The Colonial Hangover: Why Western Law Still Thinks It's Universal

Western law's claim to universality is not a neutral truth but a colonial artifact rooted in conquest and exclusion. This paper critically examines Enlightenment philosophers such as Locke, Hobbes, and Rousseau, exposing how their theories rationalized imperial domination and Indigenous dispossession. Engaging decolonial thinkers like Frantz Fanon, Walter Mignolo, Glen Coulthard, and Leanne Betasamosake Simpson, alongside Indigenous legal traditions such as the Haudenosaunee Great Law of Peace and Anishinaabe relational governance, it challenges the illusion of Western legal neutrality. Because Western law was imposed without genuine consent and constructed to suppress alternative legal orders, its legitimacy is fundamentally compromised. Liberal reforms and rights-based frameworks cannot dismantle the colonial foundations they were built upon. A radical shift toward legal pluralism is necessary, one that decouples legal legitimacy from Western epistemology and recognizes multiple legal traditions as equally valid.

Legal legitimacy is supposed to be universal. Yet, the dominant legal traditions of the modern world were forged in conquest, expropriation, and exclusion. Western legal philosophy is often presented as a neutral framework, establishing rational principles of justice, governance, and legitimacy. However, this universality is an illusion, as Western legal thought was formulated within the context of European colonial expansion. The very traditions that claim to provide justification for political authority and individual rights such as the theories of John Locke, Thomas Hobbes, and Jean-Jacques

Rousseau were instrumental in rationalizing colonial conquest, Indigenous dispossession, and racial hierarchies. By treating non-European governance systems as inferior or nonexistent, these legal philosophies created a structural hierarchy that positioned European law as the sole legitimate legal tradition.

This paper argues that Western legal philosophy is structurally illegitimate because it was not merely silent on colonialism, rather it was actively constructed to justify and sustain it. Locke's theory of property rights, which emphasizes land ownership through labor, became the philosophical foundation for the doctrine of terra nullius; the idea that Indigenous lands were legally "empty" unless cultivated in a European manner (Locke 1689, 215). His model of property, which equated ownership with labour, erased Indigenous land stewardship practices, reclassifying entire territories as legally unoccupied (Coulthard 2014, 79). Hobbes' concept of sovereign authority, which is said to derive from voluntary submission, was imposed on colonized populations without consent, contradicting the very premise of his Leviathan (Hobbes 1651, 87). This creates a fundamental contradiction: if sovereignty derives from voluntary submission, how could colonial rulers claim legitimate authority over people who never consented to their rule? Rousseau's notion of the general will assume an already-existing political community and erases the existence of Indigenous self governance, reinforcing the idea that only European forms of statehood could be legitimate (Rousseau 1762, 59).

To challenge these Eurocentric assumptions, this paper engages with decolonial theorists such as Frantz Fanon, Walter Mignolo, and Glen Coulthard, alongside Indigenous legal traditions like the Haudenosaunee Great Law of Peace and

Anishinaabe relational governance. These perspectives reveal that Western law is not a universal framework, but rather one of several possible legal systems that was imposed rather than consented to. If legal legitimacy requires genuine consent, then Western legal traditions founded on exclusion and conquest must be re-evaluated or even replaced by plural legal orders.

I. The Philosophers of Colonial Legitimacy: How Locke, Hobbes, and Rousseau Justified Empire

Western legal philosophy claims to offer a universal framework for justice, sovereignty, and governance. Therefore, it is particularly hypocritical that its foundational thinkers John Locke, Thomas Hobbes, and Jean-Jacques Rousseau constructed legal philosophies that provided a moral and intellectual defense of expropriation, forced sovereignty, and the erasure of Indigenous governance systems. While their ideas are still cited as the cornerstones of modern legal thought, their colonial applications were not distortions of their theories but logical extensions of their premises. The very concepts of property, sovereignty, and the general will, which were framed as rational and universal principles, in fact, functioned as ideological instruments of imperialism.

Locke's theory of property and labor became the intellectual foundation for the doctrine of terra nullius, the legal principle that land not cultivated in a European manner was "empty" and open for occupation (Locke 1689, 215). His argument that land gains value through labor framed European land seizure as a productive improvement rather than a violent expropriation. Hobbes' theory of sovereignty advocated for voluntary submission to a central authority, yet European colonialism imposed rule without Indigenous consent, exposing a fundamental contradiction in his argument (Hobbes 1651, 87).

