to an OAO.

If international organizations are created for the purpose of regulating positive liberties that members of the world political order are entitled to, international organizations must hold former colonizer countries accountable for limiting the positive liberties of former colonies through neocolonial nations.

From this accountability emerges the required steps for reparative justice as outlined by Walker, that guarantees capabilities for all nations to transition to OAOs. Namely these are; acknowledgement of and accountability for harm conducted, reparative actions for harm administered, and a promise to discontinue discriminative practices. Reparative actions can take the form of reinstating a nation's capacity to achieve MLK's formulation of total freedom. To reinstate a nation's capacity to a) enjoy negative rights by removing hinderances such as dominion and interference and b) allow every nation to enjoy positive liberties, the system the nation is embedded must allow this capacity. Thus, there is a need in the shift of the world political order from that of an LAO to an Open Access Order.

The steps of reparative justice constitute the means for the world political order to shift from an LAO to an OAO. The first step is (i) acknowledging and taking accountability. It is necessary for OAO nations to account for the costs of their economic growth, stable infrastructure, and institutional stability. This includes acknowledging that they as former colonizers turned to OAO societies at the devastation of former colonies. OAO nations must further acknowledge that through neocolonial nations and control of international organizations that chair the global system, they prevent LAOs from transitioning into OAOs.

The (ii) second step involves reparative action aimed at removal of acknowledged barriers for LAOs in transitioning to OAOs. This can take the form of institutional reforms in international organizations, such as reforming processes that thwart democracy in international organizations. For example, by replacing weighted voting with equal voting power for all nations, positive liberties become accessible to all nations. Ending discriminative practices in international organizations against nations with less economic power, such as coerced implementation of economic policy, could be another example of institutional reparative

example. This action allows all nations to continue to have the capacity of being autonomous in internal affairs.

Another form of reparative action involves creating opportunities for marginalized individuals that come from LAO nations at international organizations. This would change the make-up of who runs international organizations into one that is more representative of all members in the world political order.

Another form of reparative action could involve granting international representation for indigenous populations by settler-colonial states, so that indigenous communities can positively participate in the global system, and step closer to attaining self-determination, and eventually total freedom. Reparative justice for indigenous populations would look like capability to politically participate in the global system as a people with a nation, even though their nation is settled upon, despite it possibly being quantifiably impractical to kick out settlers at this moment in time. However, I hypothesize that a switch in the structure in the world political order might open up possibilities for landback for indigenous populations.

Finally, the last step of reparative justice involves a promise to discontinue discrimination. This would involve entirely shifting the global system from an LAO to an OAO, so that reforms within international organizations are maintained, and the cycle of discrimination does discontinue. The onus would fall on former colonial nations, or current OAO nations, to meet the three doorstep conditions required for a society, or here, a system, that allows transitions between the two systems.

North et.al has identified three doorstep conditions that allow LAO's to transition into OAO's. "1) rule of law for elites; 2) support of perpetually lived elite organizations and 3) centralized and consolidated control of violence" (North et al., 2007, p. 21).

- 1) Rule of law involves creating and establishing appropriate regulations that apply to all, including elites
- 2) Creation of organizations that can survive without the people that created them, so that it can generate long-term rents
- 3) And finally, consolidation of violence involves creating violent specialists that cannot act of their own accord. (North et al., 2007, p. 22)



All of these require that the state is also able to perpetually live as an institution (North et al., 2007, p. 22).

A transition, according to North et.al, requires two parts – 1) to reach the doorstep conditions required for OAO. These doorstep conditions then creates the possibility of intra-elite impersonal exchange (North et al., 2007, p. 24). 2)The second part occurs when elites have the same rights as any other citizens – where they do not move beyond these rights because they have some violent capacity (North et al., 2007, p. 24).

Open Access Orders function when the following outcomes are producible by the society in question: “1) entry into economic, political, religious, and educational activities is open to all citizens without restraint; 2) support for organizational form in each of those activities that are open to all citizens; and 3) rule of law enforced impartially for all citizens” (North et al., 2007, p. 17). Citizens here are those individuals that “possess the right to engage fully in political and economic activities and organizations” (North et al., 2007, p. 17). Important to note; that you have the right to something does not mean that you are capable of achieving those rights. This is where ensuring capabilities of individuals, or here nations, through material and institutional resources, comes in.

