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Global welfare egalitarianism, resource rights, and decolonization

Abstract: This paper argues that land and resource rights are often essential in overcoming colonial inequality and devaluation of indigenous populations and cultures. It thereby criticizes global welfare egalitarians that promote the abolition of national sovereignty over resources in the name of increased equality. The paper discusses two ways in which land and resource rights contribute to decolonization and the eradication of the associated inequality. First, it proposes that land and resource rights have acquired a status-conferring function for (formerly) colonized peoples so that possession of full personhood and relational equality is partially expressed through the possession of land and resource rights. Second, it suggests that successful internal decolonization depends on access to and control over land and resources, especially for indigenous peoples.

Keywords: indigenous peoples; colonialism; land rights; welfare egalitarianism; decolonization; relational equality.

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Introduction

The case of indigenous peoples' land and resource claims raises a profound challenge for theories of global resource justice. One challenge is ontological. Western liberal theories typically are anthropocentric so that land and animals are 'resources' to be distributed amongst humans. In contrast, indigenous worldviews usually accord non-human beings their own legitimate claims to territory. While this challenge is a serious one, I will set it aside for the purposes of this article. Instead, I will explore whether and how indigenous claims pose a challenge for theories of global resource justice even if we remain within an anthropocentric framework. Many others have already pointed out the difficulties of instituting global resource egalitarianism in a world where different groups identify and value resources very differently (e.g., Miller, 1999). Global welfare egalitarianism as proposed by Chris Armstrong in *Justice and Natural Resources. An Egalitarian Theory* seems better equipped to deal with some of these problems because he endorses attachment claims. Attachment claims allow individuals to claim *particular* resources on the ground that they value them for their particular life plans. The attachment in question can be cultural, aesthetic, religious, or any other way that a particular resource contributes to the welfare of that person by being included in their life plan. Armstrong also demonstrates that such attachment claims benefit indigenous peoples that have preserved their traditional cultures which link them to the land and resources they claim.

However, I will argue that when we think about colonialism, we need a different and deeper account of why land claims can contribute to equality, tied to considerations of status inequality. Armstrong considers at various points how resource justice connects to decolonization and historic power inequalities. He also acknowledges that there could be special resource claims based on what I will call the expressive function of resource rights. Yet, he does not take on this insight when it comes to discussing the importance of resource rights for decolonization. Instead, he suggests that states' resource rights are not necessary for and indeed a hindrance to decolonization. Here, I argue, Armstrong focuses too much on the economic welfare that resource rights can produce. He thereby overlooks the aspect of power relations and relational equality that is also central to the decolonization process (section 1). This aspect is especially relevant for many indigenous peoples as they still live in a colonial situation in which they are part of a colonial state. I will show that for a successful decolonization strong indigenous land and resource rights are indispensable because they are necessary to create symbolic and actual relational equality between indigenous peoples and colonial powers. Section 2 discusses land and resource rights as status-conferring rights for (formerly) colonized peoples. Section 3 turns to theories of indigenous resurgence and internalized colonialism. Section 4 examines the implications of the two arguments for resource and land rights of (formerly) colonized peoples in a welfare egalitarian framework.

Resource Rights and Colonization

Armstrong (2017: 151) acknowledges that the concept of full and permanent resource rights was a central achievement of the fight for decolonization. He (2017: 165-6) then evaluates whether resource rights were able to achieve what he considers three main goals of former colonies: First, to control the level of compensation payments to colonial powers when concessions for resource exploitation were ended; second, to develop economically to a standard comparable to that of the Western world; third, to change the international legal system so that it would not disadvantage former colonies but strengthen them economically. Armstrong concludes that none of the goals has been achieved and thus that resource rights did not help the decolonization process. He ascribes this failure to two reasons: First, the missing reform of the international system and second, mismanagement by internal elites. He shows how the political self-determination of former colonies has been restricted by rules of the international legal system that protects the interests of foreign investment and thereby mostly the interests of the old colonial masters. He (2017: 159) also argues that increasing the accountability of elites does not necessarily lead to more equitable shares of resource benefits. Armstrong concludes that though reforms both of the international system and of accountability mechanisms would improve the

current situation, permanent state sovereignty over resources does not help decolonization and indeed does hinder the global achievement of equal access to welfare. Thus, permanent sovereignty over resources should be abolished.

