Review

Ethical Restoration After Communal Violence: The grieving and the unrepentant

Marguerite La Caze,
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In recent years, a growing number of philosophical studies have grappled with the ethical challenges that societies confront after mass atrocity – whether and to what extent perpetrators must be punished and how; who owes a public apology and of what kind; to what lengths should social actors go to reconcile; must victims forgive perpetrators? Much of this scholarship has tackled each of these problems separately. Exceptions are works such as Larry May's *After War Ends. A Philosophical Perspective* (2012) or Colleen Murphy's *The Conceptual Foundations of Transitional Justice* (2017), which try to bring these strands together to build a comprehensive normative account of how societies ought to come to terms with past atrocity. Marguerite La Caze's book joins this company of exceptional books, whose ambition is to move away from fragmentary treatments of those issues.

The motivation of *Ethical Restoration after Communal Violence* is to delineate the ethical conditions that must structure responses by the state and other stakeholders to legacies of injustice and political violence. La Caze is interested in what she calls 'ethical restoration' – the idea that how societies conduct efforts to restore an ethical polity after communal violence must themselves be ethically constrained, lest the body politic harms itself by trying to heal. In La Caze's words, the book explores how to 'respond to forms of injustice and political violence in ethically responsible ways, establishing the negative and positive conditions for ethical restoration by examining unjust and unproductive reactions, and giving an account of the best ways of restoring ethical stability, individual respect, and broken relations, without over emphasizing one aspect of our responses (p. x).

One of the virtues of La Caze's book is that it summons a plurality of voices to build her account. She invokes the usual suspects in the post-atrocity literature, but also authors who are less familiar within this scholarship, such as Simone de Beauvoir, Jacques Derrida or even Albert Camus. Likewise, although La Caze is rooted more firmly in the continental tradition, she engages the work of analytic

philosophers. And when she relies on canonical authors, she draws on them in original ways, that bear directly on neuralgic discussions, as when she delves into the work of Immanuel Kant to shed light on discussions about the importance of building trust in transitional societies.

The result is a richly textured and complex work of political philosophy. Alongside the subtle exegesis of the work of these authors, the book examines concrete cases to inform its claims. They range from the Rwandan genocide and its aftermath or the Nazi occupation of France to post-colonial Australia or the abuses in the Magdalene laundries in Ireland. The cases are very diverse, as the author herself admits. This diversity helps La Caze drive home the point that ethical responses to past atrocity must be sensitive to social and political circumstances, a point she is right to underscore.

The first section focuses on the negative conditions for ethical restoration – responses that societies emerging from internecine conflict should avoid, such as taking revenge on perpetrators, meting out humiliating punishment on them, and of course, condemning culprits to death. These responses are ethically objectionable because they do not achieve their purported aim and, on the contrary, produce irreparable harm. As La Caze shows, even philosophers of the stature of Kant or de Beauvoir were in the grips of ambivalences or inconsistencies in their stance towards the death penalty; de Beauvoir, for instance, was torn about the execution of writer and collaborationist Robert Brasillach during occupation in France. An irony that La Caze notes is that, while most philosophers have been unable to defend abolitionism, a writer like Camus was able to deliver a relentless and unequivocal objection to the death penalty.

I agree with most of what La Caze has to say here about impermissible ways of settling accounts with the perpetrators of injustice. However, I was left wondering why the author's exploration of the negative conditions of ethical restoration stopped short at the condemnation of state punishment or vigilantism. What are the negative conditions of ethical restoration beyond the sphere of retributive justice? What about professional degradation or lustration? Are those responses to communal violence acceptable? These questions are not trivial, since civic disqualification measures of this kind are not uncommon in transitional justice contexts, and they may express disrespect toward those targeted.