Rousseau's general will presuppose a homogenous political community in which all citizens had a voice, yet Indigenous peoples were systematically excluded from the "democratic" processes imposed upon them (Rousseau 1762, 59).

These ideas were not merely theoretical constructs, they were deployed in legal and political practice to justify the expansion of European rule. By critically engaging with these thinkers, this section reveals how their legal philosophies were not neutral but deeply complicit in the colonial project.

Locke's Two Treatises of Government (1689) is often credited with laying the foundations of modern liberal democracy and property rights. His labor theory of property; the idea that ownership is derived from labor investment was celebrated as a justification for private property and individual liberty. However, this same framework was instrumental in justifying land dispossession en masse, where Locke argued that "as much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property." (Locke 1651, 219). This principle became a key ideological tool in settler colonialism, framing European occupation as legitimate and Indigenous land use as insufficient to establish legal ownership.

Locke's theory provided the legal foundation for terra nullius, which declared that land without European-style agriculture was legally unoccupied and open for claim (Banner 2005, 74). This logic was systematically applied in British and American legal systems, justifying Indigenous land expropriation under the guise of economic "improvement." Glen Coulthard, in Red Skin, White Masks, argues that Locke's model functioned as a moral alibi for colonial expansion, portraying Indigenous dispossession as a natural and necessary process within the development of private property and civilization

(Coulthard 2014, 79). The assumption that land must be individually owned and economically productive erased Indigenous systems of communal land stewardship, effectively rendering them legally invisible.

Locke was not simply theorizing property rights in the abstract; he was actively involved in colonial governance as the Secretary to the Lords Proprietors of Carolina, helping draft policies that facilitated land seizures and explicitly supported the enslavement of Indigenous and African peoples (Farr 2008, 495). His direct involvement in shaping colonial policies demonstrates that his legal philosophy was not neutral or universally applicable but explicitly designed within and for a colonial framework. His legal and political work was deeply embedded in the mechanisms of empire, reinforcing why his theories must be understood not as abstract principles but as tools of colonial governance.

Hobbes' Leviathan (1651) is often regarded as one of the most significant works on sovereignty and political authority. He argued that humans, in their natural state, lived in perpetual insecurity and conflict, necessitating the creation of a sovereign power to establish order (Hobbes 1651, 120). This sovereign, once established, was to be absolute, and the governed were expected to submit in exchange for stability. However, Hobbes' model of voluntary social contract was never extended to Indigenous peoples or colonized populations. European sovereignty was not established through mutual consent but through military force, coercion, and the imposition of foreign legal systems. Frantz Fanon, in The Wretched of the Earth, critiques this contradiction, arguing that colonial sovereignty is not contractual but enforced through brute violence (Fanon 1961, 45). Unlike the theoretical subjects in Hobbes' model, Indigenous

nations were not invited to contract into European legal systems, they were subjugated by them. Hobbes also explicitly depicted non-European societies as lawless and anarchic, reinforcing colonial narratives that positioned Indigenous peoples as incapable of self-governance. He described the "savage people in many places of America" as living in a perpetual state of war due to the absence of sovereign authority (Hobbes 1651, 126). This rhetoric aligned with colonial justifications for intervention, portraying European rule as necessary for the imposition of law and order. Walter Mignolo argues that this framing deliberately ignored the highly organized legal and governance structures of Indigenous nations, treating European statehood as the only legitimate political order (Mignolo, 2011, 102).

Rousseau's The Social Contract (1762) introduced the influential idea that legitimate laws must reflect the general will of the people. However, Rousseau's framework presupposes a unified, pre-existing political community, making it fundamentally incompatible with the realities of colonialism. Thus, the concept of the general will was not extended to Indigenous populations, who were instead governed by legal systems in which they had no representation. European democratic institutions were imposed without recognition of Indigenous political autonomy, treating their exclusion as natural rather than a violation of Rousseau's own principles.

