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Margaret Urban Walker
Marquette University, margaret.walker@marquette.edu

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MORAL REPAIR AND ITS LIMITS

MARGARET URBAN WALKER

IN TONI MORRISON'S novel *Jazz*, one might want to say, a man gets away with a murder.[1] Joe Trace, fifty, dazed and driven by the rejection of his eighteen-year-old girlfriend, Dorcas, hunts her down at a party and shoots her. This is Harlem in the 1920s. No one wants to deal with "helpless lawyers or laughing cops" (*J* 4), and an ambulance called does not bother to speed to the scene, so Dorcas bleeds to death of her wound in front of her friend Felice. Joe's wife Violet invades Dorcas's funeral in a fury to try to cut her rival's young dead face, but finally she stands a picture of the murdered girl on the mantle of their apartment, poisoning the space with grief and reproach, yet joining herself and Joe in nighttime vigils of staring at the young face. Joe cries by the window incessantly for months, no longer the dapper and trusted salesman, while Violet stares into melting malteds in reveries of indignation, seared by Joe's betrayal.

Violet got the picture on the mantle from Alice Manfred, the aunt who raised Dorcas from a child. Alice was astonished when Violet—the wife of Dorcas's killer and the woman who ruined her funeral—appeared forlornly at her door, but after a month, Alice let Violet in and comes to wait for Violet's visits, in which "something opened up" (*J* 83) as they talk jaggedly about Alice's dead niece and Violet's husband who killed her. Alice, a seamstress, begins to mend Violet's ragged clothes; or Alice irons and Violet watches. When Alice tells Violet impatiently "You got anything left to you to love, anything at all, do it" (*J* 112) and puts her iron down hard, she burns a hole right through a shirtwaist, and suddenly they rock with laughter "More complicated, more serious than tears" (*J* 113).

Three months after the killing, Violet takes the picture of Dorcas down from the mantle, and Joe sobs more quietly. Dorcas's friend, Felice, comes around to find a ring Dorcas borrowed and instead cries for the first time about Dorcas's dying "like a fool" (*J* 205) when no one seemed to care except about the blood that soaked the mattress. Joe and Violet and Felice take to each other, although she is embarrassed to watch these old folks start to dance to music drifting through a window. In spring, Joe takes another job

and life resumes. In the opening paragraph of the story, Violet, in a fury after assaulting the dead Dorcas, let all her pet birds out in the winter's cold to freeze, including the parrot that said, "I love you"; in the final pages, Violet nurtures a newly bought sickly bird by nourishing it with music from the rooftops. Joe and Violet sleep during the day, go for walks, tell each other stories, and huddle afternoons peacefully under a worn quilt they dream of replacing with a powder blue blanket with satin trim. Alice Manfred, furious at Joe Trace's impunity but shamed at her own inability to protect her niece Dorcas, found "clarity" unburdened with courtesy in Violet's uninvited visits; she moved back to Springfield, Massachusetts.

At the end of the novel, the narrator speaks about her surprise: she thought she knew these "people" she watched and waited to describe, but instead found that she had to follow them to a place she did not expect:

> So I missed it altogether. I was sure one would kill the other. I waited for it so I could describe it. I was so sure it would happen. That the past was an abused record with no choice but to repeat itself at the crack and no power on earth could lift the arm that held the needle. I was so sure, and they danced and walked all over me. Busy, they were, busy being original, complicated, changeable—human, I guess you'd say, while I was the predictable one. . . .
>
> It never occurred to me that they were thinking other thoughts, feeling other feelings, putting their lives together in ways I never dreamed of. (*J* 220–21)

The narrator seems to have waited for the fitting comeuppance, for the score to be settled, for justice, natural, human, or poetic, to exact retribution, or at least a steep price. A lot of us have been waiting for it, too.

