Philosophy Bakes Bread, Episode Fifty, with Dr. Colleen Murphy

Transitional Justice

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Cashio: Hello and welcome to Philosophy Bakes Bread, food for thought about life and leadership.

Weber: Philosophy Bakes Bread is a production of the Society of Philosophers in America, AKA Sophia. I'm Dr. Eric Thomas Weber.

Cashio: And I'm Dr. Anthony Cashew. A famous phrase says that philosophy bakes no bread, that it's not practical, but we in Sophia and on this show aim to correct that misperception.

Weber: Philosophy Bakes Bread airs on WRFL Lexington, 88.1FM and is distributed as a podcast next. Listeners can find us online at PhilosophyBakesBread.com and we hope you'll reach out to us on Twitter @PhilosophyBB, on Facebook @PhilosophyBakesBread or by email at PhilosophyBakesBread@gmail.com.

Cashio: Last but not lest you can leave us a short, recorded message with a question or a comment. I hear Eric likes some bountiful praise.

Weber: Yup. Yup, I do.

Cashio: I'm not that emotional myself, and we may be able to play it on the show at 859-257-1849. That's 859-257-1849. On today's show we're thrilled, absolutely thrilled to be talking with Dr. Colleen Murphy about transitional justice, which is just a kind of justice concerned with societies emerging from conflicts and transitioning to democracy. We'll definitely be talking a lot more about that. Colleen is a professor in the College of Law in the Departments of Philosophy and Political Science at the University of Illinois at Urbana Champagne.

Weber: That's right. Colleen is also the director of the Women and Gender and Global Perspectives Program in International Programs and Studies and affiliate faculty of the

Beckman Institute. She's also an Associate Editor of the Journal of Moral Philosophy. It sounds like you keep pretty busy.

Murphy: I do.

Cashio: Wow, it really does. Professor Murphy's research has received financial support from The National Science Foundation, The National Endowment for the Humanities and the Qatar National Research Fund. Wow, congratulations Colleen.

Weber: That's pretty impressive. Yeah.

Murphy: Thank you.

Cashio: And thank you for joining us today.

Weber: Exactly. Thank you.

Murphy: Oh, thanks for having me on.

Cashio: Well Colleen, we like to start the show with a segment we call Know Thyself, so tell us about yourself. Do you know thyself? A little quiz at the beginning here. So you know, tell us about yourself and your background, maybe where did you grow up and maybe about how your background shaped who you are and how you kind of came to be the person you are today.

Murphy: Great. So I am a Midwesterner. I was born and raised in the suburbs of Chicago and then went to University of Notre Dame for my undergraduate career. So it wasn't until I was 22 that I really moved outside of the Midwest and then I spent 15 years, first a year abroad in the UK and then I went to graduate school in North Carolina at the University of North Carolina at Chapel Hill, and then moved from there when I finished my PhD to College Station, Texas where I spent eight years at Texas A&M University in the Philosophy Department there.

Weber: Gig 'em Aggies.

Murphy: Gig 'em Aggies. That's right. Before in a sense coming home, so now I've been back since January of 2012 in the Midwest again living in the cornfields of Champagne about two hours south of Chicago.

Weber: Nice. Were you hoping to end up back in Illinois?

Murphy: I was. I'm from a very large family, so I'm the oldest of four, and we're extremely close so it was wonderful. I'm the proud aunt to 10 nieces and nephews.

Weber: Wow.

Murphy: That's right, two of whom are in Italy. My husband's Italian and his brother and wife have two children who are in Italy as well, but eight are in the Chicago land area and my two boys who are awesome, love the chance to hang out with their cousins and their aunts and uncles and grandparents, so it's been great ...

Weber: That's terrific.

Murphy: ... coming back.

Cashio: And a built-in excuse to go to Italy all the time.

Murphy: That's right.

Cashio: So that's nice.

Murphy: That's right. We go there every year and get to see “nonni,” which is the name for grandparents in Italian.

Cashio: Nice.

Murphy: And [Zee and Cugeenie 00:04:53], so everyone's there.

Weber: It's interesting, we don't often talk about this fact on the show, but the academic life and career is one which is not very friendly to being able to pick where you live.

Murphy: That's right. I feel extremely fortunate to have been able to be this close to where I'm from. I mean not everyone wants to end up where they're from, which you know, and I thoroughly enjoyed living in different parts of the country and living abroad and you know, who knows where we'll end up in the long-term, but for now we're really happy where we are and feel very blessed to be able to be back close to family.

Weber: That's fantastic. Well, does your background sort of help us sort of understand how you got into philosophy? Or tell us a little bit about yourself as a person who came to be this person interested in philosophy.

Murphy: Sure.

Weber: You know, who is Colleen Murphy such that's sort of inclined towards philosophy?

Murphy: So I didn't think I would end up in philosophy. That was actually surprising to me. So I went, when I started at Notre Dame I wanted to be a lawyer and every student at Notre Dame has to take philosophy courses, two philosophy courses and two theology courses, and so I was in the Honor's Program as an undergrad and so the first semester of my first year I had an Intro To Philosophy course with Alistair McIntyre ...

Weber: Whoa.

Murphy: ... who was teaching at Notre Dame at the time. It was amazing.

Cashio: Oh wow.

Murphy: It was mind blowing.

Weber: He's a big deal philosopher, guys.

Murphy: He is.

Cashio: Especially in the philosophy of religion as well.

Murphy: That's right. So, he changed my life.

Weber: Whoa.