Armstrong's argument is well-supported by empirical evidence and some of the worries he raises apply to indigenous people as well. For example, indigenous peoples are not free from corruption either and they are also subject to trade systems that might disadvantage them if they were to gain resource and land rights on their traditional territories. So, in order to achieve the economic goals Armstrong listed, the abolition of national sovereignty over natural resources might indeed be the most effective strategy.¹ Yet, it is worthwhile to ask whether economic development was truly the *only* goal of formerly colonized peoples when they fought, or in the case of indigenous people are still fighting, for sovereignty over natural resources, including land. My suggestion is that part of the fight for these rights also had to do with achieving an equal status with colonial powers. I will furthermore argue that this aspect of land and resource rights is especially relevant for indigenous peoples. To understand the link between colonialism, equal status, and land and resource rights, it is helpful to analyse what settler and extractive colonialism have in common and where they differ. Both kinds of colonialism share that they are a form of domination which foreign colonial powers exercise over a native population. Colonialism thereby establishes a power imbalance that devalues the native population, collectively as a people and individually as persons. This devaluation is expressed differently in settler and extractive colonialism as they were guided by different aims, yet they also share common ground.

Both forms of colonialism were built on what Charles Mills (2017: 31) calls racially restricted personhood. Full personhood in classical liberal theory and colonial practice was restricted to white people, excluding people of color. This exclusion from personhood meant that the core tenets of liberal theory, equality, self-determination, and protection of property rights, did not apply to colonized peoples. This denial of full personhood had two interlinked consequences: subordination and dispossession (Keal, 2003: 21). Both played out on the individual and the collective level. Colonial powers justified this subordination by claiming that the colonized had a 'child-like' or 'uncivilized' nature that made them unfit for governing themselves or participating in political life (Mill, 1861; Kohn and O'Neill, 2006). On the collective level, this ideological subordination

¹ Yet, there are also doubts whether a revoking resource rights and instead distributing the resource benefits to the poor would actually work. For example, there is evidence that a substantial amount of foreign aid is captured by local elites and does not reach its intended recipients (Andersen et al., 2020). Thus, it seems that the international distribution of monetary benefits also comes with its own problems, at least if Armstrong does not envision a wide-reaching abolishment of national sovereignty in general.

led to the denial of collective self-determination rights. Colonized states were not regarded as full and independent members of the international system and thus lacked the rights and standing that European states possessed.

On the individual level, the denial of full personhood led to a denial of the colonized's basic rights to freedom and equality. Colonizers viewed the colonized as barbarians and thereby excluded them from 'the concept of equality of mankind, on which human rights are based' (Marks, 1992: 26). Accordingly, the colonial subjects were refused human rights, including basic political and social rights. Instead, colonial powers assumed exclusive jurisdiction over the native population and at best treated them as 'wardens of the state,' at worst as mere human resources to be (mis-)treated according to the arbitrary will of the white masters (Bufacchi, 2017; Bodley, 2015: 23-24).

Second, with the denial of full person- and statehood came also a denial of property rights, which led to dispossession. Dispossession played out differently in settler colonialism and extractive colonialism. Extractive colonialism was guided by a logic of exploitation. It is the kind of colonialism that was dominant in many African countries. Colonial powers were mainly interested in the resources that they could extract from these countries. Resources that were of interest were both natural resources as well as human labour. Human labour was a valuable resource itself which colonial powers used to extract and produce natural resources in the colonies and for services at home. Thereby, the logic of exploitation directly led to slavery, an additional, specific form of subordination. Extractive colonialism dispossessed the native population of their natural resources and, when they were turned into slaves, of themselves. Settler colonialism, in contrast, was guided by a logic of elimination (Wolfe, 2006: 388). Settler colonialism aimed at an expansion of the land base of colonial powers. In extractive colonialism, land was only seen as a repository of resources that could be taken and brought home. Colonizers would only stay in colonies as long as necessary and in the number necessary to ensure the desired extraction of resources. In settler colonialism, however, land itself became the most desired resource. Europeans moved to the new colonies permanently and tried to replicate the social and political structures of their homelands.

Indigenous peoples were only seen as a hindrance to these efforts. In order to gain the desired land, colonial powers aimed at eliminating the native population. They used three strategies of elimination: discursive, physical, and cultural. First, 'by defining away the essential humanity of the inhabitants, and by denigrating their capacity for self-government, it becomes possible to convert inhabited land [...] available for the first taker.' (Marks, 1992: 28) This discursive elimination of the native population is expressed in the concept of

terra nullius which denoted the idea that land was uninhabited and thus free for taking by settlers. Second, settlers and their government used a variety of policies to physically eliminate indigenous peoples. For example, war and other aggressions against the native population were used to enforce natural law which was taken to include the right to settle and appropriate ‘unused land,’ to carry out missionary activities, and to travel through and initiate trade on the lands of indigenous peoples (Keal, 2003: 94-94). Third, cultural genocide was a form of elimination that erased indigenous peoples as indigenous peoples from the (political) landscape. By either ignoring or depreciating indigenous cultures and their property, agricultural, and hunting systems, colonizers could demand that indigenous peoples assimilated to European ways of life, including systems of individual property and agriculture. This move was explicitly justified because it would free up land by enforcing a more ‘efficient’ use of it (Locke, 1689; Vattel, 1863). Moreover, if indigenous peoples were not recognizable anymore as indigenous peoples, they also lost the rights that were tied to this status, further freeing up land. Thus, within settler colonialism, subordination and dispossession meant not exploiting but eliminating the Native, discursively, physically, and culturally.