This tale haunts and disturbs me in a particular way. It is about the aftermath of violence of many types that people survive. But it is not only Joe Trace's unavenged killing of Dorcas that unbalances the wishful equation that fits a crime to a punishment in the logic of a certain kind of justice, for I have left most of the novel out in this description. The histories Morrison unfolds for these people show how love, loss, and violence echo within lives and down generations, for these histories are knotted with the violence of racism from slavery times on. Joe was abandoned by an unknown father and a mother who ran and hid like a wild thing in the woods. Violet's mother was poor and alone with too many children when her husband was run out of the county by white landowners for joining a party that claimed voting rights for blacks. She committed suicide, leaving Violet to be raised by her grandmother, True Belle, who as a slave had been forced to leave her

own children and husband behind to care for her young white mistress and the white woman's illegitimate son by a young black man. Dorcas's father was stomped to death and her mother burned in a St. Louis race riot. These histories do not explain the characters to us. Instead, they make them more vivid and yet more opaque to us, and to themselves, in the ways real people can be. But they show the terrifying incalculability of the wages of violent and englobing racism and of our inabilities or refusals to pay them. Where, and to whom, does the equation that fits a crime to a punishment apply here?

I find myself moved to wonder and hope as Morrison shows some very broken lives repaired, rather than ruined. Still, I feel anxious and ashamed that I am moved by this, because in the story Dorcas has been killed by Joe. In the end, no one seems to speak for her. No one undertakes to exact a payment from her killer. Instead, some lives of some of the living are repaired. They are, against the odds, replenished with abilities to value life, to trust once more, to give care and pleasure again. The story strikes me as a parable, but what is the parable about? Is it about another route to some resolution that ordinary justice also tries to achieve? Is it about the possibility that justice does not alone set the standards for repairing the fabric of lives torn by wrongdoing? Or does it force us to see that it is no accident who is apt to get justice and who is likely to be brought to it? The fuller story reminds us starkly that our sense of justice may fix insistently on some crimes and not others—on the murder of one girl by a lover, for example, but not on the terror and cruelty and unnumbered murders of Africans and their descendants in U.S. slavery and the continuing aftermath of racism that frames the lives and histories of Joe, Violet, and Alice, as it does the lives and histories of all Americans today. But it also follows the story of a handful of particular human beings, some of whose shattered relations are nursed and revived, as so often is not the case in the wake of violence. Is this *moral* repair? Is what happened to and among Joe, Violet, and Alice an example of an important moral possibility?

Varieties of Moral Repair

What is "moral repair"? I use this phrase to refer to a familiar and unavoidable task human beings face. We need, over and over, to decide how to respond to wrongdoing, whether to ourselves or to others, and whether by ourselves or by others. Moral philosophers in the twentieth century have often liked to characterize ethics as answering the question "What ought I to do?" which implies a set of choices on a fresh page. Yet one of our recurrent

ethical tasks is better suggested by the question "What ought I (or we) to do *now*?" after the page is blotted or torn by our own or others' wrongdoing. I am interested here in understanding how responses to moral wrongs can be ways to repair and sustain morality itself.

This sounds strange: how can "morality" be damaged or broken? I do not think we need to converge on a metaphysics of morals in order to see just this: whether morality has its ultimate source and authority in a divine rule, a transcendent order, a natural law, or in the human mind or heart, the reality of morality in our lives—its importance and its grip, its mattering to us rather than seeming like just somebody else's rules—is something that we human beings must produce and sustain in the real times and spaces of human societies. People can lose their grip on even the most basic forms of decency if they are moved by lust, money, power, or fame; and we are reminded almost daily of what Sissela Bok has called the "vast and shamelessly organized hatreds" (44), the massacres, genocides, and terrors that have indelibly marked the century now just past. Less dramatically, our senses of value and responsibility can be dulled, eroded, disconnected. Fortunately, they can also be confirmed and revived, even extended to people or situations to which we have not applied them before. Many are now conscious to an unprecedented degree of discriminations and humiliations that limit or endanger lives, and the world-spanning discourse of human rights is heard more and more, even if it is largely unfulfilled. Old forms of responsibility can be eroded or strengthened, and new ones established and enforced. But senses of value and responsibility can only be shorn up, shifted, lost, or newly installed *by us,* that is, by many acts of many of us, or at least by enough of us at a particular place and time. We do this by doing what morality requires, by teaching our children and reminding each other of it. We also do this by the ways we respond to the doing of what is *not* morally acceptable. We show what we will "stand for."