Murphy: It was the first time I had been around a person who, you know, I've been around many, many smart people, but he is truly a genius and so to watch him lecture about Plato and Aristotle and Aquinas and thinking, I mean when he would lecture it was like prose paragraphs coming out of his mouth. And it was the first time I realized that there was a field of study that was devoted to questions that I had always been thinking about or in the back of my mind but didn't realize they were questions you could take up and think about as a career.

Murphy: So, you know, what is the meaning of justice and what gives life purpose and what's the value in being a virtuous person? Is it good in itself or is it good for other reasons? So, McIntyre went on to write my undergraduate thesis on his idea of the rationality of traditions, his books on whose justice, which rationality and free rival versions of moral inquiry had come out and I had been involved and been interested for a long time in the conflict in Northern Ireland because I'm Irish American.

Murphy: And there's a very large Irish American and Irish population in the Chicago land area, and so his ideas helped me give away thinking about different historical narratives or different ways of understand events that are unfolding in communities that are very divided. So yeah, I went on to become a philosophy major and thought at first that I would be a philosophy major because it was good in itself and it would lead to good LSAT scores.

Murphy: And I worked in a law firm over a summer, two summers actually, and found it interesting but then decided that's not what I wanted to do. So I ended up applying to go to grad school and had courses with McIntyre when he was at Duke and I was at Chapel Hill and sort of the rest is history so to speak.

Weber: For our listeners, the LSAT is the test you take in preparation for law school and so this continues on a theme, and I want to ask you about that, you were somebody who was inclined to think about your future involving law school. What questions were sort of the ones before you came to study with McIntyre, what were the questions that made you think you wanted to be a lawyer? What were you like that led you to think that led you to think, you know, I should you know, pursue this argumentative line of work in the law? Right? What kinds of things were you thinking about?

Murphy: So I guess I've always found that law fascinating. I mean, the thought that there are certain rules that govern everyone's conduct, or should govern everyone's conduct, and thinking about, you know, what gives those rules authority, what makes them binding, when is disobedience permissible? What should rules look like? So this sort of inescapable fact about most humans' lives, that there are rules of different kinds and in particular this authoritative legal set of rules I just found interesting.

Murphy: And I thought, you know, I'm again, from a large family where we love one another and we disagree about lots, so argument was always part of how I grew up and the law is about

argumentation so I thought that arguing with people about the law and about particular cases where the law becomes relevant for adjudication just held my attention and grasped my attention. And then I realized that philosophy was also about argumentation so the leap from law, thinking about a career in law to thinking about a career in philosophy wasn't that large. And now in my current position I've been able to do both, have one foot in the law school world and one foot in the philosophy world.

Weber: How cool is that?

Murphy: It's great.

Cashio: That's awesome. So in your work and your thinking about legal ramifications and justice and you know, this is a question we always ask our guests, what is philosophy?

Murphy: That's a great question. You know, it's a hard question to answer too because …

Cashio: It's a very …

Murphy: … I think one question that comes up in philosophy talks or conversations that I always get very impatient with is "Is that a philosophical question?" So I'm not one who likes having strict boundaries around what counts as a philosophical question or a non-philosophical question. And I think partly that comes from going to schools, to going to Notre Dame in particular, where you had multiple philosophical traditions represented by the faculty there.

Murphy: And that was also true at Texas A&M where you have continental scholars, American pragmatists and analytic philosophers all interacting together, so when I think about what philosophy is, I think it's a discipline that's unified by an interest in understanding the nature and value of existence, of human existence, of existence of other species, of the existence of God and what gives all those various types of beings their meaning and purpose and importance. So I think of it kind of broadly in that way.

Cashio: Very nice. Existence, meaning and importance. I like that.

Weber: I do too.

Murphy: Thanks.

Cashio: Quite a bit.

Weber: Yeah, well because you brought it up, you mentioned Alistair McIntyre and philosophers you know, are pretty well aware of this, you know, towering figure in the field, but to average listeners it may be the case that some people listening don't know who this Alistair McIntyre is. You mentioned that he really seemed to you to be a genius, and so can I ask you to sort of indulge us and what is a lesson or sort of set of insights that you think were absolutely sort of striking or genius or wonderful that you gained from listening to and learning from Alistair McIntyre for those out there who aren't acquainted with his work?

Murphy: Sure. So I think, well, I can talk about things that I admire about him. So first, his memory is extraordinary. I mean his ability to and his encyclopedic knowledge of a whole range

of texts. I remember, so I've been in conversation with him for more than 20 years. He's been a mentor throughout my career to me.

Weber: Wow.

Murphy: And I remember one conversation he said you know, he regretted it would be this sort of sense of despair when he realized he would not be able to read everything that, all books that existed over the course of his lifetime. So extraordinarily well read and not tied to any particular way of thinking. So you know, he himself converted to Catholicism over the course of his career, started out as a Marxist and then tried to think about how to integrate Marxist in Catholic thought.

Murphy: He changed his mind, so I think his willingness to draw wisdom from a wide range of places. I took a course, a graduate course on him that was on rational choice theory, Aquinas and [Lacon 00:13:34], different ways of thinking about rationality. So just I admired that, not being tied down to one particular way of thinking, being open to change his mind, being willing to learn about a wide range of ways of thinking about particular questions.

Murphy: I guess those to me, and the ability to engage with those different ways of thinking are some of the reasons why I think of him as a genius in that way.

Weber: That's wonderful and honestly a lot of that is illustrating sort of the right attitudes and kind of frames of mind of the philosopher, right?

Murphy: Mm-hmm (affirmative).

