Conclusion
Daniel Butt

in Rectifying International Injustice: Principles of Compensation and Restitution Between Nations

The conclusion of the book reviews the three forms of morally relevant forms of connection with historic injustice, based on benefit, on the inheritance of entitlement, and on an ongoing failure to fulfil rectificatory duties. These are presented as complementary but distinct bases for modern day rectificatory duties. It is claimed that taken together, these mean that those who advocate international libertarianism may have to accept the existence of demanding rectificatory duties, which may, in the short run, coincide with the demands of redistributive cosmopolitanism. Though present day individuals and groups may dislike the idea that they can acquire rectificatory duties in an involuntary fashion, without bearing moral responsibility for the original wrongdoing, they nonetheless act wrongly if they do not seek to rectify historic international injustice.

Do campaigns for historical redress erode the Canadian welfare state?
Matt James

in Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies

Critics who believe that ‘the politics of recognition’ drives out ‘the politics of recognition’ often cite movements for redress of group-specific historic injustices as one of their main examples. These redress movements are said to rely on a ‘politics of grievance’ that nurtures distrust between
groups, rather than building trust and solidarity across ethnic and racial lines. This chapter examines this objection in the specific case of Canada. It studies several movements that have sought reparations for historic injustices relating to Canada's past policy of forcing Aboriginal children to attend residential schools; the wartime internment's of Ukrainian and Japanese Canadians; the 'head tax' formerly imposed on Chinese migrants to Canada; and the physical destruction of Halifax's Africville community. It is argued that while redress campaigns can indeed promote attitudes that render cross-ethnic cooperation for redistributive struggles more difficult, they also help create the conditions under which such coalitions are possible.

Making Amends
Linda Radzik

Can wrongs be righted? Can we make up for our misdeeds, or does the impossibility of changing the past mean that we remain permanently guilty? While atonement is traditionally considered a theological topic, this book uses the resources of secular moral philosophy to explore the possibility of correcting the wrongs we do to one another. Philosophers generally approach the problem of past wrongdoing from the point of view of either a judge or a victim. They assume that wrongdoing can be resolved only through punishment or forgiveness. But this book explores the responses that wrongdoers can and should make to their own misdeeds — responses such as apology, repentance, reparations, and self-punishment. This book examines the possibility of atonement in a broad spectrum of contexts — from cases of relatively minor wrongs in personal relationships, to crimes, to the historical injustices of our political and religious communities. It argues that wrongdoers often have the ability to earn redemption within the moral community. This book defends a theory of atonement that emphasizes the rebuilding of respect and trust among victims, communities, and wrongdoers. The ideal of reconciliation enables us to explain the value of repentance without restricting our interest to the wrongdoer's character, to account for the power of reparations without placing a dollar value on dignity, to justify the suffering of guilt without falling into a simplistic endorsement of retribution, and to insist on the moral responsibility of wrongdoing groups without treating their members unfairly.
Responsibility for Justice
Iris Marion Young

When the noted political philosopher Iris Marion Young died in 2006, her death was mourned as the passing of “one of the most important political philosophers of the past quarter-century” (Cass Sunstein) and as an important and innovative thinker working at the conjunction of a number of important topics: global justice; democracy and difference; continental political theory; ethics and international affairs; and gender, race and public policy. This book discusses our responsibilities to address “structural” injustices in which we among many are implicated (but for which we are not to blame), often by virtue of participating in a market, such as buying goods produced in sweatshops, or participating in booming housing markets that leave many homeless. The book argues that addressing these structural injustices requires a new model of responsibility, which it calls the “social connection” model. The book develops this idea by clarifying the nature of structural injustice; developing the notion of political responsibility for injustice and how it differs from older ideas of blame and guilt; and finally how we can then use this model to describe our responsibilities to others no matter who we are and where we live.

Casuistical Free Exercise Jurisprudence
Catharine Cookson

Perceptions of authoritarian injustice or of anarchical laxity are just as harmful to the integrity of the justice system as actual impropriety. Casuistry offers clear, definable paradigmatic limits to the free exercise right, and places the burden of proof on both the state and the religious adherent. This book proposes that a casuistical free exercise analysis, while not perfect, protects the courts’ integrity by offering a fairer and more just process for resolving the conflict of principles that lies at the heart of free exercise cases. To those who would reject casuistry as a new element without precedent, and as an arbitrary choice without any foundation or authority, the book notes that casuistry is quintessentially
the process used in common law decision making, and actually has been used in deciding a significant number of major free exercise cases by the U.S. Supreme Court. What casuistry requires of the courts is a searching scrutiny with discernment and a willingness to make, explain, and justify these decisions to a fearful public and to a faithful “people of the wilderness.”