So, whether moral standards are discovered or constructed, there is not much room for denying that it is up to *us* to give them body in social life. When moral standards are transgressed, the force and the strength of that body is tested. Our responses to wrongdoing place bets on how much wear and tear that body can take, and what will nourish and heal it, rather than sicken and weaken it. Deciding what to do *now* may involve discerning what damages require emergency responses, strong remedies, or subtle adjustments, and which are best left alone to fade away. Of course, I'm leaning on a metaphor here, the image of a living body with needs for maintenance and with points of vulnerability. Morality is not a physical organism. But

morality as a living dimension of our social lives does not take care of itself, although we all rely enormously on it to take care of us—to be real and forceful enough to prevent a lot of harm from coming our way. And at many times, for many of us, in ways large or small, this fails.

Philosophical discussions of responding to wrongdoing have been largely absorbed with discussions of blame and punishment. Punishment is one indispensable response to wrongdoing: we inflict some measured and proportionate but unpleasant or painful treatment on the wrongdoer. Philosophers, politicians, jurists, reformers, and penologists continue to debate what punishment as a social practice is about. The familiar rationales, which are not mutually exclusive, are retribution, deterrence, or rehabilitation: retribution requires harm or malice to be answered with something proportionately unpleasant for the wrongdoer; incapacitation or deterrence makes it impossible or unappealing for the wrongdoer or others to try this again; rehabilitation aims to do something constructive with wrongdoers that renders them fitter for law-abidingness, a thought no longer much in vogue in some places but very much alive in others.[2] Parents, teachers, and all of us in many circumstances of daily life are faced all the time with questions about whether to punish and why.

Yet whatever is an occasion for punishment is just as much an occasion for other or additional responses to come into play.[3] Friends let us down or play us false; spouses and lovers are unfaithful; partners fail to respect each other's needs or feelings; employers are unfair; associates are cruel; there are slights, insults, lies, indifference, aggression, or violence among us. It is important that we do not always think of punishing people when these things happen, although sometimes we do; these different cases remind us of a lot of alternatives to punishment that in fact are always there. Some of these responses to wrongdoing exclude each other, while some can combine.

We can let it go by accepting or forgetting. We can blame or reproach those responsible. We can demand that they acknowledge responsibility and wrongdoing, confirming our negative judgment. We can resort to forms of public denunciation or censure. We can resort to direct retaliation and paybacks, tit for tat. We might embark on more or less formal exclusion, ostracism, pushing wrongdoers to the margins of our personal, social, or public lives. If we are in a position to do it, we might impose punishment in the usual sense, a measured and representative penalty or reprisal. We can also demand a show of remorse, repentance, or other reparative attitudes from those who have done wrong. And whether these are forthcoming, we might demand from them reparative acts, like apology or penance, or acts

of restitution or compensation, material or symbolic. Sometimes we decide to pardon or excuse, to accept either that the offense does not require redress, or that it is better to forego redressing it. Or we may continue to see redress as in order but find reasons to be merciful in diminishing the response. Those who have been injured—and only those—have the option of forgiving. Often this means relinquishing the hostility or resentment they legitimately feel toward the one who has wronged them, and it always involves foregoing some entitlements of the injured that would go hard on their injurer. Forgiveness may serve ends of reconciliation, where a prior relation has been ruptured; but even when we forgive we may decline to restore connections, and we sometimes forgive precisely in order to let go the connection itself. Lack of acknowledgment of wrongdoing by wrongdoers and third parties is a torment for those who believe themselves wronged. In some cases, we feel a need to insist on a truth's being established "for the record," whether that record is the formal one of history books or the shared understanding of a friendship, an institution, or a marriage. Some wrongs call out for memorials or commemorations, which preserve the rebuke to wrongdoers, the dignity of victims, and a warning to others. Finally, we want, as we say, to prevent the wrong from being repeated; pathos lies in the fact that no actual wrong ever is repeated, any more than it can be undone.[4]