Before European arrival, Indigenous nations had well-established governance structures, including the Haudenosaunee Confederacy, which operated through collective decision-making and diplomacy (Williams 1990, 148). However, Western legal traditions erased these forms of governance, reinforcing the idea that only European democratic structures were legitimate. This exclusion highlights the inherent

Eurocentrism of Rousseau's model, which assumes a homogenous political community that European colonialism actively disrupted.

Western legal philosophy presents itself as a universal system of justice, yet its foundational thinkers developed theories that rationalized conquest, expropriation, and the imposition of European legal systems on non-European peoples. Locke's property theory legitimized land dispossession, Hobbes' sovereignty model erased Indigenous consent, and Rousseau's general will exclude colonized peoples from legal and political recognition. These ideas were not distorted by colonialism—they were integral to it.

By critically engaging with these frameworks, it becomes clear that Western legal philosophy is not a neutral or universal foundation for justice, but a system developed within and for colonial rule. If legal legitimacy requires genuine consent, then the very foundations of Western legal philosophy must be radically re-evaluated or rejected in favor of plural legal traditions.

II. The Coloniality of Law: Why Western Legal Thought Erased Non-European Traditions

Western legal philosophy, while presenting itself as universal and neutral, was developed within and for a Eurocentric framework that actively, not only dismissed, but destroyed non-European traditions. The legal traditions of Indigenous nations, African societies, and other non-Western peoples were either excluded from the concept of law altogether or subordinated to European legal systems, all under the guise of progress. This erasure was not accidental, it was a structural necessity for the colonial project, allowing European powers to impose foreign sovereignty, appropriate lands, and extract

wealth while maintaining the illusion of legal and moral legitimacy.

Western legal philosophy is thus structurally illegitimate because its foundational principles, sovereignty, property, and contract, were not designed to be universally applied, but to justify European expansion and dominance. Decolonial theorists like Frantz Fanon, Walter Mignolo, Glen Coulthard, and Leanne Betasamosake Simpson argue that this Eurocentric legal framework was constructed to suppress alternative governance systems and perpetuate the legal authority of colonial states (Fanon 1961, 42). If legal legitimacy is based on consent and representation, then Western law cannot claim legitimacy over the peoples it historically excluded. The supposed universality of Western legal principles is an epistemic imposition, one that continues to shape legal systems today in ways that maintain colonial hierarchies.

Fanon's critique of Western legal traditions is rooted in his broader analysis of colonial violence and dehumanization. In The Wretched of the Earth, Fanon argues that European legal systems functioned not as mechanisms of justice, but as instruments of colonial control (Fanon 1961, 43). He describes colonial law as inherently violent—not only in its enforcement but in its very structure. Colonial law did not exist to serve the colonized—it was designed to maintain European dominance. Legal institutions created under colonial rule were intended to criminalize Indigenous resistance, formalize land dispossession, and establish economic systems that privileged settler populations. This legal framework, while outwardly presented as just, was fundamentally a system of enforced subjugation rather than voluntary participation.

One of Fanon's most profound insights is that colonial law

is always accompanied by force. The legal system itself is an instrument of coercion, backed by military power, police violence, and economic dependence (Fanon 1961, 44). This exposes a fundamental contradiction in Western legal philosophy: it claims to establish legitimacy through rational consent, yet it was historically enforced through war, occupation, and legal exclusion. Hobbes, for example, describes sovereignty as the result of a social contract, yet Indigenous and colonized peoples were never given the opportunity to "contract" into colonial legal systems, they were simply subjected to them (Hobbes 1651, 87). Fanon's analysis reveals that colonial law operates not through the consent of the governed, but through the normalization of violence.

Walter Mignolo extends this critique by framing Western legal traditions as part of the colonial matrix of power, a system in which law, knowledge, and governance are structured to maintain European epistemic dominance (Mignolo 2011, 15). In The Darker Side of Western Modernity, Mignolo argues that European law positioned itself as the sole legitimate form of legal reasoning, while non-European governance systems were classified as primitive, chaotic, or non-existent (Mignolo 2011, 16). This epistemic hierarchy was reinforced by legal doctrines such as the Doctrine of Discovery, which legally justified the seizure of Indigenous lands by asserting that only Christian-European nations could hold legitimate sovereignty (Miller 2006, 53).