Care, Gender, and Justice
Diemut Elisabet Bubeck

Women's unpaid work at home has not concerned theorists of social justice, despite the fact that it renders women vulnerable to exploitation and hence to social injustice. Based on a critical analysis of three conceptions of work and women's work in the materialist tradition of thought—Marx, the domestic labour debate, and Delphy and Leonard—this book develops its own theory of women's work as care. By focusing on the material, psychological, and gendered aspects of care, the theory elucidates how and why care is exploitative as long as it remains women's work, and what problems it poses for conceptions of social justice. It also enables the book to develop a striking new interpretation of the much discussed ethic of care: how it relates to considerations of justice and the place it has in moral and political philosophy.

Rectifying International Injustice
Daniel Butt

The history of international relations is characterized by widespread injustice. What implications does this have for those living in the present? Should contemporary states pay reparations to the descendants of the victims of historic wrongdoing? Many writers have dismissed the moral urgency of rectificatory justice in a domestic context, as a result of their forward-looking accounts of distributive justice. This book argues that historical international injustice raises a series of distinct theoretical problems, as a result of the popularity of backward-looking accounts of distributive justice in an international context. It lays out three morally relevant forms of connection with the past, based in ideas of benefit, entitlement, and responsibility. Those living in the
present may have obligations to pay compensation insofar as they are benefiting, and others are suffering, as a result of the effects of historic injustice. They may be in possession of property which does not rightly belong to them, but to which others have inherited entitlements. Finally, they may be members of political communities which bear collective responsibility for an ongoing failure to rectify historic injustice. The book considers each of these three linkages with the past in detail. It examines the complicated relationship between rectificatory justice and distributive justice, assesses the appropriateness of judging the past by contemporary moral standards, and argues that many of those who resist cosmopolitan demands for the global redistribution of resources have failed to appreciate the extent to which past wrongdoing undermines the legitimacy of contemporary resource holdings.

The New Paternalism

William Bain

in Between Anarchy and Society: Trusteeship and the Obligations of Power

Published in print: 2003 Published Online: April 2004

Publisher: Oxford University Press

On 1 Nov 1994, the UN Trusteeship Council voted to suspend operations after Palau, the last remaining trust territory, attained independence. The sovereign state has emerged out of decolonization as the supreme form of political organization in post-colonial international society—an international society in which dominions, colonies, principalities, free cities, and, of course, mandates and trust territories have all but vanished. However, the ostensible failure of this post-colonial project—the fact that the promise of peace and prosperity held out by independent statehood is too often betrayed by appalling violence and absolute poverty—has reinvigorated interest in trusteeship as a way of responding to problems of international disorder and injustice. The purpose of this chapter is threefold: first, it examines the principal dilemma of decolonization that has resulted in a renewed interest in trusteeship; second, it considers this renewed interest in trusteeship in the context of international involvement in administering Bosnia and Herzegovina, Kosovo, and, until recently, East Timor; third, it reflects upon the normative implications that a resurrected practice of trusteeship carries for a society of states that is premised on the juridical equality of all its members. The five sections of the chapter are: The False Promise of post-Colonial Independence; Innovation and Convention—the case for trusteeship in Bosnia and Herzegovina, Kosovo, and East
This book puts forward an original theory of the nature of justice. It maintains that injustice is to be understood as a form of unfitting treatment — typically the treatment of people as less than they are. Justice is therefore closely related to unjustified contempt and disrespect, and ultimately to desert. This book offers a discussion of what is at issue when people take differing views on what justice requires. It demonstrates that the language of desert provides a suitable idiom in which to address substantive questions of justice, and shows why acting justly may require respect for differing entitlements, contributions, and needs. In the course of the book many important issues in moral and political philosophy are illuminated. The book looks at the nature of the obligation to keep a promise, explains how requests can generate reasons for action, and suggests a new approach to solving the problem of political obligation.
justice further. Having set out principles of ideal theory, the book then examines what principles should apply when injustices are committed. To do this it examines when political regimes may wage war and when they may engage in intervention, and thereby draws on cosmopolitan principles to derive and defend a cosmopolitan conception of just war and humanitarian intervention. In arriving at these conclusions, the book engages in a sustained analysis of the competing arguments on all the above issues, examining the arguments of nationalists, realists, and those who affirm the ideal of a society of states. To do this, the book explores and integrates the work of philosophers, political theorists, and international relations scholars, and illustrates its ethical argument and theoretical analysis with empirical examples. Furthermore, it argues that the issues examined in the book cannot be adequately treated in isolation from each other but must be treated as an interlinked whole.