I want to use the term "moral repair" to encompass punishment by situating it in a broader field of ways to address and redress wrongdoing that may replace punishment or combine with it. What they have in common is that they are all ways of *responding* to wrongs, not merely reacting to them; that is, they are attitudes and courses of action that people take up when a wrong has been done, whatever the nature and intensity of their reactions. These responses address wrongs *as* wrongs, that is, as something that should not have happened, and for which someone is, more or less, responsible. And they are supposed to do something precisely about *that,* to "set it right." So they involve at least two kinds of "fixing": they fix responsibility, that is, place it on certain actors, and they try to address damage or harm done culpably by actors in some restorative way. The damage done is always specific to the particular wrong; but all wrongdoings are occasions when trust in our moral understandings, and the hope that we are trustworthy in honoring them, are threatened or broken. Moral repair aims at reinstating moral terms and replenishing our trust and hope in them and in ourselves. But there are quite a lot of ways we can do this, or try to.

One of the aspects in Morrison's story that is beautiful *and* disturbing is that we see an ensemble of reactions to a murder, a paradigm of wrongdoing,

and we see a reconstellation of fractured relationships and broken spirits, a course of rages and griefs that runs itself through to the reclaiming of a living present, and future, with some hope. And this is something, at least *one* thing, we would like to see responses to wrongdoing achieve, especially for victims and often for wrongdoers (even more so when wrongdoers are ourselves). Furthermore, Joe's killing of Dorcas is followed by his profound suffering and a virtually public exhibition of self-abasing remorse. Yet we are not sure we are seeing *responses* (rather than reactions) to the wrong that has been done in an attempt to set things right; or, we may wonder whether we are seeing the *right* responses. Nor are we sure how the tangled tragedies of family and racist violence Morrison weaves into the histories of these characters configure their sense of what wrongs can be righted and what crimes and betrayals are forgivable. More pointedly, what about our own senses of this? What wrongs do we, different readers, expect to be set right; what do we want forgiven, and what left alone?

This is the ambiguity for me in this parable. Ambiguities such as this, however, do not arise only in stories. I turn now to a political response to systemic wrongdoing that has fascinated people around the world. It is not a parable, but it has been a kind of pageant that has moved people deeply even as it sparked intense debate.

Truth and Reconciliation in South Africa

South Africa's Truth and Reconciliation Commission (TRC) arose from a strained and expedient political compromise. Yet it has evolved as a particularly ambitious and hopeful project of deliberate moral repair of a society moving from systematic race oppression and state violence to democracy. In using the South African example as a concrete reference point, I hope I honor the importance of South Africa's project, although I could not try here to do justice to the complexity of its problems nor to the details of its still unfolding story. The South African process reveals ambiguities in the concept of moral repair and conflicts in the practice of moral repair as a real social process.

Following South Africa's first all-race elections in 1994, a Truth and Reconciliation Commission was established to reveal the nature and extent of gross human rights violations (killing, abduction, torture, and severe ill-treatment) under apartheid during a prior thirty-four-year period (1 March 1960 to 10 May 1994), to grant amnesty upon application and full disclosure by perpetrators of such politically motivated crimes, and to restore the "human and civil dignity of victims" by allowing them to give their own accounts and to recommend measures of reparation for them.[5] While the

adjudication of amnesty applications continues, on 29 October 1998, the TRC released its 3,500-page final report on human rights violations, which found the predominance of violations to have been committed by the state, but which also criticized conduct of almost every group involved in the liberation struggle, including the African National Congress, the party of the new society's first and now retired president, Nelson Mandela.[6]