The second section of the book moves to the positive conditions for ethical restoration – actions that post-conflict societies must carry out to *inter alia* build civic trust, foster political reconciliation, as well as encourage forgiveness and genuine atonement; even the self-forgiveness of perpetrators is worthy of concern in this regard. Societies must pursue these desiderata without delusions about what they can accomplish but also without disillusion: they must aim at those goals without perverting them while at the same time acknowledging that some are unachievable in their pure and unadulterated form. Moreover, an immoderate, zealous pursuit of some of these aims might turn out to undermine the search for

one of the others. La Caze navigates these tensions skillfully through careful conceptual work and, more importantly, through a clear reckoning of the values at stake in the circumstances of recent large-scale violence, and how they must be balanced against each other.

To illustrate how La Caze conceptualizes these predicaments, take her examination of political trust. She draws on Kant's philosophy (and Jean Améry's, to supplement it) to argue that we need to banish deceptive practices that allow political trust to grow, thus enabling peace (with respect and care as their pillars); at the same time she accepts that the first steps toward the construction of trust might involve interactions that are not fully sincere (a pretense of peace, as when victims and perpetrators agree to work together for the sheer need to do so), with the aspiration that this *modus vivendi* will transform into genuine trust.

When, further, La Caze thinks about reconciliation and forgiveness – goals that some actors tend to understand as being inseparable – she also treads carefully. She finds merit in attempts to construct reconciliation with institutions like the (in)famous gacaca courts in post-genocide Rwanda, a nation where victims and perpetrators must live side to side. This is a sober acknowledgment of the realities of the grounds, of valuing the importance of a *modus vivendi* over 'thick' (but not guiding) ethical aspirations. Yet, at the same time, she is leery about the insistence of local actors (churches, missionaries, the state) to enjoin forgiveness on the part of victims, which in her view imposes excessive demands on them. 'Ethical restoration can come about through the painstaking work over years, rather than the demand for an instant forgiveness' (p. 96).

Finally, in thinking about atonement she stresses the importance of practices of atonement, even those that will necessarily fail to thoroughly atone given the egregiousness of the wrongdoing. Nonetheless, she is keenly aware of that false repentance involves no commitment to personal ethical transformation.

Although La Caze masterfully sails over these tensions, a few are not finely resolved, I think. As was mentioned, when theorizing about trust she seems ready to admit that some degree of pretense, of insincerity, is tolerable and perhaps necessary; even Kant, she points out, was willing to relax his strictures against insincerity insofar as outward shows of respect and affection to others can lead to their reality. But when it comes to atonement, she has less tolerance for pretense.

La Caze takes issues with Margaret Urban Walker's view of atonement, which she regards as exceedingly transactional and calculative in virtues of accepting 'that the point of atonement is to receive something in return for acts of atonement rather than understanding atonement as an acknowledgement of the wrong and attentiveness to the victim' (pp. 118–119). La Caze thinks that understanding atonement in this way 'is to focus only on outward behavior ... thus missing the idea of an ethical transformation or the wish to atone because one has done wrong, out of the kind of remorse [Vladimir] Jankélévitch describes, or concern for the victims and survivors, not in order to receive some benefit' (p. 118).

But why is outward behavior reprehensible for the purpose of encouraging atonement but acceptable for the purpose of building political trust? Along similar lines, is it appropriate to posit a ‘good standard’ of atonement (i.e. one involving personal change) without considering what effect ‘transactional’ atonement might have on victims? What if victims ascribe value to it insofar as they interpret it to be an act whereby perpetrators, whether they like it or not, lower themselves from a wrongly assumed position of superiority? And can transactional atonement lead to a more profound kind of atonement, just as in the case of pretense, when it comes to trust?

All of these apparent inconsistencies may simply be a reflection of the complexity of the task La Caze set out to perform. After large-scale communal violence, victims and perpetrators are oftentimes unclear about the moral decision they must make; for ethicists and political philosophers who deconstruct and evaluate those decisions, the uncertainty is no less daunting. La Caze claims at the end of the book that ‘the work of ethical restoration must begin anew each day’ (p. 178). The same is true for academic and intellectual work *on* ethical restoration.

References

- Murphy, C. (2017) *The Conceptual Foundations of Transitional Justice*. New York: Cambridge University Press.
- May, L. (2012) *After War Ends. A Philosophical Perspective*. New York: Cambridge University Press.

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