Weber: And that's part of what we want to get at in this first segment when we ask you about yourself as well as what does philosophy mean and so forth, so that was really helpful I think. And everybody, I want to say thank you for listening to this first segment of Philosophy Bakes Bread with Dr. Colleen Murphy. I'm Eric Weber. My cohost is Anthony Cashio and we're going to come back after a short break.

Cashio: Welcome back to Philosophy Bakes Bread. This is Anthony Cashio and Eric Weber and it is our privilege today to be talking with Colleen Murphy. On today's episode we'll be focusing on transitional justice. In this second segment we're going to talk with Colleen about her book Conceptual Foundations of Transitional Justice. We thought that might be a nice way to talk about transitional justice and in the ...

Weber: That's right.

Cashio: ... next segment we're going to ask Colleen about how her work on transitional justice can help us think about democracy in America.

Murphy: Great.

Weber: That's right. So Colleen, your book just came out this year, The Conceptual Foundations of Transitional Justice. First of all, congratulations.

Murphy: Thank you. Thanks.

Cashio: Yes, congratulations.

Weber: We like to start with a simple question, so basically you know, what led you to write this book and what's it about?

Murphy: Great. So I, as I mentioned earlier, I've had a long standing interest in Northern Ireland which led me to be interested in other contexts of longstanding very deep places of conflict, South Africa, Columbia, which is of interest and incredibly interesting especially at this moment. And one thing that I found interesting was the way in which a lot of the questions that political philosophers ask don't actually provide helpful resources for thinking about the moral and political questions that context of conflict raise.

Murphy: So I had written a book, my dissertation which then turned into my first book on political reconciliation. So I was working on my dissertation at the time when the South African Truth and Reconciliation Commission was taking place and the language of reconciliation, this as an instrument of reconciliation was very prominent. And when I looked at political theorists like John Stuart Mill, they would talk about the conditions for democratic governance and representative democracy.

Murphy: So Mill talks about common sympathies needing to be present where he defines that as a willingness for individuals to cooperate with one another, a desire to be part of the same government and govern by themselves exclusively and yet in places like Northern Ireland common sympathies are precisely what was in need of cultivation. So my book on reconciliation was about, you know, how do you, well, thinking about what actually gets damaged and is in need of repair when we think about political relationships in places of conflict and where deep divisions are present and what is the value that comes from repairing relations and rebuilding relationships that have been damaged and how do we think about that value when we're talking about different sorts of ways in which past wrongs might be dealt with, either criminal trials or through an amnesty provision or a truth commission.

Murphy: So my first book came out in 2010 and it was The Moral Theory of Political Reconciliation and Dan Philpott at Notre Dame wrote a review of my book in The Journal of Moral Philosophy and he said you know, lots of nice things about it, and then at the end he said, "One question that I had was what does reconciliation have to do with justice? How do I think about the relationship between reconciliation and justice? Is it a different value?"

Cashio: That's a good question.

Murphy: "Is it the same value?" It is. So that's what led me to write this second book. So the book focuses on you know, there's lots of discussion in philosophy and the philosophy of punishment about why we need to deal with wrongdoing and what the purpose is that's served, but a lot of times the discussion is focused around ordinary criminality where you've got, you know, one individual who harms another individual and the state is not involved and the question is what is it that needs to be done?

Murphy: But I take up the question in my book, what counts as dealing justly with wrongdoing when wrongs are not ordinary criminality, but wrongs that are committed by the state or with the permission of the state or by actors that are fighting the state and where wrongs are not exceptional but become normalized? So they become a basic fact of life around which citizens

need to orient their conduct. You know, the anticipation that this kind of wrongdoing might happen to them even ...

Weber: Colleen, what's an example of that?

Murphy: So you have, so you can have differences between what declared rules stipulate and what practices look like on the ground. So you can have formally rights to speech, but in practice if you speak out against the government there's a likelihood you'll be arrested or a likelihood that if you're arrested you'll be subjected to a severe interrogation, even if that's not legally permissible according to declared rules.

Murphy: So that's something you need to take into account when you're thinking about do I speak out against the government or not. Or being subject to severe interrogation if you're arrested by the police even if you've done something that was not legally permissible, right?

Weber: Mm-hmm (affirmative).

Murphy: That kind of treatment you can expect when you're arrested is not what legal rules technically permit. So you've got this normalized wrongdoing and it takes different forms. It could be in the form of sexual violence and rape. It could be in the form of murder. It can be in the form of disappearing of citizens, so citizens are kidnapped by state agents and often subjected to torture, but the state denies that they have any knowledge of the whereabouts of these individuals.

Murphy: Where all this wrongdoing is taking place against a background of inequality. Inequality in wealth or inequality in rights that are recognized and respected or in educational opportunities or in who gets to shape what the rules of the game are so to speak. So you've got, you know, there's wrongs where the state is involved, there's a background of inequality and there's often these periods of tremendous uncertainty, deep uncertainty about whether or not an aspiration to end conflict will materialize.

Murphy: That's the question facing Columbia right now. You know, they've got a final peace agreement. Is this final peace agreement going to in fact be final? Is it going to be implemented? Is it going to entrench a real meaningful end to the conflict of 52 years there? When South Africa transitioned from apartheid, was democracy going to be, what was the result of that transition as opposed to all out civil war?

Murphy: So because of that uncertainty there's a question or you've got to be salient and cognizant of the fact that when you respond to wrongdoing, what's at stake is not just the particular victim or particular perpetrator that you're responding to, but also the broader future of your community. Whether it will help contribute to an end of conflict or lead to a reenactment of conflict, right?

Weber: Right.