The TRC is striking for the complexity of its design: the moving ceremony of public testimonies of both victims and wrongdoers, televised around the world; the commitment to naming and publishing names of wrongdoers on the "balance of probability" in light of evidence but without trial; and the right to confer individual amnesties that must be earned by wrongdoers' public admissions and full descriptions of their crimes. The TRC has power to subpoena people to give evidence, whether or not it incriminates them or exposes them to liability (although such evidence is not admissible against them in court), and there is a possibility of criminal prosecutions or civil actions against those who do not seek amnesty, or whose crimes are judged not political, or who do not tell enough of the truth. The TRC confirms the dignity of victims by inviting them with their stories into a public—in some cases global—space for validation and sympathy, while its reparation function recommends concrete compensation for the victimized, as well as measures to prevent future abuses.

In other words, significant power was vested in the TRC in order not only to find the truth—about the fates of individual victims as well as the actions of the South African government and its political opponents—but also to fix responsibility by informed judgment and moral standards (rather than legal proceedings), to prompt actors to take responsibility for their actions, and to impose accountability on them. At the same time, the process was designed to show respect to victims in several ways: it makes testimonies of injury an important public event; it credits testimonies without adversarial proceedings, thus affirming the credibility of testifiers; it allows victims and fellow sufferers to participate directly in constructing an official and historic record of South Africa's past; it makes a reparations scheme an integral part of the TRC's charge.

This clearly qualifies as a massive multipronged attempt at moral repair. It confirms the agency, responsibility, and dignity of the participants—victims, perpetrators, and bystanders. It asserts standards of human rights, while it publicly models compassion toward both perpetrators and victims, "humanizing" the former and consoling the latter.[7] It confirms that there are many and grave grounds for retribution but opts officially for reparation

and conciliation, offering itself as a passage to a society of citizens, rather than victims and political criminals. Both the broad powers invested in the TRC and the wide scope of its aims suggest a great investment of trust and hope in this transitional creature of the new South African democracy. And trust and hope are the most fundamental bases for any moral order: trust in a set of shared understandings of what is right and good and in our common support of practices that express them; hope that these understandings and we who are responsible for supporting them will prove worthy of trust. At every stage of the TRC's work, however, almost every facet of this complex project has been questioned.

Since the TRC was established, accusations have recurred that its amnesty function subverts justice. "Justice" here means *retributive justice:* a moral imperative of giving people what they deserve for how they have acted, specifically, returning good for good and evil for evil. Amnesties simply suspend retributive justice. Amnesty may be understood to mean that a certain crime cannot be punished or is not worth punishing at the price of something else; for this reason, some people oppose amnesties for crimes against humanity even when finding them acceptable in some contexts for human rights violations. Perhaps most resoundingly, in cases where there have been extreme and attributable violations of human rights, amnesties are accused of creating a "culture of impunity," a social presumption that one can get away with anything as long as one has a certain kind or amount of power. This, in turn, not only fails to provide any deterrent to new or continuing abuses but also allows grave evils to pass unacknowledged or unattributed. Worse still, it permits lies and denials to stand or to stand up alongside the claims of victims. This *humiliates* victims and invalidates their experience; it ignores their suffering and rage or relegates it to a private problem.[8]

The TRC structure mindfully sought to avoid some of the worst features of amnesty with the novel idea of making *truth* the price of amnesty, as well as deciding to name names in an official document, honor victims with public acknowledgment and compensation, and clearly reiterate the moral line that separates victims from wrongdoers. Yet for all this, the fact remains that people who have committed brutal and indecent acts will in many cases be relieved of punishment or penalty, if not of official negative judgment. For its part the TRC can claim that only a little retributive justice could be practically achieved anyway, and that it would occur at a price of precious resources and political instability. But the TRC can also claim that its process offers kinds of justice that are not retributive. In particular, the TRC emphasizes attempts at *reparative justice,* where the new democratic go