Settler and extractive colonialism thus were based on a racialized notion of personhood that led to the systemic subordination of the colonized population and their exclusion from property, land, resource, and self-determination rights. In turn, the colonizers claimed rights over land and resources both at home and in the colonies as their natural right which they held as individuals and states. Both forms of colonialism thereby established a strong and institutionalized form of relational or social inequality. This inequality is expressed through relations in which people are ranked according to their assumed superior or inferior moral status. “Those of superior rank were thought entitled to inflict violence on inferiors, to exclude or segregate them from social life, to treat them with contempt, to force them to obey, work without reciprocation, and abandon their own cultures (Anderson, 1999: 312). It is noteworthy, that in the case of colonialism, this relational inequality operated on the individual as well as collective level. It was an inequality between individuals that (involuntarily) shared a political community, colonialists and colonized, and between peoples or states, the colonizing states and the colonies. Overcoming colonialism also means to abolish this relational inequality that was rooted in the denial of full personhood of the colonized and was expressed through oppression, exploitation, and denial of self-determination, land, and resource rights. Thus, Armstrong’s focus on material equality between former colonies and colonial masters falls short. The link between relational inequality and denial of land

and resource rights challenges Armstrong's suggestion that decolonization without resource rights is possible.

In the following, I will present two arguments for why resource rights are necessary to achieve decolonization and relational equality. The first one builds on the link between resource rights and the notion of full personhood. It argues that during colonial times, resource rights have acquired an expressive function that is status conferring. The second argument is especially relevant to indigenous peoples. It considers the value of resource rights for cultural resurgence that enables decolonial ways of life. Both arguments justify special claims to resources independent of attachment or improvement claims. They thereby introduce a further ground for special claims, beside claims from attachment or improvement, that a welfare egalitarian theory like Armstrong's should accommodate.²

The Expressive Meaning of Indigenous Land Rights

In the last section, I have claimed that by focusing on material equality Armstrong has unduly ignored other relevant issues between (formerly) colonized peoples and colonizers when advocating for revoking resource rights of states. I have argued that relational inequality also has been a defining feature of colonialism and that it went hand in hand with a denial of land and resource rights. Subordination and dispossession were two sides of the same coin, both justified by an ideology that posited the colonized population as inferior to the colonizers. In this section, I will argue that because dispossession and denial of land and resource rights was an outgrowth of the denial of full personhood, the restoration of full personhood requires giving land and resource rights to the formerly colonized. The reason for this is that these rights have acquired a status-conferring function during colonial times. The argument rests on the assumption that rights and resources do not only have an instrumental value for our well-being, but that having or not having them often also signals a certain status. Adam Smith describes this when he says:

A linen shirt [...] is, strictly speaking, not a necessary of life. The Greeks and Romans lived, I suppose, very comfortably though they had no linen. But in the present times, through the greater part of Europe, a creditable day-labourer would be ashamed to appear in public without a linen shirt, the want of which would be supposed

² This also distinguishes my approach from critiques that point out the shortcomings of global welfare egalitarianism in truly accommodating attachments and different resource values in different cultures (cf. Moore, 2019; Kolers, 2009). My critique, in contrast, primarily emphasizes the symbolic and instrumental use of land and resource rights for establishing relational equality and for decolonization which is not a focus of Moore or Kolers. For other approaches that argue that historic injustice can establish grounds for special claims within a given theory of justice, see Waligore (2016) and Reibold (2017).

to denote that disgraceful degree of poverty which, it is presumed, nobody can well fall into without extreme bad conduct (1827: 368).

In the times of Adam Smith, a linen shirt had not just a use value. It also had a status-conferring function by signalling to others one's good moral character. John Rawls also acknowledges the status-conferring function of rights when he argues that equal rights and liberties should have priority over the bettering of equality of opportunity or the economic situation. Part of the reason for the prioritization of equal rights and liberties is that besides their instrumental value for pursuing a good life, they also matter for recognizing all citizens as free and equal. Thus, certain rights and resources can express an inferior, equal, or superior status. They thereby have a status-conferring function, which must be taken into account when we talk about the advantages certain rights confer. As the Adam Smith example points out, status-conferring functions are often context specific. In ancient Greece, a linen shirt had no special status-conferring function while in Smith's time it had acquired one. The same applies to resource rights in a (post-) colonial context. Land and resource rights do not necessarily have a strong status-conferring function per se. They only acquire one if they are denied selectively and without good reason as has happened during colonialism. Therefore, Armstrong's suggestion to revoke resource rights does not necessarily have to be interpreted as an attack on the equal status of states and the people they represent.

