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O'Neill, Shane

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The demands of substantive decolonisation: Brexit and Ireland as a matter of justice

Shane O'Neill

School of Social, Political and Global Studies, Keele University, Keele, UK

ABSTRACT

Although the impact Brexit might have on Ireland has generated a vast array of critical analyses, insufficient attention has been paid to this project as a question of justice or a matter of potential *injustice*. It is suggested here that the relative academic silence on this moral dimension of Brexit is connected to a widespread failure to connect theory and practice within the dominant approach to conceptualising the demands of justice both within and beyond the state. If we are to grasp the *fabric* of justice today, including just relations between political communities, then we need to be less reliant on methods of rational abstraction and focus instead on the history and structure of those hierarchical relations between the peoples of the world that have been imposed throughout the colonial and neo-colonial eras. This will lead us to re-conceive justice among the world's peoples as a project of substantive decolonisation, an alternative paradigm that offers a critical perspective on how best to address the legacy of historical injustice at a global level. This theoretical framework equips us too with the language required to assess the moral dimensions of Brexit, specifically in relation to its impact on Ireland.

KEYWORDS Global justice; critical social theory; colonialism; decolonisation; Brexit; Ireland

Introduction

The decision by David Cameron to commit to a referendum on the UK's membership of the European Union, in the Conservative Party's general election manifesto of 2015 (Conservative Party, 2015, p. 72), led the UK into an unprecedented period of political uncertainty. As a result of the binary question that was asked in that referendum of 23 June 2016, and the indeterminate meaning of the answer that was supported by a narrow majority, the UK faced its deepest diplomatic crisis since at least the Second World War. The process of agreeing what Brexit should mean, and of trying to work out how any such agreement might be legitimated within the UK's constitutional

CONTACT Shane O'Neill  s.t.oneill@keele.ac.uk  Keele University, Staffordshire, ST5 5 BG, UK

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order, brought a series of challenges that intensively exacerbated divisions among the general public, the parliament and the country. The pursuit of this hugely complex project, in the face of a variety of incompatible demands, led to a political environment characterised by an alarming erosion of trust in the British political system and its leadership. This experience has opened up serious questions about the long-term viability of the UK itself and has cast doubts on the resilience of its uncodified constitution as a foundation for a modern democratic order. I am not going to explore any of these significant and troublesome aspects of the Brexit project. The entire episode will clearly exercise the mind of academics and critical observers for decades to come, and there should be no shortage of pertinent lessons to be drawn that might enhance democratic practices in the future.

My concern is to set the analysis of Brexit in the context of theoretical debates about justice between political communities. My focus is on one moral question that should have been asked at the outset, but has never been adequately confronted. Is Brexit, as a political project, compatible with the demands of justice? More specifically, was the idea to commit to a referendum in the UK on its membership of the European Union, given the significant implications this would have for other political communities, morally justifiable? The UK joined the EEC freely in 1973 and held full membership rights throughout as the project expanded and evolved in subsequent years. The prospect of exit immediately raised moral concerns for EU nationals in the UK, and UK nationals in EU countries, and these matters were given an appropriately central focus in the negotiations of withdrawal. In the context of the UK itself and the status of its constituent nations, the outcome of the referendum raised other moral challenges, not least in relation to Scotland. With a majority in Scotland voting to remain, but being outvoted in the wider UK context, these moral issues will continue to be debated in discussions that focus on the possibility of a second referendum on Scottish independence.

By far the most controversial aspect of Brexit in relation to its capacity to adhere to moral standards of justice relates to the implications the project might have for the people of Ireland, on either side of its border. That border is a legacy of centuries of antagonism and periodic violence in the context of a complex, colonial relationship between the peoples of the islands of Britain and Ireland. Since the hard-won relative peace of recent decades has depended in part on the 'frictionless-ness' of that border, there is clearly a pre-existing moral demand at stake here. In particular, therefore, we need to ask if the Conservative Party's manifesto commitment of 2015 was compatible, in moral terms, with the principled commitments that were made by the UK government as one of the co-guarantors of the Belfast Agreement of 1998. That Agreement has been the foundation stone of the ongoing and stuttering peace process that has succeeded in drastically reducing levels of political violence in Northern Ireland over the past 20 years.