Murphy: A resurgence of conflict. Whether it will consolidate democracy or undermine it in very fragile moments. So that's the question I take up, what does it mean to deal justly with wrongs of this kind in this particular moment and context? And I use some wisdom from [inaudible 00:22:23] but my basic argument is that what you're trying to do when you're dealing with wrongdoing is contribute to relationship transformation.

Murphy: You're ultimately trying to transform the relationships among citizens and between citizens and officials through these processes and do so in a way that's respectful of the victims and perpetrators who are participants in them. Hopefully that made some sense. I can specify more if I need to.

Cashio: Yeah. No, that made sense. Is this then how you would define transitional justice, this kind of idea of this sort of healing of these relationships, this relational transformation?

Murphy: Exactly right. So it links with reconciliation, so I think you know, the core aim of transitional justice, it's not like retributive justice where you're trying to get perpetrators what they deserve or about corrective justice where you're looking at a particular individual who suffered a wrongful loss and trying to compensate them proportionately for what they lost.

Murphy: You're trying to transform the basic framework governing interaction. The terms on which citizens can interact with one another and interact with representatives of the state. But again, doing so in a way that is respectful of the moral claims that victims have because they were victims and the moral responsibility to hold perpetrators accountable even if it's, you know, and there can be flexibility in what it means to hold perpetrators accountable.

Weber: So Colleen, you used a word that some of our listeners may not be familiar with.

Murphy: Sure.

Weber: Retributive justice, and I just want to point out to people that this relates to retribution, so the idea that someone harmed me and retribution is going to mean that we're going to sort of either harm them in reaction or really essentially sort of ...

Cashio: Eye for an eye.

Weber: ... punish them somehow, right?

Murphy: Right.

Weber: You know, maybe put them in jail for a certain period of time that we say is sort of equivalent to the harm they've done to me, but you're saying that this sort of justice is different from that even though there are victims and we should attend to the victims and sort of criminal prosecute folks. So how exactly is this different from retributive justice?

Murphy: Yeah. Good. So one way is most retributivists think that there's a single way of dealing appropriately with perpetrators and that is through criminal trial and punishment, where the punishment ought to be in some sense proportional to the crime that was committed. I think one difference with that in transitional justice is I argue that there's flexibility in what can count as fair and appropriate treatment of perpetrators and victims.

Murphy: So what we're trying to do with perpetrators is get them to ideally, this is drawing on literature on transitional justice and philosophy, have them accept responsibility for what they've done, acknowledge that what was done was wrong, right? So not only own what they've done, but own it as wrongful and impermissible. Ideally try and make reparations for victims

when that's possible, and broadly contribute to conditions for non-recurrence. Right? Conditions that will allow that ...

Weber: So that's a different piece of the puzzle, right?

Murphy: That's a different piece of the puzzle and I think that there are ways of owning one's actions and accepting responsibility that don't entail putting someone in jail and imprisoning them.

Weber: Very nice.

Murphy: So that's some of the differences I see and I also see that there's, you know, retribution is very narrowly focused on an individual perpetrator and their interaction with an individual victim and transitional justice has a broader focus than that. It's not just about individual perpetrators even though processes deal with individual perpetrators.

Weber: Very interesting.

Murphy: But it's also about the broader community. Yeah.

Cashio: We have these sort of goals in sort of a broad sense, but I imagine it's pretty sort of context-dependent. So you mentioned like Columbia of instance, trying to see what's happening there. Are there any sort of best practices or common practices that ... I guess what I'm saying is what does it look like in practice? Truth and reconciliation committee or is there, what kinds of things are done?

Murphy: So the practice is evolving and expanding, so you see there's certain types of processes that are recurring and very common. One of them you mentioned, truth telling practices. So establishing an official commission that's set up by a government that looks into a very specific set of wrongs that were committed over a defined period of time and tries to understand both the scale of wrongdoing that happened and understand root causes.

Murphy: What is it that made possible the murder of so many people? Or what is it that made possible mass rape? Or what is it that made possible the enforced disappearance of so many citizens? So there's truth telling, truth commissions of those kinds. You also find reparations programs that can be both symbolic or offering some sort of material reparation, either monetary or in terms of land. You find amnesty provisions. So granting individuals a certain immunity from criminal or civil liability.

Murphy: Apologies, you find apologies, public apologies and memorials, so a whole range of practices as well as criminal trials, both domestically and internationally. Yup, so the menu's quite large.

Weber: Yeah, it sounds like it. So there's an awful lot going on. Speaking of truth telling, you know, in Mississippi where I lived for nine years before moving to Kentucky there are still people who want to say that the Civil War didn't have to do with slavery, right?

Murphy: Right.

Weber: And people aren't even beginning to talk the truth even though the legislature of the state of Mississippi said this is why we're going to war, because of slavery.

Murphy: That's right.

Weber: And then people will find some way of, you know, nevertheless trying to deny this anyway. But you know, we're going to come back after a short break with Dr. Colleen Murphy. This is Eric Weber. My cohost is Anthony Cashio and we're going to talk some more about transitional justice and what it can tell us about the United States today.

Murphy: Great.

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Weber: Now in just a moment we're going to start up again with episode 50 with Dr. Colleen Murphy of Philosophy Bakes Bread. I want to announce something, which is that I mentioned earlier that Dr. Colleen Murphy's paperback, the paperback edition for her book that we just talked about, Transitional Justice, is out for pre-order now among other places on Amazon, and I said I would put a post, I would post a link up on our website later, but actually, even easier than that is right away I was able to post a link to that on our Twitter page, which is @PhilosophyBB, obviously for Philosophy Bakes Bread and there's also a link for it on our Facebook page.