For colonized people, however, subordination and denial of land and resource rights were so closely connected during colonial times that these rights have become something like a 'sticky sign' for their inferior status. Sticky signs are words or in this case actions that have been used in a certain way many times in the past. The particular use thereby develops a certain sticking power and becomes intrinsic to the action (Ahmed, 2004: 92). This is the case for policies that deny or restrict land and resource rights of (formerly) colonized peoples. The way that these policies have been used and justified in the past, inextricably links them to colonialism and thereby to relational inequality. This stickiness is important to understand the status-conferring function of land and resource rights in the colonial context. Like speech acts, distributive acts are imbued with a certain meaning in so far as 'that action echoes prior actions, and accumulates the force of authority through the repetition or citation of a prior and authoritative set of practices. [...] the act itself is a ritualized practice' (Butler, 1997: 34). During colonialism, the denial of land and resource rights through colonizers has become such a 'ritualized practice.' Moreover, this practice 'sticks' to the notion of racialized personhood and inferior status which justified and enabled this practice of dispossession. Resource rights thus have

become a marker for full person- and statehood and thereby have become status-conferring for colonized peoples.

In a world in which colonial structures are not yet entirely overcome, the denial of resource rights then can be reasonably interpreted as a consequence of the (renewed) denial of full person- and statehood. In turn, the restitution of these rights often is seen as breaking with the colonial script and as affirming equal status (Sparrow, 2000). Armstrong also recognizes that certain resource rights are tied to status when he for examples states that:

We will sometimes want to avoid gender- and ethnicity-based inequalities in resource benefits, especially in societies with a history of exclusion from resource ownership where this exclusion has fed into a vicious cycle of prejudice and stigma. [...] There are also many indigenous communities, members of which have been deprived of access to valued natural resources, and been the subject of enduring inequalities of status, with regard to whom the same argument is plausible. In such cases hypothecating equal natural resource benefits makes egalitarian sense – if it promises to be effective in weakening the cycle of disadvantage in question (2017: 74).

Armstrong here acknowledges that certain historical contexts connect resource benefits and rights to prejudices and stigma that negatively affect the equal status of people. This is obvious from his mention of prejudice and stigma as well as his suggestion to hypothecate resource benefits in such cases. Hypothecation (Armstrong, 2017: 72-3) denotes that certain goods should be distributed equally because they are in some meaningful way connected to moral status and thus cannot be substituted for by other advantages. He thus recognizes that exclusion from resource ownership can come to express a lower status of the excluded. He also proposes that the appropriate way to re-establish equal status is to distribute them equally. Armstrong therefore seems to acknowledge that resources can acquire a status-conferring function and concludes that in order to ensure equal status, these status-conferring resources should be distributed equally.

It is therefore even more surprising that Armstrong only focuses on material disadvantages in the context of decolonization. One reason for this might be that he concentrates on the hypothecation of resource *benefits* as a solution. For Armstrong, it makes sense to talk about resource benefits and not resource rights. Resource benefits can be hypothecated even if some international institution, and not states, holds and distributes resource rights. If resource rights were hypothecated, however, it would undermine Armstrong's project.

The reason is that his version of welfare egalitarianism is based on the abolition of states' resource rights. Yet, as I have argued above, it is precisely resource *rights*, not just resource benefits, that have become status-conferring in the colonial context. Thus, equalizing resource benefits will not be effective in re-establishing equal status. Equal resource rights will be better suited to this end. Yet, they are not necessary. As discussed above, resource rights are not equally status-conferring for all groups. I have proposed that they only have become status-conferring for colonized peoples. For non-colonized people, denial of resource rights has not been associated with denial of person- or statehood. Thus, it does not seem harmful if groups that were not colonized lose their resource rights to an international body. If that is true, then it is possible to grant colonized peoples strong land and resource rights while denying the same to non-colonized states. Due to the different histories of both groups, this approach will affirm the equal status of colonized peoples without decreasing the status of other groups.

In this section, I have argued for three claims: First, resource rights have a status-conferring function for indigenous peoples and other colonized peoples. Second, resource rights have this function primarily for (formerly) colonized peoples. Third, this function gives indigenous peoples and other groups with a colonial history a stronger claim to sovereignty rights over resources than other groups. The status-conferring function of resource rights grounds special claims apart from attachment or improvement claims. The next section will discuss a second reason why land and resource rights are central to decolonization and how this can establish a further ground for special resource claims. While the argument about the status-conferring function of resource rights applies both to formerly colonized states and indigenous peoples, the argument of the next section has special, though not exclusive, relevance for indigenous peoples.