To consider Brexit as a question of justice, or potentially as an injustice meted out to others on the island of Ireland, is to go to the heart of the matter, since the demands of justice set constraints on the ways in which we can morally pursue our own good, or what we consider to be in our best interests, whether we act as individual agents or as collectives, including as states.

A related, important question to address first then is why, in spite of the voluminous commentary on this topic in the public sphere and in academic discourse, Brexit has not been assessed in the moral language of justice. I will suggest that the reason for this has to do with the way in which political theory, at least within the dominant approach premised on the assumptions of procedural liberalism, would appear to have lost any meaningful connection to political practice due to its tendency to pursue methods that engage excessively in processes of rational abstraction (Miller, 2013, pp. 228–49). If political theory is to recover its potential as a practically-oriented form of critical social theory, addressing actual and potential instances of injustice in the world, then it needs a new paradigm of inquiry. I wish to illustrate this gap between theory and practice by suggesting that we understand Brexit in the context of an alternative theoretical paradigm.

In what follows, I will first explain why contemporary theories of justice have, for the most part, failed to ask what I take to be the right questions or to connect theory with practices of human emancipation and struggles against injustice. I will suggest, following Axel Honneth (2014b), that one key element in the re-conceptualisation of justice will be the adoption of a historically grounded method of normative reconstruction. In the second part, I seek to expose the limitations of any attempt to theorise justice within the limited frame of the nation-state. This is where I take issue with Honneth himself, given that he fails to take adequate account of the ways in which relations of recognition within any one society are impacted by relations between it and others, not least with respect to the historical legacy of colonialism. This leads me to sketch, very briefly, a proposed alternative paradigm for attending theoretically to the fabric of justice in the global age. This is to be thought of as the work of completing substantively a historical process of decolonisation, broadly conceived, a process that will involve the achievement of a new set of relations between the peoples of the world based on equal respect. Substantive decolonisation is nothing less than the mutually supported realisation of political, economic, social and cultural aspects of self-determining freedom by all the peoples of the world. I will conclude by returning to the moral question that should be central to a critical analysis of Brexit.

Theory and practice: grasping the fabric of justice

The topic of global justice, the moral obligations we have to one another as human beings rather than as citizens of one political community, has in

recent decades become an appropriately central concern in contemporary political theory. Whereas justice was up until fairly recently theorised almost exclusively from within the context of one political community, often assumed to be the nation-state, much of the theoretical conversation at least has moved on to a global terrain. This is, in part, reflective of the historical process of increasing globalisation and a growing awareness of the deepening interdependence among the peoples, states and regions of the world. Both the causes of, and the likely solutions to, many of the most acute problems we face clearly lie beyond nation-state or regional boundaries. Mutual co-operation across the globe would appear to be essential if we are to make progress in tackling such major challenges including extreme poverty and inequality, climate change, epidemic disease, violent conflict and related threats to security, migration crises, food insecurity and mal-distribution, racism and other systematic forms of xenophobia, gender inequalities, modern slavery and other degrading work practices, and the decimation of other species. What is clearly needed from political theorists is an approach that allows us to conceptualise the demands of justice in a way that casts light on the moral content of political practices today, exposing injustices and indicating how relations that realise a higher degree of justice might best be achieved.

In an essay entitled 'The Fabric of Justice', Axel Honneth (2014a, pp. 35–5) summarised what he took to be the significant shortcomings of procedural liberalism, the dominant approach to conceptualising justice. His aim in that essay was to 'correct our customary conception of social justice by redirecting it from a fixation on the principles of distributing goods towards measures for creating symmetrical relations of recognition' (2014a, p. viii). Honneth was seeking to build on Hegel's insight that relations of reciprocity are the conditions of individual autonomy, and that such relations, therefore, must be considered as the structure of justice. Social and institutional relations that create conditions for the realisation of equal autonomy for all are the *fabric*, or material, of justice. These relations should therefore be the primary subject of any investigation that intends to connect theory to the practical pursuit of social justice. So rather than engaging in thought experiments about hypothetical agreements on principles that might determine how goods should be distributed by the state, theorists should rather seek to reconstruct the underlying normative basis of relations of mutual recognition across a decentred network of organisations and social spheres within which individuals struggle for freedom.

