



Identifying Colonial Harms and Reparations: A Study of Britain and India

Preetbir (Preeti) Pasricha*

* Philosophy, Logic and Scientific Method, London School of Economics, Houghton Street, London, WC2A 2AE, UK. Email: ppasricha6@gmail.com. URL: <https://www.linkedin.com/in/preetbir-pasricha/>

Abstract

This paper evaluates A. John Simmons' (1995) theory of fair shares to determine how due reparations are calculated. Reparations are understood to be the effort taken to repair a harm that resulted from a wrong. Using the case study of Britain's colonisation of India, this paper assesses three conditions assumed in Simmons' theory, and proposes two alternative conditions. It argues that Simmons' theory is narrow and only identifies partial due reparations. Finally, this paper concludes with a suggested alternative reparation: to implement a gesture that sincerely and publicly recognises past colonial injustices by teaching colonial history in the school curriculum.

Keywords: Colonialism; Historical Injustices; Reparations; Britain; India

Using the example of Britain's colonisation of India, this paper argues that Simmons' (1995) theory is narrow and only works to identify partial reparations that are due after historical harms. I make this argument by first presenting Simmons' theory of fair shares and the concepts of 'harm' and 'reparations'. Next, I apply Simmons' theory to the example of Britain's colonisation of India. I consider a situation in which Simmons' theory does identify a reparation, before presenting an example which shows that Simmons' theory only identifies partial reparations that are due. I then explain the argument for reparations, demonstrating that there exists a possible reparation that is morally significant; here, my suggested reparation is to teach colonial history in the school curriculum. Finally, I conclude that Simmons' theory does not fully work to identify which reparations are due in my case study; it only identifies partial reparations. This conclusion speaks against Simmons' theory as a means of identifying which reparations are due, but not against the argument for reparations overall.

Firstly, I outline Simmons' theory of fair shares. To begin, an actor X owes reparations to an actor Y if and only if three conditions hold. The first necessary condition is that X has benefited from the injustice that Y suffered. The second necessary condition is that there are identifiable goods that one can confidently claim to be connected to, and are sufficiently comparable to, what was lost due to the injustice. This relies on making conservative

assumptions of the potential counterfactual outcomes, such that the reparations due can be fairly determined (Simmons 1995: 158). The third necessary condition is that X must be able to transfer these goods to Y. Simmons then concludes that, under these conditions, X owes reparations to Y (Simmons 1995). In my case study, X refers to the people of Britain who committed the injustice (“Britain”) and Y refers to the people in India who were affected by the injustice (“India”). In this essay, reparations are understood to be the effort taken to repair a harm that resulted from a wrong, which includes transferring goods intended to compensate for those goods lost during the wrong (Radzik and Murphy 2015). I understand harm to be the consequence of an action that leaves an individual worse off than they otherwise would have been, had the action not happened, by setting back their interests (Mill 1859). I choose to focus on the impact on individuals and not the nation, as the effect is ultimately a summation of what is felt by individual people. I refer to the actors in question as “Britain” and “India” for simplicity.

Simmons considers an example of a stolen bicycle across different possible counterfactual outcomes. If one’s bicycle is stolen, then one has a right for this wrong to be rectified, where rectification after an injustice entails returning the share of goods, adjusted by size to the ones stolen (Simmons 1995: 160). Simmons recognises that after the passing of time or the destruction of property, the judgement of the counterfactual claim is complicated. For example, goods could be destroyed, or the affected group could change, which makes determining the counterfactual claim difficult. He thinks that the judgement of the counterfactual claim should be “conservative” (Simmons 1995: 158), with fair determination of which reparations are due. He goes on to claim that “it will certainly turn out that some past property injustices are simply unrectifiable” (Simmons 1995: 176).

Secondly, I apply Simmons’ theory to my case study to argue that his theory only identifies partial due reparations. Consider the first condition that X (Britain) has benefited from the injustice that Y (India) suffered. This seems to be true, as there is evidence that Britain’s growth occurred at the expense of India’s. British civil servants found highly paid employment under colonisation efforts and therefore benefitted unjustly from the harm (Tharoor 2015). The second condition, the identification of goods that are confidently connected to the injustice, holds as well. In this case, the Koh-i-Noor diamond is a good stolen and confidently connected to the injustice (Tharoor 2015). The third condition also holds, since it is possible for Britain to transfer this good to India as it is an undamaged, physical object. Therefore, under Simmons’ theory of fair shares, a reparation that Britain owes India has been identified. Since it has been recognised as a reparation, it should be returned under Simmons’ theory. However, this is only a partial reparation and does not encompass all reparations that are due.