OAO’s do not usually slide back into LAO’s because elites are frustrated by the competition that emerge and are unable to keep permanent rents through limited access (North et al., 2007, p. 18). Thus, enabling healthy competition is key to ensuring that the global system transitions into an OAO from an LAO. And a means to ensuring healthy competition is to ensure that all nations are able to enjoy positive liberties through the means of political participation.

## Chapter 6: Critical Discussion

In this chapter, I outline foreseeable objections to my argument so far – that the global system should shift from an LAO to an OAO to allow every nation to enjoy essential positive liberties, so that they are capable of functioning independently as an actor and a republic. LAOs should not be denied, as they are now, the opportunity to transition into OAOs. The onus of facilitating this transition falls on former colonizer nation, because they have benefitted from the disadvantage of former colonies.

Here former colonies could also include unrecognized stateless civilizations who, too, must be able to participate in the global system - for example, indigenous peoples of settler-colonial states such as Canada, New Zealand, Australia and the United States, as well as states that have not reached self-determination, such as Kashmir. While I have not gone in detail to explicate how the framework I have outlined in this paper applies to these societies, I propose research in their structures, the function of institutions and research into how these societies, despite not being nations, could reach self-determination.

### *1. Why reparations and not distributive justice?*

Distributive justice involves distributing the rents and benefits that a society creates in an equitable manner. I argue that distributive justice is not possible without reparative justice. This is because, as demonstrated in the paper, how an institution functions depends on the society that they are embedded in. This applies for the distribution of monetary or institutional sources, distribution of political and economic power, so on and so forth.

Without the crucial steps for reparation, acknowledgement, reparative action, apologies, and the crucial promise to discontinue discriminative practices, distributive justice remains embedded in a context that does not hold perpetrators accountable, but merely focusses on the existence of victims. Thus, distributive justice, in the context of a world political order that is an LAO, or within a nation that is structured as an LAO, will take the form of charity and aid. If an institution pushes for distributive justice in the context of an LAO, the reality will echo the function of the United Nations – with goals to solve development problems without actually solving them. This is because any means taken up to solve development problems in the context of an LAO, must also continue to retain rents and benefits for the dominant coalition. Thus, there is no incentive to ensure the capabilities of victims involved.

## 2. *How far back do we trace chains of disadvantage?*

Opponents to reparative justice argue that there are limits to how far back we could actually go in terms of engaging in reparations for harms committed. I will elaborate on the 5 counts opponents argue, and then reply to each of the 5 counts using the framework I have outlined in this paper.

- i. For reparations to take place today, it is necessary that there is a breach of some human rights law. Unfortunately, law does not extend beyond some scope of time. Currently, The European Court of Human Rights does not apply to events that have occurred prior to 3<sup>rd</sup> September 1953, that is, before the court's entry into force (Shelton, 2002, p. 4). There can be no action taken on harms that have been committed by a State before the State became a part of the Convention. There is however, an idea that continued violence can allow current victims to 'reach back in time' (Shelton, 2002, p. 4).
  - ii. Because reparations are compensatory and not punitive, there are no assessable damages for dignitary harms such as cancelling an election or depriving people of a democratic government (Shelton, 2002, p. 4).
  - iii. "In the absence of a global court of human rights, the existing commissions and committees may make recommendations to the state concerned about appropriate redress, but they may not order remedies" (Shelton, 2002, p. 4)
  - iv. Gross and systematic violations are impossible to make full and complete reparations for, on quantitative terms. For the same, opponents argue that "A choice must be made between speed and simplicity of procedure and individualized justice" (Shelton, 2002, p. 4). While various methods have been adapted from one state to another when it comes to ensuring reparations in the form of allocating harms and losses fairly and repairing harm caused through techniques such as prosecution, rehabilitation, compensation, symbolic redress and lustration, none seem to be satisfactory (Shelton, 2002, p. 4)
- 
- i. It is important here to understand who the parties are that established the European Commission. Here, OAO nations that were former colonizers establish and control the institution. It is difficult for the institution to engage in reparative justice if the institution is embedded in a global LAO system, because the dominant coalition

continues to retain rents and benefits. Thus, laws structured would ensure that these rents and benefits are retained, thereby not accounting for historical atrocities committed in the past, even if the aim of the institution is to regulate current positive liberties of all nations. Thus, a shift in the global system from an LAO to an OAO is required to a) allow all nations to shape the global system – here the kinds of laws that are structured. In this manner, the structuring of laws would then allow for reparative action for events that have occurred in the past.