This critique takes direct aim at the dominant mode of theorising justice, at least in anglophone political theory, since the publication of John Rawls's *A Theory of Justice* (1971). Famously, Rawls considered what principles of justice might hypothetically be agreed to by parties representative of all social groups were they to be in an imagined position of equality that would neutralise the impact on individual life chances of good and bad fortune in both the lottery of nature and in social circumstance. There have

been numerous attempts by political theorists to extend, re-imagine or modify key details of this procedural approach and to tweak the egalitarian liberal principles of just distribution that Rawls derived from this constructivist procedure for a 'closed society'. All of these variations on the Rawlsian theme are ill-equipped to attend to the struggles against injustice that arise when people feel insulted by their treatment, not only by state institutions, but also in the workplace, at home, in school, on social media or in any other social context. The distributive paradigm, as Iris Marion Young (1990) famously referred to it, assumes that we are individual possessors and consumers of goods, and that all matters of justice can be addressed by asking the question 'who has what'? But to think in this way is, as Young pointed out, to ignore and obscure the social contexts in which all goods are produced, and to reify and misrepresent many social goods that are not amenable to distribution. Our concerns should be broadened to include all social relationships that have potential both to enable or constrain autonomy, including for example the rights and opportunities we have in various social spheres, the decision-making procedures that obtain in different institutions, and the standing enjoyed by members of minority groups in the public culture.

In many ways Honneth's essay on the fabric of justice served as a preface for the major work of normative reconstruction that he has undertaken in *Freedom's Right* (Honneth, 2014b), a *magnum opus* in which he offers a historically-grounded social analysis of democratic ethical life as the basis for the realisation of freedom by individuals in modern society. There are at least two ways in which the reconstructive method he adopts promises to reconnect theory to practice. The first is by insisting that the way in which principles of justice are thought to be *justified* is appropriately reflective of and relevant to actual struggles against experiences of injustice of the past and in the present. The second is by seeking to show how a greater degree of justice might be *realised* in the future by transforming existing human relations and institutional practices so that they instantiate more appropriately normative principles that have already been widely accepted and established in modern society. If this promise is to be fulfilled, then our critical social analysis will require an effective historical grounding. Rooting social analysis in history allows us to trace the various ways in which the normative basis of reciprocal relations have come to be legitimated and socially embedded through the achievements of ongoing struggles for freedom, inclusion, recognition and justice.

Honneth's compelling critique of procedural liberal accounts of justice is equally apposite when our concern is focused on relations beyond the state, among the peoples of the world. If we are to make the required connection between theory and practice with respect to issues of justice that transcend state boundaries, then we will need to move beyond the long-running

debate between universalist proceduralists and their liberal nationalist critics (Bowden, 2003; Brock, 2002). Many cosmopolitan theorists of global equality have reproduced the problematic core tenets of procedural liberalism that were exposed by Honneth's critique. These problems are, indeed, exacerbated when we seek to reflect on the demands of justice at a global level or in relations between peoples. It requires a greater level of abstraction from historical realities and political practice when a theorist presents hypothetical agreements or imaginary scenarios as grounds for universal principles that are thought to apply to the entire world.

Yet many of the most influential accounts of global justice have indeed proceeded by abstracting from contemporary and historical struggles for self-determining freedom against forces of neo-colonial oppression and injustice, and by imagining rather that people's interests can effectively be represented within the framework of some or other rational theoretical construction. This has been the case for those who, on the assumption that distinctions between nation-states are arbitrary from a moral point of view, seek to advocate versions of Rawls's difference principle (Beitz, 1973; Pogge, 1989), a principle of fair equality of opportunity (Caney, 2005) or luck egalitarianism (Tan, 2012) extended to a global level. It must be noted that the same sort of procedural methodological approach has also been adopted by critics who are sceptical of these strongly egalitarian cosmopolitan conclusions, including the argument presented by Rawls himself in his 'Law of Peoples' (1999). The focus of debates among egalitarian procedural liberals has, therefore, not been on the need to adopt a method of normative theory that promises to connect theory to practice, but rather on the question as to whether abstractly generated egalitarian principles should apply globally or not. The subject of justice remains the same, fair distribution of goods by states for individual citizens. The key disagreement within the procedural liberal family concerns the scope of distributive justice and whether egalitarian principles generate specific obligations on the citizens of one state with respect to individuals in other jurisdictions.