To extend this point, the Koh-i-Noor diamond is not the only loss. Consider the millions of lives lost and displaced during the partition of India, the famines and destruction of industries such as the Indian textile industry (Tharoor 2015). The first condition still holds as per the previous example: Britain benefited from the injustice that India suffered. The second condition fails, because, although these are goods that can be identified and confidently said to be connected to the injustice, they are not ‘sufficiently comparable’. To fairly compensate for something, its value must be evaluated. Lives cannot be confidently assigned a value, unlike material objects (Bjorndahl et al. 2017). Consider the perspective of the individual: each individual could be someone’s child, someone’s parent, someone’s friend. These personal relationships are important and incomparable with each other; it seems morally uncomfortable to assign them a value. This argument extends the Kantian notion of dignity (Bjorndahl et al. 2017) such that if a being has dignity, its replacement necessarily incurs a cost. Thus, without a clear value, lives are not compensable, so the second condition fails. The third condition also fails: due to the passing of time, the fact that lives cannot be

replaced, and the fact that there was a change in the cast of those affected, Britain is not able to transfer these goods to India. Hence, due to the failure of the second and third conditions, Simmons' theory seems to argue that Britain does not owe reparations to India for the losses outlined.

I argue against Simmons' second and third conditions, by explaining that there exist reparations that Simmons' theory does not recognise but that are still due. Consider the first premise that a harm has still been done, even if it is not measurable or identifiable. There are non-material harms, such as psychic harms, like those that are identity-related (Cohen 2009). These are unaccounted for under the second condition when identifying 'sufficiently comparable' goods to the injustice. For example, partitioning India harmed community relations and those who previously lived peacefully side-by-side became hostile. Consider a second premise that reparations are understood to be the effort taken to repair a harm that resulted from a wrong (as per the definition). I introduce a third premise: where harms are done, they need to be repented for. Although it is impossible to identify a reparation of equivalent value to the harm, which requires putting a value on community relations, it seems morally problematic to just leave these communities in unrest.

A critic might argue that it is relatively easy to restore these community relations to their previous level. However, this is next to impossible in this example and this holds true across cases of those impacted by 'divide and rule'. For a start, India was partitioned resulting in two new national identities, and this is not something that can be undone. Additionally, many of the tensions that originated in the time of the British Empire still exist today: religious groups that used to live side-by-side no longer could, and some of these sentiments were passed down the generations. Communities are so vital to an individual's identity that, by neglecting the community, the individual is also insulted (Waldron 1992: 6). Hence, if we accept this third premise that harms need to be repented for, then, following the harmful consequence of this injustice, a reparation is due. Simmons' theory does not recognise this since it is not possible to assign value to, and hence compensate for, this harm. As a reparation is due that Simmons' theory has not recognised this speaks against Simmons' proposal as a method for identifying due reparations, specifically the second and third conditions outlined above, and not against the argument for reparations in general.

Thirdly, a potential rebuttal to my proposal from a defender of Simmons might contest why the third premise I proposed should be accepted, on the grounds that this is a historical injustice and the people who committed the harm, the British colonialists, are no longer alive. The rebuttal might argue that British people today who have not committed the harm should not repay for something they did not do, where they are not directly responsible. It is their ancestors who might not be alive today who hold responsibility for the harm to Indian people instead. If those who are alive today did not commit the harm, then it can be contended that Britain need not repay the harm caused to India.

I respond to this rebuttal by arguing that, even if those who committed the harm are no longer alive, this does not remove the fact that the harm occurred and is morally significant (Waldron 1992). The moral significance arises since, although those who committed the harm are no longer alive, those who are affected by the harm still are (Cohen 2009). Independence was only granted in India seventy-one years ago; thus, at least three generations are alive today. It appears to be in good faith to these people to recognise that a harm has been committed that impacted them and their family. Keeping this acknowledgement in memory is a 'symbolic gesture' (Waldron 1992: 7), not intended to compensate for harms, but at least to address the significance of their occurrence. This approach recognises that since a reparation is possible, it is morally relevant to believe a reparation is morally required.