- ii. What can be assessed is if the capacity of a group of people, or nation, has been taken away. If yes, then steps to reinstate these capacities must be engaged in as forms of reparative actions.
- iii. Victims, whether individuals or states, must have the capacity to organize economic, political and social organizations, so that they are able to validly address, and issue remedies as required. It is the capacity of individuals and states that must be repaired.
- iv. Yes, I agree that it is impossible to quantitatively compensate for the gross violations that have taken place in the past, which is why I argue reparative justice must focus on ensuring that individuals and nations are capable of doing, being and functioning well, by engaging in the three steps of reparative justice.

3. *Taxpayers of the developed world should not have to pay for the mistakes of their ancestors (Brophy, 2006).*

In the context of America, an anti-reparationists movement persists where those arguing against reparations go beyond the reparative actions by the government, to the ‘whom’ that funds the government – taxpayers. They argue that taxpayers are not liable for their ancestors’ mistakes, and that the government should not engage in any form of reparations using taxpayers money (Brophy, 2006, p. 77). Taxpayers have no liability because ‘compensation is immoral and was never due’ (Brophy, 2006, p. 77). The argument for no-liability stems from the fact that those that are alive now did not directly cause the injustices of the past, and thus have no liability to pay reparations. Such a thought comes from a Western notion that liability must be attached to some immediate fault (Brophy, 2006, p. 77).

If the LAO and OAO framework is to be taken as correctly descriptive of the system societies and their institutions are embedded in, and if it is the case that the global system is an

LAO, then it is also the case that LAOs today have a barrier in place that does not allow them to transition into OAOs, the same barrier that funds the infrastructure in OAO nations that facilitates their societies to be OAOs. Thus, taxpayers of the developed world today benefit from a harm to their LAO counterparts, even if it is a harm that they have not ‘directly’ caused.

Taxpayers are able to benefit from this barrier because of the wrongs of their ancestors, without choosing to do so. Similarly, taxpayers of the developing world experience a disadvantage because their ancestors faced discrimination, without choosing to do so. Further, as I have argued in this paper, the persistence of neocolonial relations sustains colonial disadvantages for LAO’s at the benefit of OAO’s.

The argument for reparation comes from this barrier that has caused harm to some, and benefitted others, without any of the parties necessarily being directly involved in the building of the barrier. Thus, benefitting from harm caused is a sufficient reason to engage in reparative justice (Brophy, 2006, p. 46). “We’re not raising claims that you should pay us back because you did something to us 150 years ago. We are saying that we are injured today by the vestiges of slavery, which took away income and property that was rightfully ours” ( Adjoa Aiyetoro cited in Brophy, 2006, p. 80).

4. *If it is the case that LAO is a natural order, why should we switch to an OAO? That is, if LAO is the natural order, and was the natural order for development, is switching to an OAO going back to what Walker notes as the ‘original state’?*

When I argue for reparative justice, I argue for the restitution of every individual’s capability to enjoy certain basic universal values. The three steps of reparative justice adequately fulfill the requirements for ensuring such restitution. I have illustrated, in my argument, how Europe was able to transition from LAO to OAO societies, and a crucial part of the transition involved the colonial drain. I have also illustrated the functioning of international organizations such as WTO and IMF, and have illustrated that the dominant collation enjoys positive liberties in the form of political voice at the cost of other nations from enjoying these same rights. Thus, while Europe was able to transition into LAO societies at the cost of their former colonies, and now hold majority of the power in international organizations,

they did so by preventing their former colonies from becoming OAOs. It is the prevention of this development into OAOs that must be restituted.

5. *If the poor functioning of a nation state is blamed on the past actions of western nations, does this not take away from the perception of the affected nation to be autonomous in their decisions and internal management?*

As demonstrated in this paper, how an institution functions depends on the system the institution is embedded in. Institutions function differently in LAOs and OAOs, because of the structure of the system, not because of mismanagement within the institution itself. Thus, acknowledging a) the issue at hand, b) the perpetrator of the issue at hand, and the c) the system the issue is embedded in, allows one to understand why an institution functions the way it does.

## Conclusion

Kwame Nkrumah in 1966 observed that “Africa is a paradox for which illustrates and highlights neo-colonialism. Her earth is rich, yet the products that come from above and below her soil continue to enrich, not Africans predominantly, but groups and individuals who operate to Africa’s impoverishment” (Okeja, 2017, p. 5).

