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Book Review

Alasia Nuti, *Injustice and the Reproduction of History*
(Cambridge University Press, 2019)
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The justice paradigm has defined analytic political philosophy – as well as much of continental political theory – for most of the postwar era. While the publication of John Rawls's *Theory of Justice* (1971) was crucial in reviving this sub-field, it also defined its scope within somewhat narrow bounds. In addition to its redistributive focus, the literature has also generally followed Rawls in treating justice as a "forward-looking" good. In the interest of establishing a better society in the future, Rawls explicitly set aside past injustices, noting that for him "the historical record is closed" (p. 160 of the 1971 edition).

Despite its reach and influence, recent geopolitical developments have challenged Rawls's temporally restricted conception of justice. Since the end of the Cold War, democratic transitions in East-Central Europe, Africa and Latin America have put the issue of accountability for the past on the political agenda, thus forcing philosophers to contend with the development of the new norms againstamnesty and impunity for former state officials that have accompanied what Katherine Sikkink has called the post-1989 *Justice Cascade* (2011). In seeking "to vindicate the normative significance of unjust history in our consideration of what justice requires" (4), Alasia Nuti's excellent new monograph responds to these demands by providing a normative framework for righting past wrongs from within the justice paradigm.

The most original theoretical aspect of this book is its linking of unjust histories to the present through what Nuti calls "a structural conception of history." Rejecting the bifurcation of historical justice into backward- and forward-looking approaches, she argues that we should "de-temporalise injustice" by "think[ing] about past injustices not only in terms of singular events

with a clear beginning and a putative end, but also (and especially) as long-term structures" (25). This understanding of how historical injustice is structurally transmitted from the past into the present leads Nuti to reject the position of Rawls and other forward-looking theorists by showing that "egalitarians who strive for justice in the present cannot dismiss the structurally reproduced past" (31). At the same time – and in contrast to backwards-looking conceptions – it also allows her to define which historical injustices are normatively relevant by arguing that "we should focus not on all injustices that occurred in the past but only on those that are reproduced into the present" (47).

Nuti's presentation of her theory of "historico-structural injustice" (HSI) is incredibly clear and powerful. In detailing her theory, she not only engages with the growing philosophical literature on historical injustice (chapters 2-4), but also provides concrete proposals for how public policy and the politics of the unjust past should be understood (chapters 7 and 8). In terms of policy, she argues for context-dependent relational and intersectional "transformative measures" that "intervene in individuals' daily interactions, channel individual agency in new directions and thus create different – more egalitarian – norms and expectations" (152). Similarly, her account of the politics of unjust history highlights "how our institutional set-up may be compromised by its unjust history and may constitute a crucial historical mechanism of its reproduction" (177). This institutional focus not only seeks to tackle the "structural debt" generated by HSIs; it also expands the limits of our social and political imagination.

Given her structural focus, Nuti's theory is most directly applicable to what she calls "historico-structural groups" (HSGs), which are defined as containing the "structural descendants" of individuals who placed into non-voluntary inferior structural social positions constituted by the kinds of past injustices whose effects persists into the present. The theoretical

form of Nuti's approach is given concrete content through her illustrative examples. Although she also engages the legacy of slavery and the place of African-Americans in the United States, the primary case driving her analysis is gender and the HSIs suffered by women (chapters 5 and 6).

Focusing on women in this way is not only novel; it also demonstrates how violence against women, as well as more commonplace dimensions of persisting gender inequality – such as occupational segregation, the division of domestic labor and other forms of stereotyping – can be understood through the lens of historical justice. The critical reach of Nuti's theory is made clear through her application of this framework to formally egalitarian societies (such as the Nordic states), which despite their progressive commitments still maintain horizontal occupational differences based on sex and gender. She concludes that "different outcomes between men and women would still be worrying, even if women were not materially worse off than men, because of the systemic history of group-based inequality and the ways such a history is reproduced" (106).