ernment, hopefully with support from private money, will offer some kinds of compensation to victims, a gesture with symbolic as well as material force.[9] And the TRC ceremonial of public testimonies constituted a novel and riveting display of access to the realm of political authority to many wronged individuals or their families, whose credibility was honored and whose stories entered an official archive, in many cases resulting in public identification of wrongdoers and validation of the victims' injuries. This is *participatory justice,* giving opportunities for social participation and civil equality in the public sphere to many people who had been denied them.[10] In the TRC itself, architects and members used and progressively refined an ideal of *restorative justice,* a conception of healing broken relationships that focuses on concrete harms to human beings, accountability for wrongdoers, and involvement of victims, offenders, and communities together in the resolution of conflict and the restoration of harmony.[11] If the TRC may yet be said to offer some kind of *retributive* justice, it can only be on a collective scale: it collectively rebukes the white supremacist society whose record of human rights violations the TRC has produced.[12]

TRC justice debates raise issues of the role of justice compared to other values—truth, equality, dignity, peace, and well-being—and of the role of retributive justice in relation to restorative, reparative, participatory, or distributive justice. If the most primitive meaning of "justice" is a balance or equilibrium achieved by keeping things in the proper proportion, then we are reminded that moral repair—a process of restoring trust and hope in a clear sense of value and responsibility—is likely to involve multiple measures, both *of* justice and *other than* justice, that have to pull together in a particular case. They may, however, fail to do so even when intentions are for the best.

The TRC process seems designed with awareness both that different kinds of justice delimit each other, and that justice alone in any form is not enough. Justice alone—retributive or otherwise—is not adequate to nourish all the trust and hope that moral repair needs to create or restore. Beyond truth and justice, the TRC clearly aims to heal and to inspire, to uplift participants and observers and reconnect its citizens in the plane of equal dignity. And here there is another set of perplexing questions about moral repair. What repairs moral relations for one party may damage them for another; what provides bases for trust or hope for some may necessitate measures that inspire fear, resentment, or contempt in others. One way of reconnecting people may rule out another. And not everything that repairs people's feelings and relations is a moral repair, however desirable the healing may be.

Moral repair involves the restoration or reconstruction of confidence, trust, and hope in the reality of shared moral standards and of our reliability in meeting and enforcing them.

First, let us notice the problem of multiple parties. Most attempts at moral repair are bound to take account of, if not directly address, some number of people affected. While two is a minimum in personal cases, even there wrongs may afflict or concern others. In a case of social injustice or mass violence, of course, many are affected, if not directly by the wrongdoing, then often by its consequences, including the knowledge that something deeply wrong or evil has been done in their society. In fact, in both personal and social cases of moral repair one might need to address any of the following parties: wrongdoers; victims of wrongdoing; fellow sufferers of wrongdoing; accomplices in wrongdoing; beneficiaries of wrongdoing; bystanders to wrongdoing; a specific community housing wrongdoers, victims, or others; society as a whole; and in political cases a present or past state apparatus. Yet moral repair may not be able to address all of these effectively. Outcries against amnesties can be met with claims that the stability and future well-being of society require that individual victims and fellow sufferers forego retributive satisfactions. It may be argued in return that a state that does not show victims or communities that it will witness, if not punish, wrongdoing is discredited. Appeal to the good of society may be seen as threatening, rather than reassuring, to vulnerable communities within society that fear continuing exposure to humiliation or violence. Assurances or reparations to specific communities, on the other hand, often provoke hostility or indignation, especially if people who consider themselves bystanders feel a reparative process assigns them the role of accomplices or beneficiaries.