Another group of influential critics of those accounts of distributive justice requiring global egalitarianism are theorists who explicitly defend a liberal form of nationalism (Miller, 2007; Tamir, 1995). These theorists typically defend the view that we have special duties to fellow nationals and that these are more demanding than any moral obligations we have towards human beings in other countries. I will not be relying on liberal nationalist premises to criticise procedural theorists of global equality, not least because nationalism is a highly problematic basis for universal inclusion and citizen unity in societies that are becoming increasingly pluralist and multi-national. In addition, it seems to me that what troubles nationalists – the strong universalism that cosmopolitan theorists defend with regard to the scope of justice, grounded in a commitment to the moral equality of

all human beings – is not the right focus for criticism in any case. Our critical concern should rather be focused on the damaging and erroneous assumptions that many cosmopolitan egalitarian theorists make with respect to the *fabric*, or material, of global justice. That fabric is not an abstract realm of hypothetical agreements about principles of distribution across and beyond state boundaries, but rather a set of international and transnational *relations* that have the potential to enhance rather than undermine the prospects for equal autonomy, and for the realisation of freedom by all individuals across the globe.

Reconstructing justice beyond the (colonial) nation-state

In spite of his convincing call for a historically grounded approach to theorising justice, we find no systematically developed thinking on justice beyond the state in Honneth's own work (Heins, 2008; Zurn, 2015, pp. 212–14). It seems clear that we also need to develop a normative reconstructive analysis for the international realm, to supplement and revise the one that Honneth provides with respect to justice within modern democratic nation-states in *Freedom's Right*. This extension to the global level is motivated by an awareness of the dangers and limitations of reconstructing the demands of justice within the frame of the nation-state, and not only because of the realities of internal pluralism. To theorise justice exclusively for one country seems inappropriate for other reasons, including the interdependencies of the global order and the need for international cooperation in addressing those moral challenges that transcend borders. An additional key reason is because relations between citizens in any one democratic community have to be considered in wider contexts, including the ways in which international and transnational relations have been shaped historically.

Each society has its own story to tell as it emerged in history through intercommunal relations of domination and struggle, conflict and co-operation, xenophobia in all its forms and human solidarity. The historical achievement of freedom, as it is experienced by individual members of most political communities of the world today, is closely connected to the commemoration of those struggles for independence and freedom and against colonialism and conquest that were undertaken by previous generations. On the island of Ireland, for example, traditions of Irish nationalism and British unionism are still learning how to remember past struggles in ways that foster greater inclusion. All too often such memories of past struggles have been used to divide and to throw fuel on the embers of festering insecurities. The key point here is that experiences of individual freedom today across the world are nourished and shaped by the ways in which people remember the collective struggles, successful and unsuccessful, of their ancestors who fought against colonial impositions by alien forces.

It is noteworthy that the European societies that are most frequently referenced in the social analysis Honneth provides in *Freedom's Right*, the UK, France and Germany, were all colonial powers. Through practices of racialised, colonial oppression, the populations of these European countries benefited for varied but sustained periods in the modern era from the extraction of resources, transfer of energy and exploitation of labour taken by force from subjugated peoples. These colonised peoples were systematically humiliated in the name of the people of these self-described great powers, and denied equal standing as human beings. The spheres of action in which claims of justice have been raised in any of these colonising societies throughout modern history cannot be isolated from this wider colonial context. Nor, given the enduring historical legacy of colonialism and slavery, can contemporary claims in these relatively rich countries be considered fully without reference to the practices of domination that continue to pervade the global order. We need to be vigilant, therefore, against any tendency to abstract our social analysis of the relations in any one modern society from historical struggles in the world order. The demands of social and global justice have become deeply intertwined, as is clear and obvious, for example, in the general and widespread persistence of racism and racial inequalities (Mills, 1999).