Indigenous Land Rights and the Decolonization of the Mind

In the last section, I have argued that decolonization goes beyond material well-being. It extends to the re-establishment of an equal status, which includes granting those rights connected to full personhood and thus equal moral status. In this section, I will focus on a further element of decolonization connected to land and resource rights: the decolonization of the mind and decolonial ways of living. Colonialism not only dispossessed and subordinated persons. It also justified this dispossession and subordination with the alleged cultural inferiority and backwardness of native peoples. This narrative provided reasons not just to deny resource, land, and self-government rights to the native population but also to forcefully assimilate them. It also devalued native culture and ways of living as barbarian, backwards, and uncivilized (Young, 2003: 2). Part of the

colonial project was to eradicate such backward cultures and to assimilate, or 'civilize,' the native population into western ways of living. This feature was especially prominent in settler societies in which cultural assimilation was systematically pursued. To this end, the settler state introduced boarding schools, prohibited native religions, ceremonies, and languages, and aimed to undermine traditional social structures, for example through introducing private, instead of communal, property. In the name of progress, cultural genocide was normalized by presenting it as the eradication of something inferior (Keal, 2003; Bodley, 2015; Coulthard, 2014). David (2013: 57) speaks here of internal colonialism which is the 'cultural imposition of the dominant group on the minority groups, and cultural disintegration of the oppressed groups' indigenous culture.'

Franz Fanon (1991) argues that this devaluation of everything native was so entrenched in the colonial state that the colonial subjects have internalized it themselves. They thereby come to loathe their own culture, ways of living, and ultimately themselves (David and Okazaki, 2006a, 2006b). Moreover, this experience leads to an alienation from their own selves and an acceptance of their subordination in the colonial state. The resulting 'colonial mentality' consolidates the unequal structures that characterize colonialism. Coulthard, building on Fanon, emphasizes that 'one cannot hope to restructure the social relations of colonialism if the "inferiority complex" produced by these relations is left in place' (2014: 140). Thus, if colonialism does lead to a colonial mentality that naturalizes and thereby preserves structures of relational inequality, then decolonization and relational equality presupposes that this internalized colonialism is overcome. To do so presupposes a revaluation of native culture and ways of life. In this vein, the negritude movement 'emphasized the need for colonized people and communities to purge themselves of the internalized effects of systemic racism and colonial violence by rejecting assimilation and instead affirming the worth of their own identity-related differences' (Coulthard, 2014: 131).

The question then is how such a purging of colonial mentality and reaffirmation of the colonized's way of life can be achieved. Theorists working in the decolonial tradition hold that cultural revitalization and resurgence is key (cf. Strobel, 1997: 63; Whyte, 2018: 68; Simpson, 2011; Coulthard, 2014). Simpson highlights that:

Building diverse, nation culture-based resurgences means significantly reinvesting in our own ways of being; regenerating our political and intellectual traditions; articulating and living our legal traditions; language learning; creating and using our artistic

and performance based traditions. [Decolonization] requires us to reclaim the very best practices of our traditional cultures, knowledge systems and lifeways [...] (2011: 17-18).

A first step towards that goal is for the colonized to gain control over their political, social, and cultural matters. Here is where an important difference between settler colonialism and extractive colonialism comes to bear. Colonies subject to extractive colonialism partly reached this freedom and control when they gained independence. In these colonies, the native population remained a majority and took over power when the country gained independence. So at least internally, these colonies gained independence and political self-determination. They can counter the past devaluation of their culture, history, and ways of life by now promoting them and changing colonial institutions in such a way that they enabled and reflected their own values and ways of living.³ In settler colonies, however, independence meant a very different thing. Here, the settler society, not the native population, gained political independence from the colonial motherland. The native population, indigenous peoples, are up to this day subject to a state that is not their own, in which they constitute a minority, and in which they are still discriminated and disadvantaged. Moreover, the settler state has ultimate jurisdiction over them so that they depend on the state's permission to re-establish their traditional legal, economic, and political systems. Consequently, collective self-determination rights are one part for enabling effective decolonization for indigenous peoples. Another, equally important part are land and resource rights.