Mignolo's analysis reveals that Western legal theory is not only a political tool, but also an epistemic weapon. By controlling what counts as law, European legal traditions positioned themselves as the standard by which all other governance systems were judged. Indigenous legal orders, such as those of

the Haudenosaunee Confederacy or the Anishinaabe, were not merely ignored; they were actively suppressed. The legal erasure of Indigenous nations was a prerequisite for the expansion of European settler states (Coulthard 2014, 88).

Glen Coulthard takes this critique further, arguing that even in postcolonial contexts, Western legal frameworks continue to function as tools of dispossession (In Red Skin, White Masks, he critiques the Canadian legal system's approach to Indigenous sovereignty, particularly in its reliance on the politics of recognition (Fanon 2014, 92). Rather than allowing Indigenous nations to exercise self-determination on their own terms, Western legal systems force them to seek validation within colonial legal frameworks. In doing so, these systems maintain colonial power while appearing to offer concessions.

Coulthard's critique exposes the illusion of legal neutrality in Western thought. While Locke, Hobbes, and Rousseau claim that legitimate law arises through rational consent, the legal systems they influenced continue to impose foreign governance structures on Indigenous nations. This is evident in Canada, where Indigenous sovereignty is only recognized within the limits of the colonial state rather than as an independent legal reality (Simpson 2017, 34). Western legal traditions claim universality, yet they fail to accommodate legal pluralism, instead forcing non-European societies into a legal hierarchy where European law remains dominant.

Leanne Betasamosake Simpson deepens this critique by emphasizing the resilience and ongoing existence of Indigenous legal traditions. While Western law sought to erase Indigenous governance, Indigenous nations have maintained and adapted their legal systems despite centuries of suppression (Simpson 2017, 36). In As We Have Always Done, Simpson highlights how

Anishinaabe and Haudenosaunee governance structures operate outside of colonial legal frameworks, relying on kinship, reciprocity, and collective decision-making rather than hierarchical state authority (Simpson 2017, 38).

Simpson's argument challenges the assumption that Western law is the only viable model of justice. If Indigenous nations have functioning legal systems that predate European colonization, then the legitimacy of Western legal philosophy must be fundamentally questioned. The survival of these legal traditions proves that Western law is not universal—it is merely one system among many, imposed through historical and ongoing colonial power.

Western legal philosophy claims to be a universal framework of justice, yet its principles were constructed within and for colonial rule. Decolonial theorists reveal that Western legal traditions were never designed to include non-European legal orders, but rather to supplant and erase them. Fanon exposes colonial law as an instrument of violence, Mignolo critiques the epistemic dominance of European legal reasoning, Coulthard reveals how colonial legal systems maintain their authority even after formal decolonization, and Simpson demonstrates the continued existence of Indigenous legal alternatives.

If Western law were truly universal, it would have to account for plural legal orders—yet it has historically functioned by eliminating competing governance systems. This exposes a fundamental contradiction: Western law demands legitimacy while denying legitimacy to others. The continued exclusion of Indigenous and non-European legal traditions reveals that Western legal philosophy cannot claim universality unless it undergoes a radical transformation—one that dismantles its

colonial foundations and recognizes multiple legal traditions as equally valid. That is to say, if legal legitimacy requires genuine consent, then Western legal philosophy, constructed on exclusion, dispossession, and epistemic erasure, is illegitimate by its own standards.

III. Law Before Colonization: Indigenous Legal Traditions and the Case for Pluralism

Evidently, the assumption of western legal universality is not an objective truth but a colonial construct that was enforced through conquest, forced treaties, and the imposition of foreign legal systems. However, Indigenous nations have maintained, adapted, and expanded their legal orders despite centuries of suppression. These systems did not disappear; rather, they continue to operate outside, alongside, and sometimes in direct resistance to Western legal structures.

This section argues that Indigenous legal traditions not only predate Western legal systems but challenge their claim to universality. By examining the Haudenosaunee Great Law of Peace, Anishinaabe relational law, and other Indigenous legal frameworks, this section demonstrates that Western law is not the default model of governance but one among many competing legal orders. If legal legitimacy is truly based on consent and continuity, then Western legal philosophy must recognize legal pluralism, the coexistence of multiple legal traditions as equally valid, rather than subordinate to European law.

