

Both books are valuable and important contributions to the growing literature on French liberalism. It is encouraging that publishers are willing to support these essential monographs, although the ninety-nine-dollar price of Rosenblatt's 275-page book may raise a few eyebrows. It would be a pity, however, if the high price tag kept this distinguished work out of libraries, where it should take its place alongside Jainchill's as a welcome addition to our knowledge of French liberal thought.

Uncivil Disobedience: Studies in Violence and Democratic Politics. By Jennet Kirkpatrick. Princeton: Princeton University Press, 2008. 152p. \$40.00 cloth, \$22.95 paper. doi:10.1017/S1537592709091099

— April Carter, *University of Coventry*

This book explores potential dangers arising from a passionate adherence to democracy, and tensions between democracy and constitutionalism, by means of examples of citizens resorting to violent and illegal political action in defense of what they believe is just. All the examples are drawn from the experience of the United States and span both left and right extremism—antislavery protests as well as southern lynch mobs, the Weather Underground as well as right-wing militias.

Jennet Kirkpatrick focuses on the explicit justifications produced by those resorting to violence, those who stress the gap between actual law and their view of justice, using this “lay political theory” to illuminate debates within political and constitutional thought. It is therefore a stimulating and unusual approach to political theory.

Uncivil Disobedience might also be of interest to those studying social movements. For example, the consideration in Chapter 4 of the three strands of the antislavery movement—gradualism linked to conversion of elites, opting out of a corrupted political system, and radical attempts to work within the system—suggests interesting comparisons with many contemporary social movements. But the author does not engage with the growing social movement literature, and pays much more detailed attention to historical American movements than to recent ones.

The category of “uncivil disobedience” is defined in opposition to “civil disobedience” as practiced by Martin Luther King and the Civil Rights movement; using this contrast throughout much of the book, the author argues strongly for the political creativeness of civil disobedience, as opposed to the dangers of uncivil disobedience. Whereas most debates about breaking the law concentrate on the issue of nonviolence versus violence, Kirkpatrick is primarily interested in the different understandings of democracy and law entailed in the two different approaches.

Since the concept of civil disobedience is central, an explicit definition up front would have been helpful. However, its full meaning emerges in the course of discussion, and most readers are likely to be familiar with it. Greater

problems arise in relation to the category of uncivil disobedience.

The author does clearly distinguish uncivil disobedience from revolution, noting that uncivil disobedients are in their goals essentially reformers, who appeal to “traditional political concepts like law, rights, liberty, freedom and popular sovereignty” (p. 19) and claim to be returning to the true American Constitution, rather than overthrowing it. They are therefore “more lawless” than civil disobedients, who do not try to usurp the legal system itself, but are “less lawless” than revolutionaries seeking to overthrow the whole system and replace it, although some groups are closer to civil disobedients and others closer to revolutionaries (p. 15).

The treatment of the violence entailed in uncivil disobedience is less carefully framed, however. There is no real significance attached, for example, to the difference between violence arising out of crowd protest (as in the first example of Bostonians trying to save a fugitive slave in 1854) and planned use of guns or bombs. Moreover, although the author notes that some uncivil disobedience involves discriminate violence and other forms engage in indiscriminate killing of the innocent, possible implications are not examined. The linking of this category of protest to terrorism is particularly unhelpful. Kirkpatrick describes uncivil disobedience as a “homegrown version of terrorism,” while conceding that it is not the same as “terrorism” (p. 6). Given the frequent misuse of the concept of terrorism (hinted at in the opening sentences of the book), a clear distinction is badly needed. For example, in Kirkpatrick's own terms, is terrorism revolutionary rather than reformist? Is the ruthlessness of the violence relevant?

This relative lack of interest in the nature and scale of violence entailed in uncivil disobedience stems partly from the main focus of the book: the potential links between democratic beliefs and political violence. It also stems partly from the basic approach the author has adopted—to start from specific historical examples and tease out theoretical insights, rather than starting from elaborate definitions and pursuing their logical implications.

This is a book entirely about movements and politics in the United States and seems to assume an American readership. But this does not mean that it lacks relevance to a much wider international constituency of political scholars. American experience is a particularly interesting source for exploring the dilemmas of democracy and constitutionalism, as Alexis de Tocqueville illustrated long ago and Hannah Arendt more recently, for example, in *On Revolution* (1963).