Traditional indigenous ways of life are land-based. "Cultural," here, far from sitting on one side of a nature/culture divide, extends to – and indeed from – the natural world' (Whitt et al., 2001: 703). Indigenous knowledge systems are similarly bound up with the land on which they developed. As Kyle Whyte highlights, 'indigenous knowledges have governance value. That is, they serve as irreplaceable sources of guidance for Indigenous resurgence and nation building' (2018: 63). Thus, political, legal, economic, cultural, and knowledge systems are all interdependent and in turn all are land-based. Indigenous peoples thereby differ from most other states whose political and cultural systems are less dependent on specific land and resources. Armstrong also acknowledges this when he says that 'the example of indigenous communities supplies cases where plausible claims for resource claims can be made, [yet] it does not, typically, bolster the case for national resource rights' (2017: 138). The

3 Of course, former colonies still experience strong dependencies on international bodies and other states, e.g., through debt, conditions for foreign aid, and treaties which all restrict their internal self-determination. Yet, in contrast to indigenous people they still have considerably more leeway in how to structure their political, legal, and cultural systems as well as their land and resource use.

reason he allows for some indigenous communities, but not for states, to claim resource rights is their different attachment to resources (Armstrong, 2017: 137-8). According to him, states cannot convincingly claim a close attachment to all resources that are on a state's territory. In some cases, the state's citizens will have very little attachment to particular resources because they do not play a part in the culture or history of the country. In other cases, it might only be subgroups, such as indigenous peoples, that have a strong attachment, and thus claim, to resources on a part of the territory. In neither case, Armstrong argues, is it the whole state that can claim all resource rights of all resources on its territory.

Traditional indigenous systems, in contrast, are based on a different understanding and relation to the natural world than that of most states. Commonly, states accord only humans membership and see land and resources primarily as instrumentally valuable to these members and their political system. Thus, the justifications for claiming resource rights are anthropocentric. Within this anthropocentric framework, a state can claim land because its citizens have certain residency and occupancy rights, it can claim resource benefits in so far as it needs them to provide for its citizens, its citizens can claim control, access, and benefit rights based on their attachment and life plans. In contrast to that, indigenous peoples have a more inclusive notion of membership. They often have cosmologies in which non-human beings like animals but also rivers or mountains are regarded as kin and members of the community (Whitt et al., 2001: 706-709). Accordingly, 'if a people belongs to a land, and land inheres in a people, it cannot be alienated or disowned. It cannot be reduced to a commodity.' (Whitt et al., 2001: 712) Belonging then does not signify ownership but rather a relation of interdependence and reciprocity that structures life, community, and identity (Whitt et al., 2001: 714-715; Kimmerer, 2018: 33). It is this encompassing attachment of indigenous people to land and resources that Armstrong (2017: 137) points to when saying that indigenous peoples can claim fuller and more permanent resource rights than typical states.⁴

However, what the resurgence argument proposes is not a claim from existing attachment but one from the need to rebuild attachment. Armstrong does accord indigenous peoples resource rights but only on the condition that they have preserved a strong and enduring attachment to the land and resources in question. He (2017: 137) doubts that modernized, i.e., assimilated, indigenous peoples can make such strong and extensive resource claims. Yet, if the starting point is the concept of colonial mentality, then it is exactly these assimilated indigenous peoples that most need to reconnect with the land

4 These differences in how indigenous peoples relate to the natural world are also reflected in their economic, legal, and political systems. Therefore, in order to enable indigenous resurgence, not only land and resource rights but also far-reaching self-determination rights will be necessary.

and their traditional cultures. For indigenous peoples, resurgence means to 'reclaim and regenerate one's relational, place-based existence by challenging the ongoing, destructive forces of colonization' (Simpson, 2004: 88, *emphasis mine*). Successful resurgence and thus decolonization thus relies on access to and control of traditional land, even if and especially if there is no current strong attachment. Through the direct link between ongoing oppression, the need for internal decolonization, and land rights, indigenous land rights gain strength outside of attachment claims. At the same time, claims that are based on the need for resurgence are also constricted in their scope. They can only justify land and resource rights if indigenous peoples use them for re-building their own societies and cultures. Thus, the rights come with a condition attached and do not give indigenous peoples the freedom to use their land and resources in any way they like.

The Weight of Colonial History

In the last two sections, I have argued that colonial history produces at least two additional grounds for special resource claims: the resurgence argument claims a practical function of resource rights for decolonization and the status-conferral argument a symbolic function. In this last section, I will analyze what effect accepting these two arguments would have on indigenous land and resource rights and whether a welfare-egalitarian theory like Armstrong's can accommodate indigenous rights. I will first ask which rights the two new arguments can justify and under which conditions. I will then outline how weighty the claims stemming from these two arguments are within a welfare egalitarian framework.

