

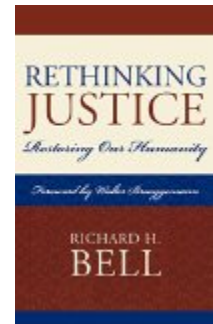
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Richard H. Bell. *Rethinking Justice: Restoring Our Humanity*. Lanham: Lexington Books, 2007. xiv + 145 pp. \$65.00 (cloth), ISBN 978-0-7391-2228-0.

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Thickening Justice with Humanity

Research often begins with a question that is to guide the researcher to either an answer or to more questions. In the case of Richard H. Bell's book, the question is one of the most perennial: What is justice? While answering this question is not exactly how Bell states his intention, this is primarily what his work sets out to do. By demonstrating a need to reexamine the commonly held post-Enlightenment idea of justice as equity, the author argues for restorative justice—a notion that is thick with moral, aesthetic, and spiritual concepts as opposed to a thin notion that is concerned with positivistic, rule-governed concepts.

Bell has organized his book into seven chapters with an introduction and an epilogue. In his introduction, he presents the idea of moral responsiveness as the frame for the rest of the book. Each chapter is written “to awaken the reader to some different aspect of the meaning of justice that has fallen away from it” and “to expose the reader to numerous narrative perspectives on justice” (p. 2). Bell does this in hopes of teasing out a moral responsiveness from people rather than a retributive reaction that has been conditioned by post-Enlightenment discussions of justice.

The first chapter attempts to contextualize the discussion of justice by offering several perspectives on it, both classical and recent. Bell begins by arguing—with the aid of Alasdair MacIntyre, Plato, Jonathan Glover, Emmanuel Levinas, Ludwig Wittgenstein, and Simone Weil—for the importance of facing the other, or, as he puts it, facing our humanity. By this he means not

ignoring the injustices committed against another person, but confronting them and recognizing, in turn, the worth of the other person. He proceeds with this chapter by examining classical conceptions of justice specifically found in the works of Homer, Aeschylus, Plato, Aristotle, and Seneca, and the thought of Solon. Bell traces three threads in this section: the tension between retribution and mercy often found in Greek literature, the conflicting views of justice in Plato's earlier and later works, and the combination of equity with mercy. The chapter continues with a discussion of the difficulty in placing individual rights over justice—a concept that includes all of humanity, for Bell—and concludes that obligation and reciprocity, much like that found in friendship, should precede any right. But Bell is cautious to point out that he is not an idealist: “The practicalities of extending such a relationship [of friendship] as a community grows, as cultures differ, as politics collide, complicate the orders of justice.... This, of course is why justice requires vigilance, patience, and deliberation as well as ... trust, friendship, equity, mercy, love, and compassion” (p. 24).

In the second chapter, Bell develops two related themes. The first is that justice is beyond simply rendering to another that which is fair. Instead, it assumes “full recognition of another's humanity” and attempts to create an “equality of respect” (p. 31). Employing Raimond Gaita's *A Common Humanity* (2000), Bell then elaborates on this idea's relationship to racism, sexism, and any other prejudice in which one attempts to disregard or dismiss another. The second theme is the respect of the other in a colonial context. For this task, the au-

thor relies on the life and work of Weil, the subject of one of Bell's previous books. This section is also the first place that Bell comments directly on Americans' actions in Iraq, but his comments are brief. His general argument is a standard postcolonial argument, and his argument on the Americanization of Europe overstates Europe's respect for the East. Each argument would have been better informed if Bell had examined Arjun Appadurai's *Fear of Small Numbers* (2006) and Edward W. Said's *Orientalism* (1979), respectively.

Bell's third chapter begins by reexamining, what Martha Nussbaum calls, the "equity tradition," which he mentioned at the end of the first chapter.^[1] This tradition, according to Bell and his reading of Seneca, focuses on learning to understand the circumstances surrounding an action in order to create a sympathetic and merciful response. To illustrate this concretely, Bell turns to the South African Commission on Truth and Reconciliation (TRC). Examining the African concept of *ubuntu*, in much the way Elizabeth Young-Bruehl does in *Why Arendt Matters* (2006), Bell explains how the TRC was able to create a restorative justice that transitioned South Africa "from a culture of violence ... to a culture of dignity for all, human rights, and greater public tolerance" (p. 56). This process, of course, was not flawless, for many white political and business leaders took little responsibility for large inequalities.