We need, therefore, to reconsider Honneth's normative reconstruction of social justice, as he set it out in *Freedom's Right*, in those modern liberal, former colonial powers. This would be one dimension of the required extension of this approach so that we can grapple effectively with those demands of justice raised within the international community that seek to rectify the wrongs of colonialism. One way forward conceptually might be to conceive of the three spheres of social freedom Honneth analyses in *Freedom's Right* – personal relationships, market society and democratic politics – interacting with one another within a fourth all-encompassing sphere of freedom: the realm of international, or better, inter-social relations. Individual freedom within any one sphere in a given society is in part dependent on that society's external relations, as cases of colonisation make abundantly clear. Political communities have been embroiled with one another throughout the modern era, not just since we started to speak of globalisation, and external relations have had a structural impact on the scope of individual freedom across all spheres within each of these societies. We cannot understand freedom and justice in any one society unless we also reconstruct the normative basis of inter-social relations and the future prospects for respectful co-operation in this realm.

Of course, simply conceiving of the inter-social or international realm as an all-encompassing sphere of freedom does not fully achieve the extension of the normative reconstruction of *Freedom's Right* that is required. That can only be done through collaboration involving a wide range of studies that will contribute to the development of a multi-stranded, comprehensive

critical history of international relations in the modern era. This work will be informed by sociologists and political geographers of globalisation amongst others, and will require detailed case studies as well as the development of comparative critical frameworks. All will be focused on the normative content that has driven those struggles for human freedom in response to the subjugation of most of the peoples of the world by colonial powers and by subsequent neo-colonial practices. This is clearly a mammoth task, but the scale of challenge is not a good reason for resisting this demand. Such a normative reconstruction of modern global history is precisely what is required if we are to do justice to those who have suffered, and who continue to be burdened by the legacy of some of the worst injustices that have ever been imposed by human beings on one another. This collaborative work will be the heart of the alternative paradigm for investigating global justice that is much needed.

Global justice as substantive decolonisation

The ultimate purpose, then, of criticising the failings of dominant, egalitarian, liberal approaches to attend to the fabric of justice, and of extending Honneth's normative reconstructive analysis to encompass the international realm, is to provide the building blocks for an alternative approach to theorising justice for the contemporary global order. The demands of justice across the world are best articulated through a reconstruction of normative values immanent to the international order today. At the heart of this reconstruction are those demands for political freedom that inspired struggles against colonialism, and that continue to motivate people across the world to realise meaningful and empowering forms of self-determination. At a key moment during the era of formal decolonisation after the Second World War, the United Nations General Assembly (1960) adopted Resolution 1514 (XV), which was its 'Declaration on the Granting of Independence to Colonial Countries and Peoples'. The declaration was supported by all member countries except for nine abstentions, including colonial powers such as France, Portugal, Spain, the UK and the USA. This declaration is a clear and strong statement of a substantial ethical norm that signals a commitment to mutual respect between the peoples of the world, a commitment that frames international law in ways that defend the self-determining freedom, sovereignty and independence of all peoples. It is probably the most visible evidence we have that normative commitments to decolonisation and to the collective self-determination of peoples are core to the *already accepted* ethical basis of international relations in the contemporary world, and to the freedom that individual people yearn for as a demand of global justice. It also seems to capture at an international level the idea that relations of reciprocity are conditions of freedom.

Rather than worry too much about whether the scope of justice is global or national, in the abstract, which has occupied far too much effort from political theorists already, we need to consider how international relations might be re-ordered in practice so that they align with the accepted norms that recognise the equal standing of political communities as self-determining peoples. Such a re-ordering will require the dismantling of neo-colonial relations of domination so that each independent political community can be facilitated in enhancing the democratically-supported freedom of its own citizens, while working co-operatively with one another to tackle injustices that transcend state boundaries.