The notion of reparative justice is to right something that has been knocked askew, it is to reorder that which has been broken. It is easy to blame the cause of a poor standard of living in LAOs to corruption. As an international student from India, I have always wondered why it is that as a society, bribery is such an ingrained aspect of day-to-day living. From escaping a speeding ticket, to getting one’s voter ID, sometimes even getting admission in a school, a citizen is expected to ‘donate’ some amount of money, usually in the form of cash ‘under the table’. Is it possible for India, a country with a tremendous population, to be able to survive without bribery? Has Indian society ever known life without corruption?

While corruption prevents violence in Indian society, corruption restricts rents and benefits to the dominant coalition. Limits to access restricts minority groups from achieving total freedom. India’s capacity to a) function as an independent actor in the global system and b) facilitate the well-being of her population, was taken away when, post-colonialism, India was found left with extractive infrastructure that continues to maintain neo-colonial relations. The persistence of neocolonial relations through extractive infrastructure maintains the LAO structure of Indian society, as seen in the persistence of LAO symptoms like bribery today.

While upper caste groups that form the dominant coalition is also to be blamed for the lack of essential resources available for marginalized populations, India’s former colonizers do have a moral duty to facilitate the nation-state as an independent actor, so that eventually the nation-state can, as a well-functioning independent republic, facilitate the well-being of her population, in a manner that is autonomous. It is the capacity to transition into an OAO, that must be restored by former colonial nations. And, as I have demonstrated, this is possible if the world political order is shifted from an LAO to an OAO.

I have demonstrated that enabling capabilities of nation states, so that they can autonomously facilitate the capability of their people, is a moral duty that is owed by those that have taken away this capability. I have argued that facilitating the capability of nation-states is the goal of reparative justice.



## Bibliography

- Acemoglu, D., Johnson, S., & Robinson, J. (2005). The Rise of Europe: Atlantic Trade, Institutional Change and Economic Growth. *American Economic Review*, 95, 546-579.
- Acemoglu, D., & Robinson, J. (2017). The Economic impact of colonialism. *VOX EU CEPR*.  
<https://voxeu.org/article/economic-impact-colonialism>
- Allen, D. (2018). Integration, Freedom, and the Affirmation of Life. In T. Shelby, & B. M. Terry, *To Shape a New World* (pp. 146 - 160). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- Arthur, P. (2011). *Identities in Transition*. New York: Cambridge University Press.
- Bensedrine, S. (2021, December 22). *Tracing Those Colonial Chains That Hinder Our Present*. Retrieved from Society For Cultural Anthropology:  
<https://culanth.org/fieldsights/tracing-those-colonial-chains-that-hinder-our-present>
- Bhambra, G. K. (2020, October 20). Colonial global economy: towards a theoretical reorientation of political economy. *Review of International Political Economy*, 28(2: Special Issue on "Blind Spots in IPE"), 307-322.
- Brophy, A. L. (2006). *Reparations: Pro and Con*. New York: Oxford University Press.
- Chicago Public Library. (n.d.). *Chicago Renaissance Digital Collection*. Retrieved from Chicago Public Library: <https://www.chipublib.org/chicago-renaissance-digital-collection/>
- Cuccinello, H. C. (2017, April 28). *Inside the Met Gala: The Money Behind Fashion's Biggest Night*. Retrieved from Forbes:  
<https://www.forbes.com/sites/hayleycuccinello/2017/04/28/inside-the-met-gala-the-money-behind-the-first-monday-in-may/>
- Daniels, N. (2020, October 16th). *Should Museums Return Looted Artifacts to Their Countries of Origin?*. Retrieved from The New York Times:  
<https://www.nytimes.com/2020/10/16/learning/should-museums-return-looted-artifacts-to-their-countries-of-origin.html>
- Doorn, J. A. (1987). *The process of decolonisation 1945 - 1975 : the military experience in comparative perspective*. Rotterdam: Faculty of Social Sciences, Erasmus University.