The Haudenosaunee Confederacy, also known as the Iroquois Confederacy, developed one of the oldest continuously operating legal systems in the world. The Great Law of Peace, which governed the Haudenosaunee nations long before

European contact, was a sophisticated legal framework built on collective decision-making, checks on authority, and principles of diplomacy (Mann 2001, 68). Unlike Western legal systems, which often emphasize hierarchical power and written codes, Haudenosaunee law is based on oral traditions, consensus-building, and intergenerational responsibility.

One of the most striking aspects of the Great Law of Peace is its influence on Western democratic traditions. Scholars have argued that the structure of the United States Constitution was directly influenced by the political system of the Haudenosaunee, particularly its emphasis on federalism, representation, and the separation of powers (Grinde and Johansen 1991, 113). However, despite this acknowledged influence, the Haudenosaunee legal system itself was never granted the same recognition as European legal traditions. Instead, it was actively suppressed by colonial policies, including forced assimilation, treaty violations, and legal exclusion.

The failure to recognize Indigenous legal systems as legitimate is not merely a historical injustice but an ongoing reality in legal discourse. While Western legal philosophy claims to value democratic governance, it refuses to acknowledge that Indigenous nations already had functioning legal and political systems before European arrival. As Robert A. Williams Jr. argues, Western legal thought has historically positioned Indigenous law as a relic of the past, rather than a living and evolving system of governance (Williams 1990, 21). This legal erasure is an essential part of maintaining the fiction of Western legal universality.

The Anishinaabe legal tradition offers another example of a sophisticated, non-Western legal system that challenges the

supposed neutrality of Western law. Anishinaabe governance is built on relational law, a legal philosophy that emphasizes responsibility over rights, balance over hierarchy, and reciprocity over individualism (Borrows 2010, 44). Unlike Western legal frameworks, which are grounded in fixed written laws and punitive justice, Anishinaabe law prioritizes adaptability, collective responsibility, and the maintenance of harmony within the community.

John Borrows, a leading Indigenous legal scholar, argues that relational law provides a direct challenge to Western legal thought, which is built on rigid structures of authority and enforcement. Anishinaabe law does not rely on sovereign enforcement but on mutual obligations between people, land, and the natural world. This challenges the very foundation of Western legal traditions, which define law as something imposed from above rather than sustained through relationships. The persistence of Anishinaabe law proves that alternative legal traditions are not only viable but may offer more sustainable and just forms of governance.

The refusal of Western legal systems to recognize Indigenous legal traditions as legitimate is not simply an oversight, it is a deliberate act of epistemic and political exclusion. The very structure of international law, constitutional law, and legal theory is designed to position European-derived legal traditions as the default while relegating Indigenous and non-Western legal orders to a secondary, lesser status.

One of the most explicit examples of this legal hierarchy is found in the doctrine of legal monism, which assumes that only one legal system can exist within a given jurisdiction (Santos 2002, 83). This doctrine has been used to justify the denial of Indigenous self-governance, forcing Indigenous nations to seek

recognition within the frameworks of settler-colonial legal systems rather than as independent legal entities. As Leanne Betasamosake Simpson argues, legal monism is not a necessity but a colonial invention, designed to suppress Indigenous sovereignty while maintaining the illusion of legal universality (Simpson 2017, 94).

By contrast, the concept of legal pluralism offers a model in which multiple legal systems coexist without one claiming supremacy over the other. Legal pluralism is not a radical concept, it already exists in many forms, such as religious courts operating alongside state legal systems in various countries. However, when Indigenous nations demand legal pluralism, they are met with resistance, because recognizing Indigenous legal traditions as equal would undermine the supremacy of Western law.

If Western legal philosophy were truly committed to justice and universality, it would embrace legal pluralism rather than enforcing legal dominance. The continued exclusion of Indigenous legal traditions exposes the contradiction within Western legal thought: it claims to be based on legitimacy and consent, yet it denies legitimacy to any system outside its own framework. This contradiction reveals that Western law is not the universal model of justice it claims to be, but a system built on legal erasure and enforced superiority.