The Philosophy and Economics of Market Socialism

N. Scott Arnold

Published in print: 1995 Published Online: October 2011
Item type: book

This book argues that the most defensible version of a market socialist economic system would be unable to realize widely held socialist ideals and values. In particular, it would be responsible for widespread and systematic exploitation. The charge of exploitation, which is really a charge of injustice, has typically been made against capitalist systems by socialists. This book argues that it is market socialism—the only remaining viable form of socialism—that is systematically exploitative. Recent work on the economics of contracts and organizations is used to show that the characteristic organizations of a free enterprise system, the classical capitalist firm and the modern corporation, are structured in such a way that opportunities for exploitation among economic actors (e.g., managers, workers, providers of capital, customers) are minimized. By contrast, this book argues, in a market socialist regime of worker cooperatives, opportunities for exploitation would abound. The book locates its comparative analysis of market socialism and the free enterprise system in the larger context of the capitalism/socialism debate. In the account of this debate, the book offers a distinctive and compelling vision of the relationship between the social sciences and political philosophy.
Millions of Americans were mystified by, and outraged, by the US Supreme Court's role in deciding the presidential election of 2000. The Court had held a unique place in the system of checks and balances, seen as the embodiment of fairness and principle, precisely because it was perceived to be above the political fray. How could it now issue a decision that reeked of partisan politics, and send to the White House a candidate who may have actually lost the election? Addresses these questions head-on, and demystifies Bush vs Gore for those who are still angered by the court's decision but unclear about its meaning. Digs deeply into the Court's earlier writings and rulings, and proves beyond a reasonable doubt that the justices who gave George W. Bush the presidency contradicted their previous positions to do so. Shows how the use by the five majority justices of the equal-protection clause to halt the Florida recount was utterly irreconcilable with their previous jurisprudence, and how each violated his or her own judicial philosophy in crafting a monstrous opinion that cannot be squared with their prior opinions.

Oppression: The Fundamental Injustice of Social Institutions
Ann E. Cudd
in Analyzing Oppression

This chapter examines the use of the concept of oppression in political and philosophical discussions, and theories that attempt to explain it. From the genealogy of the concept, a general description of the harm of oppression and a set of paradigm cases are formulated. From a survey of theories that attempt to explain oppression, a set of questions that should be answered by a theory of oppression, and a survey of possible methodologies to employ in answering those questions are developed. An overview of the subsequent chapters is presented.
This chapter explores the devotion to Gaucho Gil and other outlaw and criminal folk saints in Argentina. It examines the charismatic, Robin-Hood banditry as a response to poverty and oppression; the themes of sacrifice, martyrdom, and injustice; and the nature of contemporary devotion at the principal shrine in Mercedes and at regional shrines elsewhere.

Inclusion and Democracy

Theorists of deliberative democracy have not sufficiently attended to the ways that processes of debate and decision making often marginalize individuals and groups not only because of their lesser social and economic power but also because the norms of political discussion are biased against some forms of expression. Democratic theory should include forms of acknowledgement, narrative, rhetoric, and public protest, along with argument, in its account of the normative ideals of political communication. Inclusive democracy involves more than the formal equality of all individuals and groups to enter the political process, but entails taking special measures to compensate for the social and economic inequalities of unjust social structures. Such special measures may require forms of group representation, in order that the particular social perspective of group members gains voice. Residential segregation poses particular problems for inclusive democracy in many societies. Organizing metropolitan governance systems with diverse representation may respond to such problems. In a globalized world, finally, the project of inclusive democracy involves criticizing adherence to nation-state sovereignty and creating global level democratic institutions.
Crime, Perceived Criminal Injustice, and Electoral Politics
Ross L. Matsueda, Kevin Drakulich, John Hagan, Lauren J. Krivo, and Ruth D. Peterson

in Improving Public Opinion Surveys: Interdisciplinary Innovation and the American National Election Studies

Published in print: 2011 Published Online: October 2017
Publisher: Princeton University Press DOI: 10.23943/princeton/9780691151458.003.0018
Item type: chapter

This chapter explores the effects of perceived criminal injustice on voting behavior as well as on other important outcomes. Using data from the 2006 ANES Pilot Study, the chapter begins by examining the measurement properties of a set of survey items tapping perceptions of criminal injustice and then incorporates those items into a model of voting behaviors, controlling for demographic characteristics, political efficacy, political ideology, and political partisanship. It reveals that perceived criminal injustice has systematic and theoretically meaningful demographic and attitudinal correlates. In addition, these analyses demonstrate that perceived injustice has both direct and indirect effects on turnout and vote choice, above and beyond the expected standard predictors.