Mahmood Mamdani, head of African Studies at the University of Cape Town, suggests a problem of this kind in recent debates on the reconciliation process.[13] Mamdani notes that unlike in Rwanda, with shockingly many perpetrators but few beneficiaries of ethnic slaughter, in South Africa throughout apartheid there were relatively few perpetrators of the kinds of extreme human rights violations the TRC was created to document, but many beneficiaries, virtually all of white South Africa (*RD1*). The TRC focus on "perpetrators and victims" omits the "link between the perpetrator and the beneficiary" (*RD2*). The TRC thus leaves untouched the "experience of apartheid as a banal reality" (*RD2*) that affected every area of life crushingly for nonwhites to the benefit of the white minority. Worse, the TRC's proceedings allow white beneficiaries of apartheid who were not directly involved in gross human rights violations the role of an audience indignant at these

crimes, thereby obscuring their own situation of having benefited from the regime the crimes supported. This aligns beneficiaries with the true victims, allowing the beneficiaries not to explore their social responsibility for receiving benefits through an unjust process supported by them. It further outrages the actual victims of both apartheid and other gross human rights violations because beneficiaries do not feel the need to be forgiven for anything. I am not in a position to know the extent to which Mamdani's analysis reflects the actual attitudes and reactions of segments of South Africa's population, yet U.S. news media have repeatedly reported significant resentment among white South Africans of the TRC proceedings as a kind of "witch hunt" designed to blame white people and make them look bad. This realistic example at least illustrates the problems of multiple parties and differing relations among them that tax the powers and foresight of schemes of moral repair. It is not only that not everything can be done; it is that some things can be done only at the price of others.

There are also questions of what kinds of repair are moral repair, and what kinds of moral repair it makes sense to attempt, especially in public and large-scale cases. The issues here include what ought to be attempted for victims and fellow sufferers, what forms of reconnection should be sought or urged, and how the affirmation of truths and moral judgments on what has occurred should proceed.

In *Between Vengeance and Forgiveness,* Martha Minow notes the "striking prevalence of therapeutic language in contemporary discussions of atrocities" and asks, "What is gained, and what is lost, through the attention to psychological healing, in contrast with gathering facts and securing punishments?" (22). Minow reveals how therapeutic and political goals sharply contrast, while in practice influencing one another. In a searching chapter on the power and limits of truth commissions, Minow, along with many others, recognizes that recounting, sharing, and confirming the veracity of painful memories of violence and indignity *can* be a cathartic and healing experience, but she recognizes the uncertainty of what a limited public process (or even moment) of avowal can provide for any victim and the possibility of exploitation of fragile people in a dramatic spectacle. She asserts that "reestablishing a moral framework, in which wrongs are correctly named and condemned, is usually crucial to restoring the mental health of survivors" (71). This may be true, but what about the reverse relationship: how does the goal of restoring the mental health of survivors bolster the project of moral repair?

Making services, including therapeutic and medical ones, available to victims of mass violence is certainly a humane and socially necessary response

that might also be considered one kind of reparation, alongside material compensation and restoration of civil dignity. But I do not think that therapeutic measures *in themselves* constitute moral repair. Moral repair requires more than reviving capacities for trust and hope in wronged and seared souls: it requires good reasons to think that a society is once again *worthy* of trust and hope. This takes social and political transformations, with important symbolic aspects as well. From the point of view of moral repair, the testimony of those wronged in truth commissions, for example, should be viewed less in therapeutic terms than in terms of how it represents and respects their citizenship, civic dignity, credibility, and moral agency. For this is the "reestablishing of the moral framework" of which Minow speaks.

Nor should we be simply credulous about claims that it is always better to tell and to hear, to incorporate the story of your agony or indignity into the larger story of your life, even, if I dare say it, that truth and nothing but the truth can only set us free. These are things we really do not know for all purposes and situations about human beings. Many of us with respect to at least some situations of terrible violence, incompensable loss, and unrelievable anguish have thought what one student of regimes of torture, Lawrence Weschler, has stated: "We get the feeling that some places in the world could use a bit of forgetting."[14] Truth commissions have become a feature of the landscape of political transition. It will be increasingly important to distinguish and assess separately the political functions, the moral meanings, and the hopeful therapeutic views of them. It is unwise to accept easy analogies or parallels between individual traumas and episodes of political terror, even if the latter invariably give rise to the former.[15]

For related reasons it is reasonable to question generalized and orchestrated invitations to "reconciliation," or even "forgiveness." Notoriously, one cannot command forgiveness, nor can one extend it on behalf of someone else. A social process of validating injury and responsibility for injuring may produce acknowledgment in one sense, establishing the undeniability of certain truths. This is no small thing. But this kind of acknowledgment need not entail that violators, beneficiaries, or bystanders appreciate the suffering of those who have been wronged (Steiner, *Truth Commissions* 75). Those who concede that outrages such as genocide, disappearance, torture, or rape as terrorism are totally unacceptable need not, in fact, thereby fully acknowledge the dignity and equality of those who have been wronged (29).