In his fourth chapter, Bell provides literary and historical examples of the sympathetic understanding he describes in the previous chapter. He continues to stress the importance of respecting the other and gives examples of both extraordinary people, such as Martin Luther King Jr. and Mahatma Gandhi, and ordinary people, such as the people of the Le Chambon-sur-Lignon village. The most interesting historical example he offers, however, is the Cuban Missile Crisis. By examining the letters exchanged between Nikita Khrushchev and John F. Kennedy, Bell argues convincingly that the moral tone of the letters resembles his idea of restorative justice and its concomitant concepts, and is, in turn, responsible for the nonviolent outcome of the crisis. Literary examples are also included, but the section could use more development. For instance, this section is especially interesting when the author examines the work of Bessie Head, but the section ends when the connections among literature, African culture, and justice are becoming solidified.

While the previous chapter focused on moral sympathy through examples, chapter 5 further traces the notion of obligation to another person. The approach to this

chapter is framed by the following quotation: "There is more to our humanity than simple survival" (p. 83). Bell begins by explaining how poverty conditions in Africa differ from those of the United States and how African non-commodity based poverty requires a more dynamic solution. The solution, Bell believes, is found in the capabilities approach of Amartya Sen (Amartya Sen, *Inequality Reexamined* [1995]). He argues for an increase in the freedom of individuals to participate in the actions and events they value most. Poverty, then, becomes a moral concern rather than a monetary one. While this approach seems ideal, the implementation of such an approach is, as Bell admits, more problematic. In addition, one should remember that Bell is only advocating a rethinking of justice, a conversation over the seemingly analytic proposition of "all justice is equity," not an overnight redefinition of the concept.

Chapter 6 includes a comparison of retributive and restorative justice, a discussion that should have appeared earlier, as well as the relationship of the latter with deliberative democracy. Bell argues, as one would expect at this point, that "forgiveness, like mercy, must be infused into, be part and parcel of the very concept of justice" (p. 97). But, he is cautious to qualify what he means: "Not that one always forgives, not that forgiveness must always be a consideration when justice is served. However, forgiveness should be able to come-to-the-fore" (p. 97). Restorative justice is not a panacea, but it is an alternative that deserves serious consideration. This chapter, to a great extent, repeats much from the previous chapters; it discusses the TRC, *ubuntu*, the dangers of retributive justice, the thoughts of Weil, and the connection between freedom and justice. Bell takes this last point and expands on its relation to deliberative democracy, arguing that deliberation, and the freedom it implies, "is at the heart of restorative justice and a democratic civil order" (p. 105). The most interesting points in this discussion concern the village palaver, a type of African deliberative institution, and the *Nzonzi*, African dialecticians who lead the village palaver. Through these two examples, Bell reemphasizes the mutual respect and moral responsiveness that is embedded throughout the book.

The final chapter requires a fresh look at spirituality to reexamine justice: "Justice, understood 'spiritually,' is a gift of the practice of love and reconciliation with your neighbors and distant strangers" (p. 118). Bell is clear that spirituality has little to do with any formal religion; it is more concerned with the respect of and responsibility for others. There are, furthermore, two kinds of spir-

ity. The first, represented by Vaclav Havel, is called natural spirituality and is when the sacred “breaks out from within the human heart” (p. 120). The second, represented by Weil, is referred to as incarnational spirituality and is when “the sacred breaks into the ordinary of human life” (p. 120). While Bell elaborates further on these two kinds of spirituality, he is sure to relate them back to his guiding themes of attention, compassion, responsibility, obligation, mercy, forgiveness, and responsiveness. But, if this connection is not thorough enough for the reader, one can look at the epilogue in which Bell restates the main points of his arguments.

Bell’s book, like any other, has its strengths and its weaknesses. Some of these, however, can change depending on how the book is used. For instance, Bell uses italics heavily to emphasize his point and constantly repeats long quotations from other authors. While this repetition may be distracting to some scholars, it may be helpful to those unfamiliar with the area. One prob-

lem that is consistently present is the lack of elaboration. As already pointed out, specifically in the fourth chapter, Bell often brings forth some interesting insights, but the reader is left with only a cursory impression of his points and examples. This, too, may be helpful to a novice, but it could also be distracting and not allow a solid conception of the themes to form. Bell’s book might also have benefited from the addition of a section specifically examining post-Enlightenment thinkers and their notion of justice. Instead, Bell inserts comments by or about these thinkers, leaving the reader with a less clear notion of post-Enlightenment justice than there could be. Overall, Bell has written a fine and, considering the questions raised by America’s involvement with Iraq, a rather timely book. Its most appropriate use would be in an introductory undergraduate course.

Note

[1]. Martha C. Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999).

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