It seems clear that the historical process of decolonisation has yet to fulfil its promise. Yet that promise, of a new world order constituted by relations of mutual recognition among free and equal political societies, co-operating with one another to tackle shared problems of injustice in an increasingly interdependent world, remains core to the prospect of a more just global order. This alternative theoretical paradigm I am advocating, therefore, conceives of *global justice as the completion of the process of decolonisation*. This offers an alternative both to cosmopolitan theories of global distributive equality and to liberal nationalist perspectives. An account of global justice as decolonisation is based on a normative reconstruction of international relations through an analysis of the history and legacy of colonialism and an assessment of the prospects for realising the promise of a fully decolonised world. My proposal, then, is that the most fruitful way to theorise global justice is to ask how an ongoing historical project of substantive decolonisation is best to be completed. How can we ensure that all the peoples of the world have the capability of realising effectively their self-determining freedom? Of course, taking that as the appropriate test of global justice today does not require us to trace all contemporary injustices between the world's peoples back to historical acts of colonisation. But it does require us to work towards a world in which all vestiges of historical domination and of neo-colonial forms of control have been overcome.

It must be noted that even as a formal project, the era of decolonisation is not yet over, as is clear in several settler-colonial nation-states. In many of the countries that used to be seen, from an old European perspective, to be part of the 'new world', indigenous peoples have never had the experience of being formally liberated from colonial rule. There are also some continuing cases, although now a vastly reduced number, of so-called 'dependent overseas territories'. So formally, the age of colonialism is not yet gone. This reality and the need to connect theory with practices that are genuinely decolonising has been explored with great insight in recent critical indigenous studies, such as in the work of Glen Coulthard (2014). But there is also an important distinction to be made between a formally decolonised world and one that has overcome fully the injustices of colonialism. A relevant question that

must be asked in each specific case in which formal decolonisation has been achieved is the extent to which that formal process has facilitated collective self-determining freedom to be realised or instantiated in a substantive and meaningful manner.

So decolonisation, as I am interpreting it, goes far beyond the formal achievement of self-governing independence. It involves also the realisation of a new set of relationships based on equal respect between the peoples of the world, and in particular between formerly colonised peoples and dominant colonial powers. To achieve that set of relationships would require the overcoming of the legacy of colonialism not only politically with respect to the establishment of institutions and structures of self-governing autonomy but also in relation to the economic, social and cultural development of each of the self-determining peoples of the world. Taking this process seriously is to engage in a struggle for power at the global level, such that the process of globalisation can be pursued in the interests of all. It will only be through a historical process of mutual recognition among self-determining peoples, with each being acknowledged by all others as being of equal status in the world, that the legacy of colonialism can finally be overcome.

Colonial powers were willing to withdraw from their colonies in the period after the Second World War because the economic benefits of colonialism could be retained by them through alternative means, without the costs of maintaining responsibility for the people (Langan, 2018; Nkrumah, 1965). The most developed economies were able to exert financial, political or military pressure so as to secure ongoing access to cheap goods and labour. They have also been able to ensure that global institutions could steer the course of development for other societies in ways that allowed the existing configuration of economic and political power relations largely to be maintained. Given the faith that many cosmopolitan theorists have in the potential of global institutions, we now have another reason to insist on a reconstructive approach to normative theory that is sensitive to these historical realities. Nationalism too, by creating a bond of exclusive solidarity, often newly forged through anti-colonial struggle, has often been a curse for many post-colonial societies. It has created tensions between majority populations and minorities, including settler-colonial groups, tensions that have often led to civil strife, instability and war (Dahbour, 2014; Kohn & McBride, 2011).

So it seems that in the decades following formal decolonisation, during and after the Cold War, various effects of neo-colonial power have continued to undermine the prospects for real freedom in post-colonial contexts. The upshot has been high levels of conflict, and associated challenges of corruption and political under-development, in many states and across strategically important regions. This has made it difficult for many former colonies to create effective strategic alliances with other relatively poor countries within their region, continent or beyond. These alliances, had they been

more effective, might have been a counterbalancing force within the international community. Some such alternative balance of power would have had some prospect of impacting on the ways in which the international community has grappled with those challenges that have threatened the security of all, but particularly those who are most vulnerable to the negative consequences of civil strife, economic underdevelopment, food mal-distribution and climate change. What urgently requires investigation, from this perspective, are the historical realities of asymmetrical relations between the peoples of the world, and the ongoing struggles of formerly subjugated peoples to achieve equal standing in the global order. When it comes to contemporary global injustices – including desperate poverty, flagrant human rights violations, the suffering of civilians caused by war, or the threat of environmental catastrophe – our critical analysis should focus first on the failure to realise in anything but a hopelessly inadequate manner those normative principles of collective self-determination that are already embedded and accepted in the contemporary global order.