So, which rights can the two newly introduced arguments justify? I argued that for colonized peoples, resource rights should be granted to affirm their full personhood and relational equality with their former colonizers.⁵ The status-conferral argument can justify the full bundle of resource rights because its starting point are the kind of resource rights that expressed full person- and statehood during colonial times. The freedom to access, control, and benefit from the resources on their territory is what colonized people were denied and thus it is what should be restituted now. Thereby, resource rights of former colonies are taken out of the general welfare egalitarian scheme that allocates

5 The right to collective self-determination is similar to land and resource rights in that it has a status-conferring function. When it was restored to colonies, it was recognized that this is a signal for them becoming equals on the international stage. Indigenous peoples neither have received land and resource rights nor the right to self-determination after colonialism has officially ended. Thus, the status-conferral argument also works for self-determination rights. In the case of indigenous people, this means that one reason for granting them is their status-conferring function that helps to neutralize the existing relational inequality between indigenous people and settler states (cf. Reibold, 2017). In that sense, equal citizenship rights are not enough to restore relational equality between indigenous peoples and settler descendants and a nation-to-nation relationship would be preferable where possible and wished for by indigenous peoples. Yet, as Armstrong focuses on resource rights and justice, I will also keep the focus on these rights for now.

resource rights to equalize welfare globally.

Yet, the status-conferral argument only works as long as there is a reasonable connection between resource rights and relational inequality. If that connection loosens, the justification for full resource rights of colonized peoples also weakens. The argument thus does not provide the basis for an indefinite exception for colonized peoples' resource rights within a welfare egalitarian system. What it does provide, is a strong reason to not pressure former colonized states into transferring their resource rights to an international body that will manage and allocate them. It also provides strong grounds for restituting land and resource rights to indigenous peoples instead of directly putting them in the hands of such an international body. This restitution would break with the colonial tradition of states making decisions on behalf of indigenous peoples and would instead return this power to them. Moreover, it would emphasize that indigenous peoples have their own sovereignty, part of which is the decision when and how to join certain international systems. It would thereby reverse the current standard assumption that settler states have sovereignty over all groups, including indigenous peoples, on 'their' territory (cf. Turner, 2006).

The second argument about resurgence addresses colonial mentality as a continuation of colonialism's relational inequality. Resurgence movements try to reverse it through a revitalization and revaluation of indigenous social and cultural systems. In the case of indigenous peoples, traditional cultures and social and political systems are interwoven with particular lands and ecosystems. Therefore, successful resurgence depends on rights to access, use, and control traditional lands and resources. The resurgence argument can justify these rights because they are needed to establish decolonial ways of living and to overcome colonial mentality. They thereby create the conditions for true relational equality in which entrenched and internalized power and status inequalities are eradicated. Yet, in contrast to the status-conferral argument, the resurgence argument cannot justify exclusive rights to benefit from natural resources. Rights to benefit can only be justified in so far as they are necessary for enabling resurgence, e.g., by providing money for setting up educational programs or funding political and social institutions, or for equalizing indigenous people's welfare in some other way. Moreover, the resurgence argument is conditional in two ways. First, it only justifies indigenous land and resource rights if they are used for resurgence. Second, the argument only applies in so far and so long as resurgence is needed to counter colonial mentality and as long as decolonial ways of life are impossible within the dominant community.⁶

6 This does not mean that if decolonial ways of life are possible in the dominant community, indigenous peoples must join the dominant society. It just means that in that case, the resurgence argument is less suitable to justify land and resource rights. Instead, attachment claims would play a more prominent role.

If the resurgence argument loses force, indigenous peoples may still claim land and resource rights based on how tightly interwoven their de facto ways of life and political systems are with land and resources. Yet, this would be an argument from attachment not an argument from resurgence. Thus, both the status-conferral and the resurgence argument place indigenous land rights in the context of decolonization which gives them limited reach outside this context. However, for the current situation in which colonial structures and effects are ongoing, both arguments apply.⁷ Yet, how strong is the foundation that these arguments provide for indigenous land and resource rights if they are weighed against other claims? So far, I have given reasons to consider that colonized peoples have pro tanto resource rights as long as the effects of colonization endure. The justification of these resource rights rests on their role in overcoming relational inequality. Within a welfare egalitarian scheme, we would need to weigh how much relational equality contributes to welfare against the welfare-enhancing function of other claims and take into account the relative welfare positions of the different claimants.