Moreover, one of the great strengths of this book is its ability to relate illuminating historical examples of uncivil and civil disobedience to a wider tradition of political and legal theory. For example, Kirkpatrick makes use of H. L. A. Hart's distinction between “duty conferring rules” directed

toward ordinary citizens and “power conferring rules” directed toward government officials to explain how civil disobedients sometimes challenge the first but respect the second, whereas uncivil disobedients challenge both (pp. 86–87). Elsewhere she explores how frontier vigilantes elevate democracy above constitutionalism in relation to a detailed and nuanced analysis of Rousseau’s *Social Contract* (pp. 50–55).

The Conclusion does, however, suggest some disadvantages to the American historical case study approach. The author takes as her starting point Abraham Lincoln’s distinction between the rule of men and the rule of law to denounce vigilante mob rule and mob violence and assert the primacy of law for a peaceful society. This enables her to explore the dangers of Lincoln’s case for total submission to the law, and also to reiterate the argument that there is an inevitable and politically creative tension between belief in democracy as the rule of the people and belief in the centrality of law. But many readers will look, as I did, for a more wide-ranging and contemporary set of arguments about the implications of uncivil disobedience to round off the discussion.

Brevity and clear, if limited, focus have their merits, however. This is an original, highly readable, and rewarding book.

The Politics of Official Apologies. By Melissa Nobles.
New York: Cambridge University Press, 2008. 200p. \$70.00 cloth,
\$24.99 paper.
doi:10.1017/S1537592709091105

— Stephen L. Esquith, *Michigan State University*

There is much to be learned from Melissa Nobles’s account of contemporary political apologies given (and not given) by Anglophonic governments to indigenous peoples in Canada, New Zealand, Australia, and the United States, and also to African Americans. Nobles helps us understand how, when, and why official apologies such as these can reinvigorate national conversations about policies, especially membership policies.

It is no accident that *The Politics of Official Apologies* bears a strong resemblance to Jon Elster’s *Closing the Books: Transitional Justice in Historical Perspective* (2004), which Nobles cites approvingly (p. 14). She adopts Elster’s conception of “analytics” to distinguish the salient differences between the apologies she has chosen. Like Elster, she analyzes who is involved in each case, their motivations and resources, the constraints they face, and the results of the apologies or non-apologies. Elster resists calling what he has done a theory of transitional justice; there are too many differences among the many particular cases, he notes, to warrant theoretical generalizations or normative conclusions. Nobles, however, is prepared to take the next step, albeit tentatively. Her goal is a “membership theory of political apologies” (p. 3).

Nobles’s theory does include detailed information on particular cases. The key actors in these dramas are political elites, indigenous groups, and intellectuals (especially historians) who mediate the debates and disagreements among the other two groups. “Apologies do effect [*sic*] material claims,” she writes, “insofar as political elites use them discursively to support changes in federal policy favoring indigenous political autonomy and economic self-sufficiency” (p. 35). However, according to Nobles, this is not the primary significance of official apologies, at least not in these cases. Her “theoretical claim is that political actors use official apologies in ongoing efforts to reshape the meanings and terms of national membership” in societies in which native peoples and slaves have been treated as “wards” of the state, at best, and often much worse (p. 36). For those who need to be reminded, Native Americans were not legally entitled to U.S. citizenship as a birthright until 1924 (p. 48).

To make good on this theoretical claim, Nobles divides membership into three categories: legal, political, and affective (where the latter refers to the feeling of belonging and mutual obligation). She summarizes the events surrounding demands for apologies in Canada, New Zealand, Australia, and the United States in order to analyze the impact of apologies or refusals to give apologies in these four countries across these three categories. Apologies have not had an effect on legal membership in the cases she discusses; however, in political and affective terms, the record is mixed.

The central theme in Nobles’s argument is the importance of the appeal to history made by those demanding an apology. Elites respond to this appeal to history differently, and how these competing histories play out determines the particular ways that the “meanings and terms of national membership” are or are not “reshaped” (p. 36). In some cases, by making an apology, political elites may validate the reinterpretation of national history advocated by a well-mobilized indigenous group; they may strengthen the claims of past injustices by these minorities; and in some cases, they may spark a broader discussion of political obligations and the boundaries of citizenship. Because these debates over the meaning of history and group rights can have profound implications for the balance of political power in a society, elites often refuse to make apologies.

Nobles admits that official apologies are often scrutinized in terms of their possible implications for reparations or other forms of compensatory justice. However, she argues that their potential impact on political membership is even more important and the reason why apologies are so heavily contested. Conversely, where apologies have been asked for and refused, she surmises that the results of the refusals have run counter to the interests and undermined the feelings of belonging of indigenous groups (p. 113).

Some of the cases Nobles analyzes are relatively familiar, others less so. She treats some in more detail than