The survival of Indigenous legal traditions is not just a historical footnote—it is a direct challenge to Western legal hegemony. The Haudenosaunee, Anishinaabe, and countless other Indigenous nations continue to practice and expand their legal orders despite centuries of suppression. Their existence proves that Western law is not the only valid system of governance—it is merely one of many competing legal

traditions.

If legal legitimacy is truly based on consent, continuity, and functionality, then Western legal philosophy must recognize plural legal orders as equally valid. The refusal to do so is not based on reason or justice but on the maintenance of colonial power structures. Unless Western law undergoes a fundamental transformation that acknowledges and respects multiple legal traditions, its claim to universality remains a legal fiction upheld by exclusion rather than genuine legitimacy.

IV. Can the Master's Tools Dismantle the Master's Law? The Limits of Reforming Western Legal Philosophy

Western legal philosophy has long positioned itself as a system capable of self correction, one that evolves to address past injustices and incorporate new perspectives. Liberal theorists argue that legal reforms, constitutional amendments, and human rights legislation demonstrate that Western legal traditions are not inherently oppressive, but adaptable and responsive (Rawls 1971, 12). However, decolonial scholars challenge this assumption, arguing that Western legal philosophy is not merely flawed in its application, but structurally illegitimate in its foundation. If a legal system is built on exclusion, dispossession, and epistemic erasure, then no amount of reform can transform it into a truly just framework.

This section evaluates whether Western legal philosophy can be reformed or must be entirely dismantled. The key question is whether justice can be achieved within the existing system, or if the system itself must be abandoned in favor of a legal pluralism that grants equal legitimacy to Indigenous and non-European legal traditions. Ultimately, this section argues that Western law cannot be redeemed unless it undergoes a radical restructuring, one that challenges its foundational

assumptions and dismantles its monopolization of legal legitimacy.

Liberal legal theorists argue that Western legal systems have demonstrated the ability to reform and expand rights over time. John Rawls, for example, frames justice as an evolving project, arguing that societies move toward greater fairness by refining their legal structures (Rawls 1971, 14) In his theory of justice as fairness, Rawls asserts that legal institutions should be periodically adjusted to correct historical inequalities (Dworkin 1986, 32). Similarly, Ronald Dworkin contends that legal interpretation allows for continuous moral progress, enabling courts to reinterpret laws in ways that align with evolving standards of justice (Dworkin 1986, 35) This perspective suggests that while Western legal systems have been used as instruments of oppression, they can also be adapted to promote equality and inclusion.

This view is particularly reflected in constitutional reform and human rights law. Many postcolonial states have incorporated Indigenous rights into their legal frameworks, acknowledging past injustices and granting Indigenous nations some degree of legal recognition. Canada, for example, incorporated Section 35 into its Constitution Act of 1982, affirming Indigenous treaty rights (Government of Canada 1982, 35). International law has also seen shifts, with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizing Indigenous self determination (United Nations 2007, 3). These legal changes suggest that Western legal systems are capable of correcting their colonial past through legal adaptation.

However, decolonial scholars argue that these reforms are cosmetic rather than transformative. Glen Coulthard critiques

the politics of recognition, arguing that legal recognition of Indigenous rights does not challenge the colonial structure—it reinforces it (Coulthard 2014, 99). The Canadian government's recognition of Indigenous self-governance, for example, still operates within the framework of Canadian sovereignty. Indigenous nations must seek validation through the colonial legal system rather than operating as independent legal entities. This does not represent a true decolonization of law; it is merely a regulated concession within an otherwise unchanged system.

Frantz Fanon goes even further, arguing that colonial legal systems cannot be reformed, they must be rejected entirely. In The Wretched of the Earth, Fanon describes postcolonial legal reforms as an illusion, a process in which the colonizer appears to grant autonomy while retaining the core structures of legal domination (Fanon 1961, 52). For Fanon, legal decolonization cannot be achieved through policy adjustments or constitutional amendments, it requires a fundamental rupture with colonial law and governance (Fanon 1961, 54).