Weber: If you go to Facebook.com/philosophybakesbread you'll see the latest post I just put up there is a post to the paperback edition available on Amazon already for pre-order of Dr. Colleen Murphy's book Transitional Justice. Without further ado, here is the third segment of Philosophy Bakes Bread, Episode 50 with Dr. Colleen Murphy. Thanks everybody for listening and please do reach out to us. We love to hear from you.

Cashio: Welcome back to Philosophy Bakes Bread. This is Anthony Cashio and Eric Weber talking with Colleen Murphy about transitional justice. In this segment we're going to ask Colleen about what her study of transitional justice can tell us about justice in conflicts close to home in the United States.

Weber: That's right. Colleen, when we spoke in planning this conversation you indicated that the United States needs some attention to transitional justice or can learn from it, so why do you think that and what do you mean by that?

Murphy: Great. So I think you know, if we have an understanding of what it is that's common, which is part of what my book tries to lay out, commonly found features of transitional societies, then we can look at our own society and ask to what extent are those features present here. And I think increasingly we can say they're very present. So if we look for example to what NFL athletes are trying to draw attention to, the purpose of kneeling during the anthem, the underlying purpose behind that is to draw attention to the disproportionate killing of unarmed black men and boys in the United States by the police, which has become normalized in the sense that the possibility of being killed is a basic fact of life around which black men and boys as well as black women have to orient their conduct.

Murphy: And which is also done against the background of little prospect of prosecution or conviction if and when this happens. We can look at also the extent to which this is happening against a background of persistent inequality along racial lines in terms of income and wealth, employment rates, rates of incarceration and sentencing, health indicators like maternal mortality rates, and our own very recent history of racial segregation and discrimination in the form of Jim Crow which was maintained by a different kind of normalized wrongdoing in the form of lynching.

Murphy: So those two features are not new in a sense. The inequality has been around and so too has the wrongdoing that's being drawn attention to. I think one thing's that different that the intensity of the reaction to Charlottesville speaks to is a sense, an increasingly profound sense of uncertainty about where we as a country are heading. The difference with many transitional societies is that the uncertainty is not in an optimistic direction, right? Not about the prospect of ending conflict, but about regressing on the very modest progress that has been made towards recognizing and respecting basic civil and political rights of all you know, citizens.

Murphy: And I think it's because of this uncertainty that the debates about statues that went, the Confederate statutes that went unremarked upon up until now suddenly take on such importance because they've become symbolic for how we think not only about our past, but also about where we're heading as a society in the future. So I think you know, one thing we can recognize that the characteristics that we as a society have are not in a sense unique when they're, you know, framed in this way.

Murphy: And I think because of that we can and we should be willing to draw on lessons gained and insights gained from other contexts of transition, and one of them is that any real progress that we're going to be making in terms of racial reconciliation, not some shallow and unstable unity, but real relational repair is going to require an honest and official reckoning with our past, that downplaying or denying or refusing to acknowledge officially or unofficially the bad as well as them you know, about our past, it only makes the task of repairing relations more difficult.

Murphy: It only entrenches distrust and it doesn't make that past go away. So I think that you know, there's wisdom to be gained from looking to other contexts where the divisions are deep, even deeper than the divisions we find in the US today. We can find lessons for how to think about the question of memorialization. What it is that gets remembered publicly and officially and in what way and why? And creativity too in terms of thinking about what are the ways in which we might reckon with our own past. So in these ways I've found it helpful to look elsewhere to then think about my own society and my own context and the challenges we face here.

Weber: Nice.

Cashio: That's good. Do you have any sort of specific recommendations you've seen in other contexts you think whoa, if we did something like a truth and reconciliation committee, that's just an example or something like that here specifically, you think that would work or we need a uniquely American approach to this?

Murphy: So I think there's calls for truth telling. So the International Center for Transitional Justice which is based in New York and is incredibly prominent as an organization working with transitions around the world, they are increasingly calling for a truth telling process in the

United States. And there can be discussion about truth telling with respect to what? What parts of our history do we want to look at and examine, but I think, you know, one of the underlying insights about why you engage in these exercises is both to acquire better knowledge about what exactly happened for example, with lynching, right?

Murphy: The extent to which it occurred, who it was that was implicated, what is it that made it possible, but that also in addition to getting that knowledge, it matters to have it acknowledged, to have there be an official acknowledgment that this is what happened in the United States, that officials were implicated in it and that it was wrong. And that we, you know, we condemn this part of our past but we don't deny that it was there.

Murphy: So I think you know, sort of both acquiring knowledge and even when the knowledge is in a sense there, acknowledging it I think is part of the purpose and point of understand, of having these commissions. We could also talk about a commission when it comes to policing, right? Given that there is increasing attention being drawn to the death of black men and boys, right, to killing by police more generally, a commission looking at police practices.

Murphy: And a commission that looks at how we might build trust in context or in, within communities who are deeply distrustful and oftentimes not unreasonably so of the police, right? Or of the police of the communities that they're policing? So you know, there are ways in which they're, I'm not necessarily optimistic in the current moment that either of these things will materialize, but they're examples of the kinds of things that need to happen to have just an honest conversation that will be unpleasant, that will be uncomfortable, that will disrupt perceptions of how things are in the United States, but that's how these processes always are.

Murphy: They're never smooth sailing. They're never uncontested. They're never welcomed by everyone in a society and that's not surprising even when you talk at more local levels among families and dealing with past grievances and wrongs. It's hard.

Cashio: No one wants to admit they are wrong.

Murphy: No one wants to admit they're wrong. That's right.