What I am proposing is an immanent yet radical theory of global justice, one that is based on the struggle for mutual recognition among self-determining political communities. The fabric of global justice, on this account, is constituted by asymmetrical relations between political societies confronted by a range of significant, shared, human challenges of injustice in an interdependent, globalising world that is marked by differing experiences of modernity. Accounts of justice between political communities that abstract from the fabric of contemporary international relations, and its historical context of colonialism, divorce themselves from meaningful political practices aimed at overcoming international and trans-national injustices. The starting point for a critical theory of justice must be the legacy of racialised, colonial oppression, exploitation and slavery that characterised the history of modernity, and the neo-colonial international relations that have followed.

Decolonising lessons forgotten: Brexit as moral regression

So is the idea of Brexit compatible with the demands of justice in relation to Ireland? While abstract accounts of distributive justice seem unable to address this question, we now have an alternative perspective, based on an account of justice between peoples as substantive decolonisation, from which to develop a relatively succinct and coherent answer. The peace process in Northern Ireland can be thought of as a relatively successful example of how political communities can grapple together with a problematic legacy of colonialism, one in which a greater level of justice was achieved through the emergence of a new set of relations among the peoples of Britain and Ireland. Before assessing Brexit morally as a political project, let me elaborate very briefly on this interpretation of the peace

process by drawing out some key features of it that are aligned to the account of decolonising justice I have set out.

The idea of a parity of esteem for British and Irish identities and traditions in Northern Ireland was the core normative idea that allowed the hierarchical relationship between British unionists and Irish nationalists in the jurisdiction of Northern Ireland to be dismantled in its peace process. This created a new set of egalitarian relations between those two traditions, relations that were facilitated by the opening up of the border on the island of Ireland. The creation of a frictionless and invisible border was made possible by the maintenance of the ceasefires that were an essential security-related backdrop to the process that led to the Belfast Agreement of 1998. But the frictionless-ness of the border also depended crucially on the fact that both the UK and Ireland were member states of the European Union. Trade and freedom of movement between both were thereby fully aligned within the EU's regulatory frameworks of the customs union and the single market.

The openness of the border has been considered to be essential, not only because of its economic benefits, but crucially because of its necessity in maintaining a parity of esteem between the traditions. Any checks on the border would be experienced by Irish nationalists on either side of it as an affront to their freedom of movement within their own nation, and thereby as a structural disadvantage and inequality in the relationship between British unionism and Irish nationalism. Checks on the border would, in effect, be experienced as the reintroduction of a colonial imposition, a physical barrier not only to free movement but also to the equal status of the Irish identity in Northern Ireland. This claim has not been questioned by any of the participants in the negotiations regarding Brexit, since all have acknowledged the importance of an open border to the maintenance of peace, and by extension to the egalitarian relations between the traditions that have developed in recent decades. So a hard border in Ireland would clearly become a physical manifestation of a newly restored hierarchy between British and Irish nationals, since only the latter would experience it as a colonial imposition. It is therefore incompatible with the commitment to a parity of esteem between these traditions that was the underlying core principle of the 1998 Agreement.

The peace process was not, of course, entirely an internal matter to be resolved with respect to the national traditions in Northern Ireland. The transformation of relations between those ethno-national communities, from conflict to co-operation as equals, would not have been possible had it not been for the success that had also been achieved in the relationship between all the peoples represented by the British and Irish sovereign states (O'Neill, 2012). This parallel historical process, in which a substantive form of decolonisation was realised, was also facilitated by the equal standing of the two states as members of the European Union. Irish republicans might

still consider decolonisation to be incomplete, and British unionists in Northern Ireland might not accept the framework at all. But it seems clear that by reaching agreement on the constitutional standing of Northern Ireland in 1998, and how it might peacefully be changed in the future, all parties have shifted their relationships beyond those characterised by colonial imposition.

