

support for their causes. Both also used it effectively as a means of disarming the opposition or creating ambivalence in official policy or attitudes. In Gandhi's case, this feature of nonviolent practice is superbly analyzed by D. A. Low (*Britain and Indian Nationalism*, 1997). The personal relationship Gandhi formed with the Viceroy, Lord Irwin, during their negotiations in 1931 has been noted elsewhere for its civility of language, but Low adds to this discussion of Gandhi's noteworthy verbal nonviolence by analyzing his negotiations with Herbert Emerson, Irwin's Secretary of the Home Department. Of course, Gandhi's "Dear Friend" approach could exasperate or antagonize adversaries. As the private correspondence and official documents of the raj show, however, it was precisely the lack of verbal violence that prompted British ambivalence if not always outright respect or sympathy. At any rate, there is no indication in this book that the important records of the India Office archives have been examined.

Finally, if Gandhi's conceptual violence seemed not to bother his adversaries, it appears to trouble even less those advocates of nonviolence who sustain his legacy. The impressive names of nonviolent nationalists noted at the end of the book are evidently drawn to Gandhi despite any conceptual violence or dilemmas of nationalism. On the contrary, they all offer ample testimony, in their lives and their abundant writing about Gandhi, to his authentic and consistent practice of nonviolent nationalism.

It is unfortunate that this book, which deserves serious scrutiny, is overpriced and lacks a bibliography or a complete index.

Transitional Justice. By Ruti G. Teitel. New York: Oxford University Press, 2000. 292p. \$35.00.

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The political science literature on regime transitions says little about the various roles that the law can play to strengthen or otherwise assist shifts from old to new governmental dispensations. Teitel limits her analysis to democratic transitions—to transitions in a "positive normative" direction—and constructively examines rule-of-law systems in times of political flux. She makes the important point, and her thorough and dense book elaborates it fully, that the law is more than the product of a transition; it structures the transition. The jurisprudence of regime transitions responds to past repressions and, for the incoming or victorious government, reclaims liberal norms in ways which are transformative and legitimizing.

Teitel successfully argues that the law contributes far more to a liberalizing transition than the usual discussions of the virtues of retributive versus restorative justice would imply. She examines the varieties of criminal justice in transition; explores the several uses and kinds of historical justice (trials, truth commissions, and other inquiries); analyzes reparations as a way of righting wrongs and reestablishing the rule of law (and thus protecting individual rights); indicates how administrative justice and public law reshape, sometimes radically, the new political order; and critiques the uses of constitutionalism in serving the needs of transformed societies.

The truth commission is but one of the ways in which the causes of historical justice may be furthered. It is the one best known and most studied, and it has, thanks to the example of the formidable South African Truth and Reconciliation Commission (TRC), in this century seized the imagination of

incoming regimes, their supporters and advisors, and aroused the suspicions of those who prefer retributive to restorative justice both to settle scores and to delegitimize an egregious predecessor regime. Transitions may require these and other forms of historical justice to strengthen the incoming and destroy the credibility of the outgoing regime.

The existence and operations of the TRC permitted South Africa to detail and come to terms with the sins of apartheid. The TRC grew out of an elaborate political compromise that rejected the outgoing regime's demand for a blanket amnesty (the South American model), and for no retribution, in exchange for the TRC. It could grant individuals amnesties for political acts in order to extract full information about the dark events of the past.

Whereas the first commissions in Africa and Latin America dared not hear testimony in public for fear that it would be too inflammatory or that it would arouse retaliation from ousted military personnel or their patrons, the TRC insisted on public testimony. The open interrogation of accused perpetrators by victims as well as by prosecutorial figures from the TRC staff and by the commissioners themselves was salutary in achieving historical justice as well as restorative justice. But the TRC's main procedural breakthrough was its transparency: The "victims hearings" were widely broadcast, televised, and reported at considerable length in the press. Hardly any South African could escape exposure to what Teitel rightly calls the critical conclusions of historical justice. The doleful deeds of the previous regime could be affirmed in the accumulation of individual testimonies. What had happened was therefore not just an after-the-fact single story, as might have been revealed by a commission of historical inquiry, but more than a million perceptions of what had been revealed before the TRC in multiple iterations by multiple victims and perpetrators.

The collective result amounted to both more and less than any result of criminal trials that could bring retributive justice. Although Teitel argues that trials and commissions equally shape collective memory, and that the traditional ritual nature of a trial allows publics to contextualize and share past experiences of wrongdoing, the new kinds of truth commissions do the same, and do it more expeditiously, less expensively, and, arguably, more efficaciously. Teitel largely acknowledges that point when she suggests that "rituals involving contested histories of the individual case often break down in the face of massive systemic atrocities" (p. 75).

Truth commissions obviously flow from the problems of proof. Commissions can cope much more conclusively than even Nuremberg-like trials with the scale and quantity of violence perpetrated by the modern oppressive state. They do "elide" appropriate evidentiary standards, and they simplify or abbreviate developed notions of discovery and due process. But that is the simultaneous strength and weakness of restorative justice. Truth commissions, to use Teitel's evocative phrase, are "impunity's' antidote and amnesty's analogue" (p. 79).

It is important in historical justice to ascertain truth. The elaboration of that truth is essential to an effective transition and to the provision of transitional justice. But Teitel has recognized, as have others, that truth is contextual, and that the new successors' truth, as believable as it is, must be developed so that it can seem an accurate and plausible substitution for the accounts and rationalizations of the prior regime.