Weber: Well, among the elements of transitional justice that you've mentioned so far are reforms a society can implement, and it may be that some of these reforms honestly ought to be determined or picked after you've had these truth-kind of committees efforts and so forth. But my point is I mean, are there examples of reforms that you can envision for the United States at least suggesting, you know, ideas before we have such a truth commission yet? Are there reforms that you can envision for the United States that might address some of the harms that we've already talked about? Or do you think well, you know, you envision reforms but we've got to wait until after we have such a commission?

Murphy: I think you'll never get any meaningful conversation about reforms off the ground until you've got knowledge about the past, about what it is, because for two reasons. I think one, because there's just deep denial among many Americans, especially white Americans about the existence of contemporary problems, right, that are structural, that are wrong that we in the United States face.

Murphy: And so overcoming denial about the need for any kind of reform is a necessary first step for reform being a practical possibility. And I think also to know what it is that needs to be

reformed you have to have a deep understanding of the problem and you need to also have, you know, part of living in a democratic society is democratically oriented conversations, both about how a problem is understood, how it's impacted people's lives, and what would be a meaningful way of addressing it.

Murphy: So I think you know, local participation, local conversations, this is how you're going to get both buy-in and also entrench prospects for longer term reform. You know, if ordinary folks understand why we're having this conversation, that we need to have it and what our challenges and problems are facing us, then I think there'll be less resistance to the reforms that are proposed and they're more likely to be apt for the problems we face.

Weber: Yeah.

Cashio: So you know, we want to have conversations and we want to bring people together, but I think one of the things we've been seeing, especially in American culture very contemporarily is this sort of argument or competition about who is the victim. Right? Who is actually the victim, so you have bakers and flower shops say they're the victim of government and the position on their religious belief and their religious freedom.

Cashio: You mentioned the NFL football thing so recently, the Vice President Pence feels that he can't watch a football game because of some of the players who won't stand for the National Anthem. He claims he's the victim, so were the people being disrespected by taking a knee. So I guess how do we decide who's a victim of what, especially when there seems to be just disagreement about American history? Is the Vice President a victim who deserves re-dress of transitional justice reform?

Murphy: Right.

Cashio: I think not, but I'm just saying.

Murphy: So no, I mean, yeah.

Cashio: Just to be clear.

Murphy: So people can appeal to different language and label themselves in different ways, but that doesn't mean the labeling is always justified. So people can have, we can talk about having resentment.

Cashio: Good, good.

Murphy: And there might be cases, and resentment is the expression of anger that communicates the judgment that one has been wronged. And so we can always ask, you know, people might have resentment, but it's unjustified because they're feeling anger but they haven't in fact been wronged. And so too when people can label themselves as victims but not having been subject to wrongdoing in the first place, so I think you know, one thing to recognize is drawing attention to uncomfortable truths doesn't make one a victim, right?

Murphy: That you have been made uncomfortable or that unpleasant facts that you would rather not be confronted with are presented doesn't mean that someone has been doing you

wrong by telling the truth. So I think, you know, there might be ways of framing a conversation that gets away from contentious labels like victims. We can talk about who has suffered in the past, right? Or we can take up the issues that protestors are trying to draw attention to and say, "Let's talk not about whether or not it's permissible or you have a right to protest in this way, but let's talk about the subject of what it is you're upset about and let's look into that and try to reach a different, you know, a richer understanding of the extent of the problem that exists, right, where it's a problem, for whom it's a problem," right?

Murphy: Then with that knowledge we can be in a position of responding, right? To the challenges that individuals in our community face. So to say yeah, to say you're a victim because you don't like the information that's being presented to you or the fact that people are upset about something, the problem isn't with anger. The problem is with whatever is causing anger when anger is justified.

Weber: Wow, doesn't that sound healthy and necessary. I say Murphy for 2020 is what I say. That sounds fantastic and my goodness, I wish people would listen to you. I hope people are listening. Listen folks. Hey, we're going to come back with one more segment with Dr. Colleen Murphy. This is Eric Weber. My cohost is Anthony Cashio. Thanks for listening to Philosophy Bakes Bread. We'll be right back.

Cashio: Welcome back, everyone, to Philosophy Bakes Bread. This is Anthony Cashio and Eric Weber and it is our privilege today to be talking with the terrific Colleen Murphy about transitional justice. We've been having a really enlightening and excellent conversation about what transitional justice means, about how it applies to our thinking about justice in America, so in this final segment we'll wrap up with a few big picture question or two, a lighthearted joke and a question for us all to ponder.

Cashio: All right, so an easy question hopefully. Does the idea of transitional justice imply that there's some sort of, there's just cultures and there's unjust cultures or just societies and unjust societies and we can kind of transition from one to the other? And if we're transitioning from one to other, I guess we're operating on the idea of what justice is. So a small question is what is justice? What is this that we're moving to when we transition?

Murphy: That's great. So yeah.

Cashio: Just a small question.

Murphy: So I think one thing I want to say is that justice is not a matter of either or. Conceptually we can identify a perfectly just and perfectly unjust society, but actual societies fall somewhere in between those two poles and so it's always a question of being more or less just than one was in the past. Just in certain respects and unjust in others, you can be doing well in some ways and have problems in others.

Murphy: So when I think about the content of transitional justice, sort of what is it that you're trying to do when you're trying to transform relationships, I think of it in terms of establishing conditions where citizens can interact with each other and with officials on the basis of respect for agency and reciprocity. A certain kind of recognition that I can make demands on you legitimately only insofar as I'm willing to acknowledge and respect the demands you can also make on me in terms of how I govern my conduct.