The strength of Nuti's account is its ability to deal with what she calls "the *banal radicality of the reproduction of the unjust past*" (pp. 45-6, emphasis in original). However, while highlighting the ways historical injustices committed against subaltern groups are embedded and passed on through formal institutions and informal practices is important, this structural, group-based understanding cannot account for the full range of issues raised by the developing paradigm of historical justice. For example, it is unclear how this framework can deal with the kinds of gross human rights violations perpetrated by authoritarian dictatorships that are the subject of many claims to historical (or transitional) justice in the aftermath of the wave of democratization in the 1980s and 90s. Unlike the cases Nuti addresses, these demands are neither

banal nor group-based; on the contrary, these past crimes are blatantly obvious and directed all of society outside of the ruling elite.

Questioning an otherwise good book for what it omits is easy to do. However, I worry that this issue points to a deeper constraint of Nuti's "detemporalisation" of historical injustice. While her approach has the advantage of bringing out "the background conditions in which some present wrongs occur" (4), it threatens to dissolve the normative power of past injustices as such by paying attention "only to those that are reproduced into the present" (47). It thus takes the *history* out of *historical* justice. What we are left with is both a deeper, more contextually sensitive account of injustice in the present, but also one which has difficulty accounting for what Jeffrey Blustein refers to as "the moral demands of memory" in his eponymous book (2008).

In making this point, I am replaying a disagreement between Walter Benjamin and Max Horkheimer. In her work Nuti cites Benjamin's "Theses on the Philosophy of History" to advance the argument that "historical and present injustices should be regarded as the same injustice…as a 'single catastrophe' rather than as a 'chain of events'" (45). In a letter to Benjamin from March 1937 Horkheimer disagreed vehemently with this presentist approach, arguing that it overlooks the sufferings of the victims of atrocity as such. Horkheimer wrote, "Past injustice has occurred and is completed. The slain are really slain" (Horkheimer's letter to Benjamin is quoted on p. 471 of the 1999 Belknap Press translation of *The Arcades Project*). From this perspective, the policy and politics of historical injusitice must pay attention to those injustices as such, not only the way that they are reproduced in the present. In other words, even if we were to address the HSIs that continue to affect the "structural descendents" of Nuti's

HSGs, we would still have to address the wrongs perpetrated against their predecessors in the past.

Additionally, Nuti's framework does not pay attention to the important role that specific, paradigmatic events play in long-term narratives of historical justice. Even from a structural perspective, unjust histories are hardly "smooth." On the contrary, even HSIs are marked by key moments, critical junctures and ruptures that jump out from otherwise banal histories of repression and serve as rallying cries for political mobilization.

This issue is highlighted by the beautiful image on the cover image of this volume, which portrays a female protester with the slogan "*nunca más*" written in red between her shoulder blades. While powerful, I am not sure that Nuti's framework can account for the idea of "never again." After all, the whole point of this movement is to obtain justice for key events in the past – the most paradigmatic examples is the Holocaust represented by the gas chambers at Auschwitz – in order to ensure that something similar never happens again. In contrast to Nuti's framework, proponents of "never again" tend to focus precisely on the kinds "singular events with a clear beginning and a putative end" that she rejects. From within this paradigm, history is not smooth and structural, but instead is punctuated by events that require redress in and of themselves. While Nuti is right that "narrative[s] of progress [are] ill suited to fully capture the banal radicality of unjust history" (111), they have a role to play in sustaining movements that seek justice for the victims of unjust historical events.

I have voiced a number of concerns with Nuti's framework in this review. But how important are they really? Ultimately, not very. This is a wonderful, novel, engaging and insightful book in the emerging field of historical justice. Nuti's contribution pushes the debate forward in pointing to the ways that the injustices suffered by HSGs like women are rooted in the

reproduction of history. My worries merely testify to the fact that there is much more work to be done to fully conceptualize the normative demands of the unjust past.