Book Reviews


One of the striking global trends of the past generation has been a global outbreak of efforts by political orders to address massive past injustices: genocide, civil war, and dictatorship. Over forty truth commissions have taken place. Two international tribunals and an international criminal court have arisen, while numerous trials on the national level have taken place. Reparations, public apologies, forgiveness, civil society initiatives, museums, and monuments have all either entered or sharply expanded their presence in the global political scene. In the debates that surround these efforts, officials, activists, scholars and ordinary citizens commonly voice the concept of reconciliation. Although reconciliation is an ancient idea, rooted in religious and tribal traditions, its application to modern politics is both novel and controversial. Reconciliation is debated in its meaning as much as it is in its merits.

Into this conversation enters philosopher Colleen Murphy, who takes up the reconciliation paradigm and develops it into a rigorous ethical framework that is grounded in moral theory and capable of offering guidance for rebuilding actual political orders. Her book stands as one of the few attempts to create a comprehensive ethic for such rebuilding. Most other works on the subject are more narrowly focused, addressing truth commissions, judicial punishment, reparations, apologies, or the like. By contrast, Murphy sets as her task describing the wide range of ways that war and dictatorship sunder relationships among citizens as well as the diverse, interconnected, and complementary practices through which these relationships may be repaired.

Murphy’s approach is also distinctive in that it does not focus on institutions like truth commissions and trials but rather on underlying values that serve as goals and standards for reparative institutions and practices. Good reconciliation processes, whatever institutions and practices they involve, she argues, are ones that realize these values. It is only after she makes a considerable effort to theorize these values and their role in political reconciliation that she then shows how they may be advanced through truth commissions and trials, each of which she treats in a separate chapter.

These underlying values – which political injustices destroy and political reconciliation repairs – take the form of three concepts that Murphy draws from literatures in philosophy and jurisprudence. The first is the rule of law. Here she turns to the great jurist Lon Fuller, whose eight principles of the rule of law she adapts to
the problem of rebuilding modern political orders. The second is trust, which she defines, borrowing from Karen Jones, as “an attitude of optimism with respect to the competence and the will of the trustee” (p. 73). The third is individual capabilities, which, borrowing from Martha Nussbaum and Amartya Sen, she identifies as being respected, recognized, able to participate effectively in political community, and able to exercise basic forms of functioning necessary for surviving and avoiding poverty (p. 95). Each of these values, Murphy shows, both carries intrinsic worth and is instrumental for stability, peace, justice, and economic growth. Behind each of the values in turn lies an even more basic value that each of them achieves and that acts as Murphy’s ultimate criterion for right relationship among citizens: reciprocal respect for moral agency among the citizens of a political community.

By and large, Murphy succeeds in fashioning an ethic that conceives and addresses the problem of political reconciliation as a whole. Her development and deployment of the rule of law, trust, and capabilities is creative and rigorous. Her book will likely stand as a major position in the developing literature on the ethics of addressing past injustices in pursuit of more just political orders. In particular, the book’s strength can be seen in its achievement of three balances.

First, the book balances sophisticated philosophical reasoning with concrete guidelines for existing political orders. Murphy’s philosophical acumen arguably shines brightest in her defense of Fuller’s theory of the rule of law. Against Joseph Raz, who holds that the rule of law contains negative virtue but is otherwise of instrumental value, she shows that a Fullerian view contains far greater intrinsic value than Raz allows, namely in its commitment to reciprocal respect for agency. On the other hand, she defends her account against Jennifer Nadler’s claim that the reciprocal respect embedded in a Fullerian account is insufficient to account for the moral value of the rule of law. Murphy’s philosophical defense of the rule of law in turn yields a practical criterion by which reconciliation processes can be evaluated: Do they advance the rule of law so as to promote reciprocal respect for agency among citizens? Her theory cannot tell any given political society which combination of institutions and practices it ought to adopt or how to resolve tradeoffs when some institutions prove impossible. It is doubtful that any moral theory can. But her theory succeeds in offering concretely evaluable criteria.

Second, the book balances a stress on the political character of the ethic with a concern for the moral attitudes and beliefs of citizens. A standard criticism of reconciliation, leveled, for instance, at Archbishop Desmond Tutu in South Africa, is that it is guilty of moral overreach, imposing a comprehensive moral and religious vision on the souls of citizens. Murphy carefully eludes such criticism by crafting her moral theory as one for political institutions, appropriate for relationships among and between citizens and their government. In this way, her moral theory contains limits. At the same time, though, she avoids abandoning one of the central virtues of reconciliation theories, which is their stress on the importance that internal attitudes like trust, respect, and hope carry for the stability of embryonic democracies and peace settlements. Murphy proffers virtue, but it is political virtue.