Murphy: And I think more specifically what this requires is establishing conditions where a very minimum level of trust is reasonable. Where it becomes where it's reasonable to be able to view all of our fellow citizens as lacking ill will and as competent in discharging you know, responsibilities of citizenship or responsibilities ...

Weber: That's a tall task, right?

Murphy: ... of officials. It's a tall task and distrust, you know, it varies in how deep it is and how pervasive it is, but it's present in all transitional context, it's an issue to be resolved. How to put conditions in place where it becomes reasonable for citizens to view each other differently than they have in this way.

Weber: Interesting.

Murphy: I think also establishing and strengthening the rule of law where in particular you've got congruence between what declared rules say and how they're actually enforced. So you don't have a gap between what things look like on paper and what happens on the ground among other conditions. And then establishing genuine opportunities for individuals to be respected, to be recognized as equal members of their society and to avoid poverty because I think poverty impacts our ability to meaningfully participate in economic and political and educational and social institutions.

Murphy: So kind of that's how I think about the meat of the justice that transitional justice is about, and of course, you know, all societies can do better along each of these dimensions and processes of transitional justice can't contribute to developing all of these things, so it's important to be attentive to their strengths and limitations. You know, what a truth commission puts us in a position to do and what its by itself unable to address, right? It doesn't offer reparations. It's not going to change the structure of the distribution of wealth and so, but that's what I think about what justice means, dealing with when we're talking about transitional justice in particular.

Weber: Nice. Well given what you've said ...

Cashio: That's good.

Weber: ... Colleen, will there ever be a society that sort of doesn't need transitional justice or is this sort of, does this mean then that transitional justice is kind of continuing? And if that's the case, I mean, is it so much transitional or just we just need justice?

Murphy: So I think one thing that marks, one difference I want to note is between societies where what's needed is reform, right? Getting closer, you've got the right framework in place. You've got to get closer to it, and more substantive transformation. Right? Overhauling the basic terms of interaction, and I think that, you know, every society can talk about the need for reform or ways in which we could become even more just, but one difference is in some cases, you know, you're not talking about reforming Nazi Germany.

Murphy: You're talking about overhauling Nazi institutions. And so that's, you know, one way you can kind of flesh out differences, and I think another difference is societies that are confronting periods of substantial and serious uncertainty about the direction they're heading, which can generate opportunities for doing things very differently from the way they have in the

past because everything becomes open for questioning versus, you know, moments of less uncertainty about where a society is heading.

Murphy: And so more restricted opportunities in a sense for doing bigger or bolder things. So we can make differences even though in one sense every society is along a particular spectrum normatively that we could talk about.

Weber: Very nice.

Cashio: That's good. I really like the emphasis on the idea of justice is transforming relationships. Often when we think about justice we're thinking about it in terms of laws or the legal system, but right? This sense of justice sort of goes back all the way, you know, back to Plato's' Republic, right? The idea that justice really has to do with not laws but the laws around service of the relationships that are possible.

Murphy: Exactly right.

Cashio: And the level of trust between citizens. I think that's very good.

Murphy: Thank you.

Cashio: All right, well one of our final questions ...

Murphy: Yes.

Cashio: ... comes from the inspiration for our show. So are you ready for this? Would you Colleen say that philosophy bakes no bread as the famous saying goes, or that is does and why and how? Can you maybe explain your position on this?

Murphy: Sure.

Cashio: The philosophy is bread baking.

Murphy: Yeah, so I think philosophy absolutely bakes bread and I think you know, the questions that I'm interested in to just speaking very specifically about my own work, are in part become questions for me because they're questions ordinary citizens ask. I mean, people care about seeing justice done. It matters and so being able to think about what does it mean for justice to be done and engage critically with ways of in which people disagree about that question, not just in transition.

Murphy: So often also in transitions, is I think an important way in which philosophy can make a contribution in helping us understand and clarify both different way people answer that question, where there's disagreement and what might count in favor of one understanding of what justice means and dealing justly with mass wrongs as opposed to another. So I think you know, philosophy takes up questions people ask in their ordinary lives whether they ask it explicitly or not and can provide tools for making explicit what we think and thinking critically about what we think.

Weber: Very nice.

Cashio: Yeah, I like it.

Weber: That will work. Well, as you know Colleen, we also want to make sure that people encounter both the serious side of philosophy as well as the lighter side, so we have a bit we always run in this last segment that we call Philosophunnies. Say Philosophunnies.

3-Year-Old Sam: Philosophunnies.

Weber: Say Philosophunnies.

3-Year-Old Sam: Philosophunnies.

Weber: So we'd love to hear from you Colleen you know, to see if you've got a joke or a funniest fact or a story either about philosophy or about transitional justice. Anything. Have you got a funny joke or a story to tell us?

Murphy: I'm a notoriously bad joke teller and I laugh at many jokes, but I have a terrible memory for being able to repeat jokes that I found quite funny myself.

Cashio: That's okay. We won't hold it against you.

Murphy: I'll avoid that altogether.

Weber: We're not any better, but we do it anyway. That's the thing.

Murphy: Well, I do it sometimes too. Here I think that I'll just tell a story, which sort of is about my family and the way in which my extended family and my immediate, my now immediate family with my husband and my kids, keep me grounded. So when I was graduating from Notre Dame I graduated with a Philosophy Major and the Philosophy Department had a big reception and I was all excited and I thought this was so important because I had been a finalist for their big award that they give out each year.