If reparations are “efforts taken to repair a harm that resulted from a wrong”, as stated earlier, one possible effort is including colonial history in the school curriculum. This restricts the emergence of historical amnesia and does not aim to directly repay for the injustice but addresses that it happened through a sincere public recognition. Being included in the school curriculum also means that lessons can be learned to prevent repeating the injustice. This argument for education was also recently rekindled. It has been recognised that through education, the story of the British Empire can be made impartial and factual, rather than a story understood through the “simplistic notions” (Singh 2019) of it being a good or bad thing. Educating about the Empire can allow potentially difficult conversations to emerge, so that the young generation, regardless of where their ancestors were, can participate in this conversation and learn from it.

In conclusion, Simmons’ theory is too narrow, failing to recognise the moral significance of all harms resulting from historical injustices. He considers whether goods are sufficiently comparable and identifiable, but by failing to consider all harms and their moral significance, his theory fails to identify all types of reparations that are due. By recognising that harms occurred, and that there exist possible reparations, such as education in the school curriculum, I argued that Simmons’ method of identifying reparations is narrow and therefore only identifies partial reparations in my case study of Britain and India. I first outlined Simmons’ theory of fair shares and the concepts of harm and reparations. Then I applied his theory to my case study, showing how it identifies reparations in the case of the Koh-i-Noor diamond. I then explained where Simmons’ theory fails to recognise all harms, in particular psychic harms. I addressed the rebuttal to my argument that those who committed the harms are no longer alive, so no-one today is responsible for the harm. I responded to this rebuttal by arguing that Simmons’ theory is too simplistic and does not consider the moral significance of harms. I extended this argument by demonstrating that there exists a morally significant reparation of including colonial history in the school curriculum. Finally, I conclude that although Simmons’ theory only identifies partial reparations, this does not speak against reparations in general, only against the conditions in Simmons’ theory.

Acknowledgements

I thank Professor Alex Voorhoeve and Dr. Liam Kofi Bright for their comments and guidance. I am also grateful to the two anonymous reviewers who provided comments that greatly improved the paper.

References

- Bjorndahl, A., A. J. London and K. J. S. Zollman.** 2017. "Kantian decision making under uncertainty: dignity, price, and consistency." *Philosophers' Imprint* 17: 1-22 URL: <http://hdl.handle.net/2027/spo.3521354.0017.007>
- Cohen, A. I.** 2009. "Compensation for historic injustices: completing the Boxill and Sher argument." *Philosophy and Public Affairs* 37:81-102 URL: <https://doi.org/10.1111/j.1088-4963.2008.01146.x>
- MacKenzie, J.** 2015. "Viewpoint: Why Britain does not owe reparations to India." *BBC News*, 28 July 2015. URL: <https://www.bbc.co.uk/news/world-asia-india-33647422>
- Mill, J. S.** 1859. *On Liberty*. Kitchener, Ont.: Batoche Books
- Radzik, L. and C. Murphy.** 2015. "Reconciliation." In *Stanford Encyclopedia of Philosophy (Summer 2015 Edition)*, edited by E. N. Zalta. URL: <https://plato.stanford.edu/archives/sum2015/entries/reconciliation/>
- Simmons, A. J.** 1995. "Historical rights and fair shares." *Law and Philosophy* 14:149-184. URL: <https://doi.org/10.1007/BF01001042>
- Singh, H.** 2019. "The problem with apologising for the Amritsar massacre." *Spectator*, 9 April 2019. URL: <https://blogs.spectator.co.uk/2019/04/the-problem-with-apologising-for-the-amritsar-massacre/>
- Tharoor, S.** 2015. "Viewpoint: Britain must pay reparations to India." *BBC News*, 22 July 2015. URL: <https://www.bbc.co.uk/news/world-asia-india-33618621/>
- Waldron, J.** 1992. "Superseding historic injustice." *Ethics* 103(1):4-28. URL: <https://doi.org/10.1086/293468>