Thus, these two elements will make the strength of land and resource rights of formerly colonized peoples depend on the respective context in which they are claimed. However, it should be clear that neither the resurgence argument nor the status-conferral argument outweigh resource claims that are based on minimal needs such as food, clean water or shelter. For example, if resources on indigenous lands were needed to keep others from starving, indigenous resource rights could be limited. Yet, this limitation is only permissible if no other alternative that would impact less on the goal of equal welfare were possible. In other cases, the status-conferral and resurgence arguments introduce an additional welfare factor that must be taken into account when weighing policy and distributive alternatives. Concern for relational equality will outweigh claims that are less fundamental for human welfare such as claims based on aesthetic attachment or claims based on preferences for working in certain industries. In other cases, it might introduce an extra consideration that can act as a tiebreaker if two alternative policies would otherwise equally further welfare. To sum up, the status-conferral and resurgence argument provide grounds for respecting and restituting land and resource rights of indigenous peoples and formerly colonized peoples. They thereby introduce two additional special claims to the

7 Both arguments together speak against the settler state exclusively aiming for democratic equality between citizens and for settler states to institute equal nation-to-nation relationships instead. However, there might be many indigenous people for whom this solution is not viable, e.g., because they have assimilated, live in urban centers, and/ or are geographically scattered. For them, land and resource rights might still be important for the reasons outlined above even if they otherwise stay citizens of the settler state. Therefore, I have separated as far as possible the discussion about indigenous land and resource rights and indigenous self-determination rights. Nevertheless, I recognize the many links and interdependencies between both.

ones that Armstrong is considering, attachment and improvement. Moreover, the arguments add more weight to land and resource claims of indigenous people and other formerly colonized peoples. Even though they cannot justify absolute and permanent resource rights, they can justify strong resource rights in the name of overcoming relational inequality stemming from colonialism.

Young (2003: 2) says that ‘postcolonialism claims the right of all people on this earth to the same material and cultural well-being.’ Postcolonialism and welfare egalitarianism thus share the common goal of providing equal welfare for all. In this paper, I have argued that Armstrong focuses too much on the material well-being in the decolonial context and thus favors an abolition of sovereignty over resource rights even for (formerly) colonized peoples and states. I have then discussed in how far land and resource rights of colonized peoples are key to overcoming the entrenched relational inequality of colonial times. I have proposed two mechanism through which land and resource rights can help to establish more relational equality. The first mechanism is the status-conferring function of land and resource rights for (formerly) colonized peoples. I have argued that the denial of land and resource rights has become linked to the denial of equal status and individual and collective rights during colonial times. Thus, to overcome this entrenched status inequality, land and resource rights should be granted to (formerly) colonized peoples until this association has weakened and/ or relational equality between these groups has been established. The second mechanism is land-based resurgence movements. They aim at countering internalized colonization that causes the (formerly) colonized to perceive themselves and their cultures as of lower status than that of the colonizers. Internal colonization thus leads the colonized to accept their lower status. It also keeps them from rebuilding and cherishing their own cultures and ways of life that would enable them to live outside of and resist oppressive colonial structures. Resurgence movements address both forms of inequality by enabling ways of life outside colonial structures and promoting a reevaluation of indigenous peoples and cultures. Together, the resurgence and status-conferral arguments address a blind-spot in Armstrong’s welfare egalitarian theory. They show that land and resource rights are necessary for (formerly) colonized peoples in order to erase inequalities in status, power, and the ability to make and pursue one’s own life plans. In a world that is still deeply shaped by colonialism and its enduring effects, the proposed amendment to Armstrong’s theory will help to lay the foundations for global equality in all domains that affect welfare.

Moreover, once we recognize the importance of status inequality, it does not only argue for acknowledging indigenous land claims. It also strongly supports the importance of acknowledging indigenous worldviews and incorporating

them into the frameworks for resource rights and welfare. Part of the past and ongoing oppression of indigenous peoples is the devaluation and exclusion of their worldviews and thus in order to treat and affirm indigenous peoples as equals, their worldviews and the corresponding value systems should be taken seriously. Trying to integrate indigenous worldviews into a welfare egalitarian framework might have different effects. First, it may widen the scope of application to non-human beings. Animals and other beings might become right holders with their own claim to welfare. As a consequence, there will be a change in what can be considered a natural resource to be freely distributed. Additionally, it might complicate what kind of claims we can make towards beings that are both in a sense a resource and a being with intrinsic worth, e.g., the deer that is food for us but also a potential claimant of welfare rights. Second, taking indigenous understandings of welfare into account might change the welfare egalitarian framework itself. Many indigenous peoples view welfare not just as interest satisfaction but as the harmonious co-existence with humans and non-human beings. The latter then is based on respect and the fulfillment of one's duties towards each other rather than on a purely rights-based framework.

Third, incorporating indigenous worldviews into the welfare egalitarian framework might lead to a partial departure from welfare egalitarianism itself because the values on which it rests might get re-interpreted or changed if we, for example, take into account indigenous notions of respect and reciprocity. So even the 'internal' critique proposed in this article, eventually leads back to a possibly radical change of the framework if we take abolishing colonial oppression and inequality seriously. In this article, I have shown that welfare egalitarians should do so if they care about all aspects of human welfare and not just material well-being.⁸

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