Murphy: And so my brothers were there and my sister and my brothers thought that it was just fantastic that their sister was, you know, doing this thing though they had no idea what it meant, but they did know Plato and Aristotle. So my one brother Jack and my other brother Kevin, I forget which is which, decided that they would be Plato and Aristotle. So they go to this reception and they're putting on their name tags and one is Plato and one is Aristotle, and on the one hand my initial reaction was completely mortification.

Murphy: Like, oh my God. And then it was just amusing. So it just, it's very, it's funny to me and it's also very symbolic of the support I have from my family ...

Weber: Nice.

Murphy: ... with nice pokes too to kind of keep me real and grounded and not too up in the sky.

Weber: Well, it's better than some people's experience, like when Anthony said, "Are you sure you want to major in Philosophy?" Isn't that what your dad said, "Are you sure you want to major in Philosophy?"

Cashio: Yeah.

Murphy: My parents expected me to be a lawyer.

Cashio: Law school was my plan too.

Murphy: Exactly. Exactly.

Weber: Your parents said you should be a lawyer, is that it?

Murphy: They expected that I would come around one day and finish this PhD and then go into law.

Weber: I see.

Murphy: And eventually that happened, but just very indirectly.

Weber: Not in the ways they expected, right?

Murphy: That's right.

Weber: That's a good story. I like it. Plato and Aristotle, that's good. It reminds me of Bill and Ted's Excellent Adventure where you know, they keep pronouncing the guy's name Socrates.

Murphy: Exactly. Exactly, yeah.

Weber: All right. Well, Anthony and I always gather a couple ...

Cashio: I hope they were nice to your brothers.

Weber: Yeah, right.

Murphy: Oh, the faculty there thought that was the most hysterical thing that they had seen.

Weber: I was going to ask were they in togas?

Murphy: They talked about it.

Cashio: I would have grilled them, like, "All right Plato, let's see."

Weber: That's funny.

Murphy: You've updated your fashion since 2,000 years ago.

Weber: Well, Anthony and I always gather a couple of jokes as well in case either our guest doesn't have one or just because it's also fun, right? And so we've got one that's actually a transitional justice joke.

Murphy: Excellent.

Weber: And we found a pretty good one.

Cashio: I couldn't believe it.

Weber: Anthony found it.

Cashio: I Googled, yeah, no, transitional justice joke and I was thinking ha-ha, what's going to happen?

Weber: No, no, he did a lot of extensive research you mean. You didn't Google this, right?

Cashio: Yeah.

Murphy: Okay, let me hear it.

Cashio: Extensive research. All right, this is alluding to sort of numerous failed attempts to achieve justice in Sri Lanka. The Sri Lankans describe truth commissions as such. Commissions are like going to the toilet. First there is a sitting, then the matter is discussed. Finally, the matter is dropped.

Murphy: Well, there you go.

Cashio: She's actually laughing.

Weber: And then we found one more which was just a joke about democracy and political leadership, and it's if you're not part of the solution, you're probably running for President. Oh, I think we need crickets. Hold on.

Cashio: I think that's [inaudible 00:57:47]. I think it's hilarious.

Weber: We have to be prepared with the crickets just in case.

Murphy: Just in case, yeah. Well, I appreciate both of those.

Weber: Good, good.

Cashio: All right, last but not least we do want to take advantage of the fact that we have powerful social media these days that allow for two-way communications even for programs like radio shows, so we want to invite our listeners to send us their thoughts about big questions that we raised on the show.

Weber: That's right. Given that Colleen, we'd love to hear your thoughts. If you've got a question that you propose we ask our listeners for the segment that we call You Tell Me. We sometimes have a You Tell Me segment either in an episode or in what we call a little bread crumb, a short little episode where we'll respond to feedback from listeners. And so what question, do you have one, a question that we should ask our listeners?

Murphy: I think I would ask them what they think counts as dealing justly with our own past here in the United States.

Weber: Oh, I like that question.

Murphy: I'm interested in the responses.

Weber: Me too.

Cashio: Very.

Weber: What counts as dealing fairly with our own past?

Cashio: Hear that, everyone? Give us your responses please.

Murphy: That's right.

Weber: Yeah, good question.

Cashio: All right, well thank you everyone for listening to this episode of Philosophy Bakes Bread, food for thought about life and leadership. Your hosts Anthony Cashio and Eric Weber are really grateful to have been joined by Colleen Murphy today. Thank you again, Colleen.

Murphy: Thanks so much for having me. This has been great.

Weber: Our pleasure.

Murphy: I enjoyed our conversation.

Weber: Excellent.

Cashio: Consider sending us your thoughts about anything you've heard today, that you'd like to hear about in the future or about the specific question and questions we've raised for you. So what do you think counts as sort of a just way of dealing with America's history, America's past?

Weber: That's a really good question. That's right. Remember everyone that you can catch us on Twitter, Facebook and on our website at PhilosophyBakesBread.com and there you'll find transcripts for many of our episodes thanks to Drake Bowling, an undergraduate philosophy student at the University of Kentucky. Thank you Drake.

Cashio: Thanks Drake. These transcripts are really awesome guys. I hope you get a chance to check them out. They're a wonderful resource.

Weber: Agreed. And one more thing folks, if you want to support the show and to be more involved in the work of the Society of Philosophers In America, the easiest thing to do is to go join as a member at PhilosophersInAmerica.com.

Cashio: You can of course email us with bountiful praise or criticisms or you know, just a how you doing. You can reach us at PhilosophyBakesBread@gmail.com and you can also call us and

leave us a short recorded message with a question or comment that we may be able to play on the show. That number is 859-257-1849. That's 859-257-1849. Join us again next time on Philosophy Bakes Bread, food for thought about life and leadership.

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