Truth is not synonymous with justice or independent of justice. Teitel suggests wisely that it is a "virtue of justice" (p. 89).

This book is also virtuous. It provides a solid basis for all

future explorations of regime transitions and the varieties of justice during transitions.

Freedom, Efficiency, and Equality. By T. M. Wilkinson. New York: St. Martin's, 2000. 199p. \$65.00.

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Today capitalism enjoys global hegemony, ideologically, economically, and politically, but the economic benefits of capitalism are distributed in a radically inegalitarian manner. To many, even many who might wish it otherwise, this seems inevitable. This vast and increasing inequality is simply the price human beings must pay for freedom and prosperity. Martin Wilkinson's goal is to challenge that view. In this excellent book, he argues that it is possible, at least in principle, for an economic system to combine freedom, efficiency, and equality.

The primary goal of Wilkinson's book is not to convince people hostile to equality that they should change their views but, rather, to help people sympathetic to equality to think more carefully about what they should pursue and how they should pursue it. The first few chapters are devoted to a discussion of freedom, efficiency, and equality. Wilkinson wants to explain both why these values matter and how they might come into conflict. He shows that it is relatively easy to imagine arrangements that combine any two of these values but more difficult to see how to combine all three, a difficulty that he calls the trilemma.

The incentives problem is at the heart of the trilemma. Occupational freedom and economic efficiency require some sort of market arrangement, but an egalitarian distribution of income would interfere with the incentives that make ordinary markets work. Wilkinson argues that the trilemma cannot be avoided so long as people make their occupational choices purely on the basis of their own ends and preferences. What is needed instead is the introduction of moral motivations into economic affairs and, more specifically, a (legally unenforceable) social duty to make occupational choices with an eye to the effect of such choices on efficiency and equality. If people are motivated by this sort of social duty, it will be possible to cut the link between production and distribution and to distribute income on an egalitarian basis. (This egalitarian distribution may not simply be equal money incomes because it may be appropriate to provide some financial compensation for burdensome work.)

The specific moral duty that Wilkinson proposes (which he calls the counterfactual duty) is the following: "respond to market prices in the egalitarian system as though you were getting the money for your own personal consumption" (p. 136). It is counterfactual because incomes will be taxed at 100% and redistributed as equality requires. Wilkinson argues that this counterfactual duty is compatible with efficiency and also with all the underlying values that make occupational freedom so important, such as the capacity to say "no" to bosses, personal autonomy, and opportunities for self-development. He also contends that it is not an excessively demanding moral requirement. It still leaves considerable scope for reasonable self-interest and the pursuit of important personal projects because these sorts of concerns are reflected in the kinds of occupational choices people make in responding to market prices, and so they will be reflected in his egalitarian system as well.

This brief summary cannot do justice to the richness and variety of the arguments that Wilkinson develops in the course of his work. For example, his discussion of occupa-

tional choice in chapters 2 and 3 is the only sustained normative analysis I have seen of this important topic. The book is filled with brief, lucid critiques of such authors as Joseph Raz, Brian Barry, Thomas Nagel, and John Rawls on key points, and these critiques are always presented in ways that advance the overall argument rather than distract from it. I should perhaps mention that Wilkinson's egalitarian system explicitly builds upon an egalitarian model I proposed some years ago, although it differs from my model in several important ways. Most of his book, however, is concerned with normative questions about egalitarianism that I did not explicitly pursue.

The kind of egalitarian system that Wilkinson sketches is obviously not on the horizon, and he makes no pretense of offering a program for political action. What he offers instead is an exploration of fundamental principles. Our sense of inevitability about the way things are today may stem in part from the poverty of our imaginations. It is refreshing to have an inquiry that asks us to think again about unexamined presuppositions and to consider whether there might be alternative modes of organizing our social and economic world that would make it possible for all to share much more equally in the benefits of what we produce together.

One can disagree even with a book that one admires. I worry that Wilkinson is neglecting some important problems of institutional design in the way he constructs his model. Even in an egalitarian system that relies on social duties, one should try to minimize direct conflicts between actors' interests and their duties or at least to make the potential conflicts as evident as possible both to the actor and to others. In other words, we want to minimize moral hazard problems. In existing markets, people often do not know how they will respond to an offer until they actually receive it and have to make a real decision. In asking people to respond to market prices as though they could keep the money (even though they cannot), Wilkinson may be asking something that is not psychologically feasible. At the least, where money is compensating for other factors (e.g., job stress, collegiality, location) for which there might be no compensation in an egalitarian system, people would have a powerful incentive to persuade themselves that the monetary compensation would not have been enough.

Wilkinson does suggest that the egalitarian system may provide compensation for some of the burdens of work, but he underestimates the difficulties in doing so. He assumes, for example, that setting the right level of compensation for the burdens of work is merely a matter of establishing the right metric for equality, an issue that is much disputed among contemporary egalitarian philosophers (including Joshua Cohen, Joseph Raz, Philippe Van Parijs, and others) and that Wilkinson himself does not attempt to resolve. But even if we had the right metric, it might not be easy to apply it, and the attempt to do so could have its own perverse effects on incentives, especially given the variability of what people find burdensome.

Regardless of what one thinks about these details, the work as a whole is remarkably clear, coherent, and accessible. Wilkinson is absolutely right to draw our attention to the fundamental difference between egalitarian projects that rely on moral motivation and those that do not (p. 90). I think he is also right to argue that only the former have any chance of real success in achieving equality. Anyone interested in thinking more deeply about egalitarianism will benefit from reading this book.