Walter Mignolo frames this as an epistemic problem, arguing that Western legal philosophy does not merely impose laws, it imposes a particular way of thinking about law itself. The coloniality of law lies in its assumption that justice can only exist within European-derived legal structures (Mignolo 2011, 89). Even legal pluralism, if defined within a Western framework, becomes a mechanism for controlling rather than truly recognizing Indigenous legal traditions (Mignolo 2011, 91) This suggests that reforming Western law from within may never be enough, what is required is a shift away from legal universalism toward a truly multipolar legal world.

One possible solution is a radically restructured legal pluralism, one in which Western law no longer occupies the

dominant position but coexists as one of many legitimate legal traditions. Rather than framing Indigenous and non-European legal systems as exceptions to the legal norm, they would exist as equally valid and independent systems of governance. Leanne Betasamosake Simpson argues that true legal pluralism requires a complete break from the assumption that Western law is the natural default (Simpson 2017, 108). Indigenous legal traditions, such as the Haudenosaunee Great Law of Peace or Anishinaabe relational governance, must be recognized on their own terms, not merely as supplementary or secondary to European legal traditions (Simpson 2017, 110).

Boaventura de Sousa Santos calls this approach "epistemologies of the South", arguing that legal systems rooted in colonial traditions must be decentred to make space for alternative ways of thinking about law and justice (Santos 2002, 147). This is not just a political or legal challenge; it is an epistemological one. Western legal thought must move away from its assumed universality and acknowledge that multiple legal traditions can exist without being mediated through a European lens.

Western legal philosophy cannot be redeemed unless it undergoes a fundamental transformation. Legal reform within a colonial framework merely adjusts the mechanisms of power without dismantling them. The real challenge is not whether Western law can evolve, but whether it can decentre itself and coexist with other legal traditions on equal footing.

If law is to be truly just, it cannot be monolithic or exclusionary. Legal universality is a colonial myth, one that must be dismantled if justice is to be genuinely pluralistic and inclusive.

The future of law cannot lie in reform alone, it must lie in

radical restructuring, epistemic decolonization, and the recognition of multiple legal worlds.

V. The Future of Law Beyond Western Universality

Western legal philosophy has long asserted itself as a universal framework of justice, but the supposed neutrality of Western legal thought is an illusion. Its principles of sovereignty, property, and legal authority were historically constructed to justify European dominance rather than to establish truly inclusive and just governance. While some theorists argue that Western legal systems can be reformed through constitutional amendments, human rights protections, or pluralist legal accommodations, decolonial scholars reveal a deeper contradiction: Western law was not merely misapplied in colonial contexts, it was designed to function as a system of control and exclusion.

This paper has demonstrated that Western legal philosophy is not the only viable system of justice but merely one among many competing legal traditions. The arguments of Locke, Hobbes, and Rousseau were not neutral political theories but ideological frameworks that legitimized colonial expropriation, enforced sovereignty without consent, and erased Indigenous governance structures. The persistence of Haudenosaunee and Anishinaabe legal traditions, along with the broader existence of Indigenous, African, and non-European legal orders, proves that law is not universal, it is plural, diverse, and context dependent.

The core issue is not whether Western law can evolve but whether it can decentre itself. Legal pluralism should not be framed as a mere accommodation within Western legal systems but as a recognition that Western law is one of many legitimate legal frameworks, not the default standard of justice. If justice is

truly based on consent, legitimacy, and representation, then legal systems must reflect the diverse ways in which human societies understand governance, rights, and obligations. The failure to acknowledge this plurality is not a theoretical oversight but an active continuation of legal colonialism.

A just legal future requires a radical restructuring of legal philosophy itself, one that no longer positions Western law as the sole legitimate foundation for governance. This means not only acknowledging Indigenous legal traditions but allowing them to operate as fully independent systems, free from the constraints of colonial recognition. It means rejecting the assumption that justice must be mediated through European-derived legal structures and embracing the fact that multiple legal worlds can coexist without hierarchy.

If Western law cannot decentre itself, then it will remain an imperial system masquerading as universal justice. True legal decolonization does not mean modifying Western legal structures to include Indigenous voices; it means dismantling the epistemic dominance of Western law and creating space for genuinely plural legal orders. This is not merely an ethical or political necessity, it is the only path toward a legal philosophy that is truly legitimate, representative, and just.

The future of law cannot be dictated by a single tradition. It must belong to all legal traditions, in all their complexity, without one system claiming superiority over the rest.

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