The development of an equal partnership between the British and Irish states as co-guarantors of the peace process was supported by their partners in the European Union and by interested parties on the global stage, not least the United States. The symbolic highpoint of the process was reached when Queen Elizabeth II visited the Republic of Ireland in May 2011. During that visit the Queen acknowledged, in her visit to the Garden of Remembrance in Dublin, the sacrifice of Irish republicans who had fought against British rule in Ireland, and she declared the two countries to be 'firm friends and equal partners'. In the first of three volumes which constitute the most comprehensive and forensic study to date of the peace process, Brendan O'Leary (2019, pp. 106–46) presents the Agreement of 1998 as the end of centuries of colonialism in the relationship between Britain and Ireland.

So with regard to the demands of justice among the peoples of the world, the peace process in Northern Ireland stands as a beacon of hope. It has shown how even the most complex of post-colonial legacies, in this case one shaped by several centuries of antagonism and marked by a process of nationalist secession that led to division and partition, could be remedied were it to be tackled on the basis of free and equal relations among the peoples involved. Clearly there were some favourable conditions at work in this case that do not obtain in many post-colonial relationships. Not least among these conditions was the fact that Ireland had achieved in recent decades, in part through its membership of the EU, a comparable status with that of the UK as a relatively wealthy country within the global order. Independent Ireland gradually overcame the insecurities that had led it to focus in its early decades on an inward-looking attempt to preserve its traditions. More recently, it has looked beyond its nearest neighbour by interacting openly and confidently with the economic, social and cultural life of mainland Europe and the wider world. The Ireland that has stood as one of twenty-seven member states in negotiating with the UK regarding Brexit, both the withdrawal agreement and the future relationship, is a political community that has realised a full and comprehensive process of just decolonisation.

In the decades that led up to the negotiations that produced the Belfast Agreement of 1998, representatives of the British state made vast strides in working to remedy the problematic legacy of settler-colonialism in Ireland. This legacy had been manifest in the discriminatory regime in Northern Ireland from 1921 to 1972 and in the catastrophic impact of the violence

throughout the years of the 'Troubles'. The key to this work was the development of an equal partnership with the Irish state as co-guarantors of a process that was committed to the instantiation of a parity of esteem for the two national traditions in Northern Ireland. The idea of Brexit, of course, long before the commitment made in the Conservative Party's election manifesto of 2015, would present an immediate threat to that equal partnership. Joint membership of the European Union facilitated not only the equal partnership and firm friendship between Britain and Ireland that allowed them to act effectively as co-guarantors of the peace process. It was also essential to the frictionless border that underpinned the lived experience of a parity of esteem for Irish nationalists. Brexit, in essence, would amount to a wilful forgetting of the key lessons that were learned in the painful process of the substantive decolonisation of Ireland.

Of course, friends can disappoint one another, and clearly for any aspiring Prime Minister in the UK to promise a referendum on Brexit was a major disappointment to the firm friendship the Queen acknowledged between Britain and Ireland just four years earlier. But we are concerned here not with friendship but with the moral demands of justice. I have suggested that by playing a key role in the relatively successful peace process in Northern Ireland, the British people helped to realise the demands of justice. They achieved a new set of relations with the people of Ireland, thereby facilitating the parity of esteem that was necessary for peace among unionists and nationalists in Northern Ireland.

By putting all of that at risk – and it is difficult to deny that this is what the decision to hold a referendum on Brexit did – is to regress morally. It is to allow the achievement of substantive decolonisation in Ireland to be imperilled. It is to turn away from the careful creation of a set of conditions that have allowed a new set of positive relations to emerge from what had appeared for decades to be an intractable, post-colonial conflict. This was a rare and precious achievement, and as such should have been given a high moral priority in any consideration of a possible exit from the European Union, by either the UK or Ireland. At the very least, justice in this case would have required some formal consultation with the equal partner to that process in which just relations had emerged from antagonism and conflict. While it remains unclear now as to what the actual damage Brexit might do in Ireland in the long term, it seems undeniable that the project has been reckless in putting at risk a decolonising process that has saved lives and created relative harmony among the peoples of these neighbouring islands. In the context of the needs of a decolonised set of relations between peoples, such recklessness certainly falls short of the demands of justice. Brexit serves as a salutary reminder of the possibility of regression as well as progress in the struggle to achieve a decolonised world order.

Disclosure statement

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Notes on contributor

Shane O'Neill is Pro Vice-Chancellor and Professor of Political Theory at Keele University.

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