Restitution and Inheritance
Daniel Butt

in Rectifying International Injustice: Principles of Compensation and Restitution Between Nations

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Item type: chapter

This chapter focuses on the claim that present day parties have inherited entitlements to property which, owing to historic injustice, is currently in the possession of others. Those who advocate restitution as a response to wrongdoing argue that such property should be returned to the heirs of the historical victims. This inheritance-based model has often been rejected at a domestic level by theorists who reject the justifiability of inheritance. This response, however, is not available to international libertarians, who endorse backward-looking accounts of distributive justice. The chapter examines Jeremy Waldron's claim that property rights lapse in the absence of sustained possession, and holds that this need not be accepted if one sees international libertarianism as based on
historical entitlement. It proceeds to challenge Janna Thompson's claim that the inheritance model is flawed as a result of its indeterminacy, maintaining that it need not rest upon counterfactual reasoning.

The Epistemology of Resistance
José Medina

This book explores the epistemic side of oppression, focusing on racial and sexual oppression and their interconnections. It elucidates how social insensitivities and imposed silences prevent members of different groups from interacting epistemically in fruitful ways—from listening to each other, learning from each other, and mutually enriching each other’s perspectives. Medina’s epistemology of resistance offers a contextualist theory of our complicity with epistemic injustices and a social connection model of shared responsibility for improving epistemic conditions of participation in social practices. Through the articulation of a new interactionism and polyphonic contextualism, the book develops a sustained argument about the role of the imagination in mediating social perceptions and interactions. It concludes that only through the cultivation of practices of resistance can we develop a social imagination that can help us become sensitive to the suffering of excluded and stigmatized subjects. Drawing on Feminist Standpoint Theory and Critical Race Theory, this book makes contributions to social epistemology and to recent discussions of testimonial and hermeneutical injustice, epistemic responsibility, counter-performativity, and solidarity in the fight against racism and sexism.

Introduction
Alan M. Dershowitz

in Supreme Injustice: How the High Court Hijacked Election 2000

Presents the author's strong opinions on the ending of the 2000 US presidential election. Starts by pointing out that the five justices who ended the 2000 election by stopping the Florida hand recount have damaged the credibility of the US Supreme Court, and that their lawless decision in Bush vs Gore promises to have a more enduring impact on
Americans than the outcome of the election itself. The USA accepted the election of George W. Bush, as it must under the rule of law, but the unprecedented decision of the five justices to substitute their political judgement for that of the people threatens to undermine the moral authority of the high court for generations to come — for the Supreme Court consists of only nine relatively unknown justices with small staffs, and it has wielded an enormous influence on US history. The majority ruling in Bush vs Gore has marked a number of significant firsts in American history; these are outlined and it is noted that there is now a widespread loss of confidence that reaches to the highest part of the judiciary, that the Supreme Court decision may well have violated Article II of the Constitution, and, furthermore, determined a presidential election on doubtful equal protection grounds. Attempts to explain the Court's decision and the justices concerned, and establish how the USA has reached the point where five unelected judges could have had so much influence on the political destiny of a nation.

In Search of Identity: The Collapse of the Soviet Union and the Recreation of Russia

Nanci Adler

in The Politics of Memory and Democratization

Published in print: 2001 Published Online: November 2003
Item type: chapter

This chapter explores Russia’s attempts to come to terms with its Stalinist past in an endeavour to build a civil society based on the rule of law. It begins by examining the nature of Stalinist repression and the legacy of Soviet terror. It goes on to focus on halted official efforts at truth telling, and persistent unofficial efforts, led by the organization Memorial, at remembering and commemorating; this provides insight into the issues that daunted the quest for moral recovery. The chapter then looks at post-Soviet efforts to come to terms with the Stalinist past, and finally it assesses the impact of the discussion of past injustices, or the politics of memory, on Russia’s subsequent process of democratization. The information presented and the conclusions drawn are necessarily based on a number of scattered sources, including memoirs, interviews and official archives; Russia’s experience is unique, and difficult to compare with other post-authoritarian political systems, especially as democracy has not taken substantial hold, and, since the transition is so new, questions of accountability are only beginning to be addressed.