- Edoh, M. A., & Umubyeyi, L. (2021, December 22). *Society for Cultural Anthropology*. Retrieved from Introduction: Sustaining the Momentum: <https://culanth.org/fieldsights/introduction-sustaining-the-momentum>
- Finnis, A. (2022, May 4). *What was the Met Gala 2022 theme? Gilded Glamour meaning and why the event has been criticised*. Retrieved from People: <https://inews.co.uk/inews-lifestyle/people/met-gala-2022-theme-what-was-meaning-gilded-glamour-explained-1607702>
- Greenberger, A. (2020, October 14). *Activist Avoids Prison Sentence After Protest Against Colonialisms at Paris Museum*. Retrieved from ARTnews: <https://www.artnews.com/art-news/news/mwazulu-diyabanza-paris-trial-ruling-1234573853/>
- Isaac, T. T. (1984, February 4). Communist Movement in Kerala: A Study of Political Adaption. *Economic and Political Weekly*, 19(5), 200-204.
- Kohn, M. (2013). Postcolonialism and global justice. *Journal of Global Ethics*, 9(2), 187-200.
- Krishnamurthy, M. (2015). International Financial Institutions. In D. Moellendorf & H. Widdows (Eds.), *The Routledge Handbook of Global Ethics* (1<sup>st</sup> ed.). London: Routledge.
- Lawler, A. (2020, July 1). *Pulling down statues? its a tradition that dates back to U.S. independence*. Retrieved from National Geographic, History and Culture: <https://www.nationalgeographic.com/history/article/pulling-down-statues-tradition-dates-back-united-states-independence>
- Mashberg, T. (2021, October 24). *Cambodia Says the Met Museum Has Dozens of Its Looted Antiquities*. Retrieved from The New York Times: <https://www.nytimes.com/2021/10/24/arts/cambodia-met-museum-looted-antiquities.html>
- McKernan, B. (2020, February 6). *Saudi Arabia using secret court to silence dissent, Amnesty finds*. Retrieved from The Guardian: <https://www.theguardian.com/world/2020/feb/06/saudi-arabia-using-secret-court-to-silence-dissent-amnesty-finds>
- Menkiti, I. A. (2017, March 21). Africa and Global Justice. *Philosophical Papers*, 46(1), 13-32.
- Mintz, S. (n.d.). *Historical Context: Was Slavery the Engine of American Economic Growth?* Retrieved from History Resources, The Gilder Lehrman Institute of American

History: <https://www.gilderlehrman.org/history-resources/teaching-resource/historical-context-was-slavery-engine-american-economic-growth#:~:text=By%201840%2C%20the%20South%20grew,basis%20for%20American%20economic%20growth.>

Naoroji, D. (1901). *Poverty and un-British rule in India*. London: Swan Sonnenschein.

National Geographic Society. (2022, June 2). *Motivations for Colonization*. Retrieved from National Geographic: <https://education.nationalgeographic.org/resource/motivations-colonization>

Nkrumah, K. (1965). *Neo-Colonialism, the Last Stage of Imperialism*. London: Thomas Nelson & Sons, Ltd.

North, D. C., Wallis, J. J., Webb, S. B., & Weingast, B. R. (2007, September). Limited Access Orders in the Developing World: A New Approach to the problems of Development. *Policy Research Working Paper 4359*. <https://openknowledge.worldbank.org/bitstream/handle/10986/7341/WPS4359.pdf?sequence=1&isAllowed=y>

North, D. C., Wallis, J. J., Webb, S. B., & Weingast, B. R. (2013). *In The Shadow of Violence: Politics, Economics and the Problems of Development*. Cambridge: Cambridge University Press.

Nussbaum, M. (2007). In Defence of Universal Values. In C. Wainryb, J. G. Smetana & E. Turiel (Eds.) *Social Development, Social Inequalities, and Social Justice* (1<sup>st</sup> ed.). New York: Psychology Press.

Nye, J. S. (2004). *Soft Power: the means to success in world politics* (1<sup>st</sup> ed.). New York: Public Affairs.

Okeja, U. (2017). Introduction: Globalizing or Transcending Global Justice? *Philosophical Papers*, 46(1), 1-11.

Philipose, R. (2022, May 19). *Explained: The Controversy over a diamond necklace with roots in India, worn at the Metal Gala*. Retrieved from TheIndianExpress: <https://indianexpress.com/article/explained/emma-chamberlain-cartier-patiala-necklace-controversy-met-gala-explained-7912622/>

Roepstorff, K. (2013). *The Politics of Self-Determination*. New York: Routledge.

Shwartz, B. (2004). *The Paradox of Choice; Why More is Less*. New York: Harper Perennial.

Shelton, D. (2002, December). Reparations for human rights violations: how far back? *Amicus Curiae*, 44, 3-7.

The United Nations. (2008, February 20). *What is Transitional Justice? A Backgrounder*.

Retrieved from PeaceBuilding:

[https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/26\\_02\\_2008\\_background\\_note.pdf](https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/26_02_2008_background_note.pdf)

Walker, M. U. (2010). *What is Reparative Justice?* Milwaukee, Wisconsin: Marquette University Press.

Young, I. M. (2001). Equality for Whom? Social Groups and Judgements of Injustice. *The Journal of Political Philosophy*, 9(1), 1-18.