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Review of *Injustice and Rectification* by Rodney C. Roberts

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Book Review

Rodney C. Roberts, Editor

Injustice and Rectification

New York: Peter Lang Publishing, 2005. 194 pages, softcover. ISBN: 0820478601.

In his introduction to *Injustice and Rectification*,¹ editor Rodney C. Roberts points out that contemporary liberal political philosophy has maintained a clear focus on *ideals* of justice (what Roberts refers to as “ideal theory”) at the expense of discussion of *failures* of justice. To be sure, these topics are interrelated but, as Roberts states in his introduction, “One serious problem with this approach [ideal theory] is that it favors a privileged perspective on justice” (*IR*, 1). The elaboration of a political theory is in many respects itself a political act, and Roberts is here suggesting that political theory, as political endeavor, must be informed by the perspectives and contributions of those on the receiving end of *injustice*. In other words, the failure to attend closely to cases of injustice at the very least leaves the theories in an epistemically disadvantaged position. Without taking up and directly confronting the all-too-real questions and issues surrounding injustice, it will be terribly difficult to put the important insights of ideal theory into practice. As much as philosophers may wish to maintain the “purity” of their theories, an ideal political theory with no clear path of implementation, no matter how sophisticated or dazzlingly brilliant, is effectively useless. In a world as fraught with injustice as our own, this is a luxury that political theory cannot afford.

Fortunately, Roberts has assembled an impressive selection of important essays that all, in their own way, fill in some of the gaps left by ideal theory. Roberts’ own contribution, which opens the book, lays out a taxonomy of injustice within what is basically a liberal (Rawlsian) framework. The succeeding essays gradually add content to that taxonomy. Indeed, one of the real strengths of this anthology is the manner in which Roberts has chosen to organize the individual contributions. Each essay seems to flow naturally into the next, building upon what has been offered before almost as if the particular authors had themselves chosen to collaborate on this project. A basic account of injustice is followed by a discussion of compensatory justice in the context of distribution, which in turn leads to an account of the role and significance of *apology* in rectification. While the essays are certainly suitable to being read alone, Roberts’ anthology stands as clear evidence that the whole can exceed the sum of its parts.

One of the more compelling themes to emerge from this collection is the role that apology plays in the rectification of justice. Rectification, according to Roberts, entails restoration or compensation for losses incurred by the victim/s (preferably

from the aggressor/s), as well as “the requirement that wrongdoers acknowledge when they have acted unjustly as a means of apologizing to the victim of the injustice, with compensation being a necessary condition for affecting the apology whenever there is a need to address wrongful losses” (*IR*, 20). Setting aside issues surrounding compensation itself (whether currency or equivalent goods are in principle commensurable in value with all losses, for example), I would like to draw out a couple of issues concerning the practice of apology and the role of compensation in relation to it.

Roberts makes two claims in the course of his opening chapter that warrant further scrutiny. The first, quoted above, is that compensation is a *necessary condition* for apology. Roberts’ preferred example is the theft of a necklace, so I will use that as my example here as well. Suppose that Fred steals Wilma’s necklace. According to the view developed by Roberts, Fred has caused Wilma to suffer a loss of value in relation to her interests, and he has also undermined what Gerald Gaus refers to as the “moral parity” between himself and Wilma (*IR*, 18). Returning the necklace, as well as offering some token value commensurate to Wilma’s pain and suffering, will compensate for the loss of value, while an apology (the exact definition of which is developed in some of the later essays in the collection) will restore (or at least repair) the damage to moral parity. According to Roberts, neither of these actions taken alone are sufficient for genuine rectification in the case of such an injustice.

To be sure, if the wrongdoer is in a position to compensate the victim but offers only an apology, we should definitely claim that full rectification has yet to occur. If Fred offers Wilma an apology while wearing her necklace, for instance, it seems clear that Fred has not only failed to rectify the situation, but he is actually adding insult to injury. However, suppose that Fred is a gambler and that he loses Wilma’s stolen necklace playing poker. Suppose further that Fred is a very bad gambler and that he eventually comes to realize that he must mend his ways or find himself in very serious trouble. He approaches Wilma with genuine remorse, but he is unable to compensate her because he has been rendered destitute by his gambling. If Wilma, realizing the sincerity of Fred’s apology, accepts it, is she in some way being irrational, or perhaps performing a strictly supererogative act? We might say that Wilma’s acceptance of the apology is rational only if she has reason to expect compensation in the future, but what if she cannot? Perhaps part of what lead Fred to his epiphany regarding his gambling problem was the diagnosis of a terminal illness. Suddenly confronted with his imminent demise, Fred may offer the most heartfelt of apologies but be in no position to offer compensation to Wilma *ever*. Even in such a case, should we still demand that compensation is *necessary* to “effect” the apology? It seems plausible to say that justice cannot be fully restored under such conditions, but Roberts states that the *apology itself* requires compensation in order to be genuine and effective. I would argue that exceptions to this rule (which I do believe should hold in general) are actually relatively common and that we cannot therefore hold compensation to be a necessary condition for apology in all cases.

The second claim that I wish to explore is Roberts’ statement that “Justice

cannot require a victim to either accept an apology, or forgive the wrongdoer" (IR, 21). Roberts insists that the *obligations* of rectification must rest solely on the shoulders of the wrongdoer, for the wrongful actions of another cannot, he holds, place obligations on the victim of that wrong. Demanding that the victim accept any genuine apology would be just such an obligation, and "hence, somewhat paradoxically, we end up saying that justice cannot *require* full rectification" (IR, 21) (emphasis mine).

So let us return to the case of the stolen necklace. Suppose this time that Fred has, through great effort and personal expense, recovered Wilma's stolen necklace, which he had pawned to use on a gambling binge. Furthermore, he has included with this a compensatory gift of equal value to address the pain and suffering Wilma suffered as a result of Fred's nefarious misdeed. Fred seeks professional help for his gambling problem, promises never to steal from Wilma again, and expresses deep and sincere regret for his past action. In short, Fred does everything he can to rectify the injustice he has wrought. If Wilma were to remain impassive through all of this, and in the end inform Fred that she does not accept his apology (though she happily accepts his compensation) and state that there is nothing he can do to ever restore justice between them, is it really as obvious as Roberts seems to think that she is not thereby engendering her own failure of justice?

Roberts' claim seems to rest on the assumption that it is impossible for the wrongful actions of others (or perhaps the actions of others *simpliciter*?) to place obligations of justice upon the individuals so wronged. But why must this be so? It is not uncommon in moral theory to hold the view that the wrongful actions of others may place obligations upon "innocent bystanders" (such as the proverbial child drowning in a lake who was placed there by some "thought experiment" villain), and even when a particular moral theory denies this position, it is expected that the theory will provide some argument for why this is so. If someone wrongs me and then takes great pains to restore justice by both compensating me for my losses and offering a genuine apology, am I not in some real sense mistreating that person if I still refuse to accept their apology and thereby restore "moral parity?" It seems plausible, at least, that I am. If it is part of rectificatory justice to seek a restoration of moral parity or relationships of mutual respect (both claims appear in Roberts' opening chapter and/or in one or more of the later essays), then Wilma may very well be engaging in an act of injustice if she, in the face of Fred fulfilling all the obligations of rectification placed upon him, *refuses* to restore that moral parity and offer to Fred the respect he has arguably earned through his herculean rectificatory efforts.

Part of what is important in this case is the fact that Fred has not committed an act that could be properly understood as "unforgivable." He did not murder Wilma's family, or torture her, or commit any act that is harmful to such an enormous degree. He simply stole a necklace. If he failed to return the necklace or otherwise compensate Wilma for her losses (provided he is *able* to do so), then it seems clear that she is under no obligation to accept his apology, as he has failed in the compensatory component of rectification, not because justice places no demands upon her as the victim. If Fred had committed such atrocious acts as mentioned

above, then we might think that Wilma need never accept an apology from Fred. But again, is that because there is no such obligation *in principle*, or is it, rather, because we do not believe that any compensation can truly be sufficient for such a loss? In any case, *if* Fred makes the necessary compensation and offers a genuine apology, wouldn't Wilma's refusal to accept that apology itself be an injustice? Wilma is, through her own choice,² preventing Fred from restoring justice. She is, in other words, condemning him to remain in an unjust condition in relation to her. Without a more detailed argument for Roberts' claim to the contrary, I am inclined to believe that victims can, under certain admittedly stringent circumstances, be obligated by justice to accept an apology.

Injustice and Rectification stands as a stimulating and compelling foray into questions of injustice within liberal political theory. It should be of interest (and use) to any political theorist interested in issues of distributive justice, individual and group claims of injustice, or reparations. The book would be especially well suited for classes on distributive justice or twentieth-century political theory at the graduate or advanced undergraduate level. While some of the essays are highly technical, others should be accessible (which is not to say they sacrifice philosophical rigor or import) to beginning undergraduate students, especially the essays by Montague, Kort, and Gill. Rodney C. Roberts has provided a challenge to "ideal theory" that needs to be taken up. Like any work of philosophy worth the name, it serves as much to point us in the direction of further inquiry as it does to settle existing problems, and political theory would be well-served by engaging with it.

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Notes

1. Rodney C. Roberts, *Injustice and Rectification* (New York: Peter Lang, 2005). Henceforth cited as *IR*.
2. There may be some very interesting issues surrounding the conditions and criteria whereby one might consider Wilma's choice a rational one, but they will have to be postponed for now.