One final crucial issue is a question of how truth, and *what* truth, is an appropriate vehicle for moral repair. Minow says: "A truth commission is charged to produce a public report that recounts the facts gathered, and

render moral assessments. . . . In so doing, it helps to frame the events in a new national narrative of acknowledgment, accountability, and civic values" (78).[16] A truth commission must indeed establish relevant fact and identify wrongdoing clearly as such. Yet the scope and limits of this mandate are not completely defined. José Zalaquett argues that truth commissions should stick to revealing the facts about secret crimes and setting them in a coherent framework and should avoid engaging in more contentious historical interpretations; they should not name names in the absence of due process (Steiner, *Truth Commissions* 15, 19, 58). The TRC was empowered to reveal the names of human rights violators, as well as the details of violations. It is arguable that a truth commission that addresses the needs of individuals to know who ordered and who conducted their torment or the killing of those they loved provides a fuller form of moral repair than one that only provides the "big picture" of patterns of wrongdoing, especially those of a state apparatus of repression. It runs the risk of confirming to victims the identities of torturers and murderers who may not be punishable, for lack of evidence or reasons of amnesty; but at the same time it opens possibilities for other kinds of social censure, exclusion, and reproach that might in some cases be powerful weapons.

Even so, facts in a big picture, including names named, do not necessarily equal a full-bodied, much less a unique, narrative, and it remains a point of contention whether this idea is tenable. A prominent participant in the process leading to the TRC, Andre du Toit of the University of Cape Town, says that "it is not clear that a single narrative of reconciliation—a nation-building narrative—will emerge" (Steiner, *Truth Commissions* 19). Historian Charles Maier doubts that "victim and perpetrator could ever tell the same story." He suggests a "contrapuntal history," in which "voices move along side by side in relation to one another" (76). Philosopher Yael Tamir thinks that in conflicts such as that between Israelis and Palestinians a unified narrative is not a real possibility, and that "abstract acknowledgment of the injustice done by both sides" is the surer route to moving forward. She notes that the justification of arrangements like truth commissions is usually "very contingent on detailed contexts" (74–75). This we might take as our concluding theme.

A Coda on *Jazz*

I want to say now that the story of the sequel to the killing of Dorcas in Toni Morrison's *Jazz* can be seen as an example, indeed in some ways as exemplary, of moral repair: characteristically incomplete and imperfect; in

which not all kinds of justice can be done; in which truths burn to be remembered but cannot always be fully told; and when told such truths need not by themselves account for the mysterious, at times seemingly miraculous, abilities of human beings again to trust and be worthy of trust. But *Jazz* is also a parable about moral repair. Lee Quinby calls *Jazz* a "genealogical fiction," one that opens closed doors on the past and in the present, acknowledging inconsistencies and surprises in the histories that make people, relationships, and societies what they are. In doing so, she says, it refutes claims to "possess *the* beautiful theory as a guide toward a reign of piece and harmony" (56). It resists closure under illusions that everything can—or has already—come out as it must and should be. At the same time, it tests our very selective senses of outrage, sadness, sympathy, and justice at others' grave injuries. Quinby says *Jazz* constructs "countermemories" that challenge the "concealments of the official, white-supremacist narrative," such as "the descriptions recorded in the 'family tree' histories of white U. S. slaveowners" (55). These family trees suggest the inevitability of a kind of equation, in which two, and only these two, make more. *Jazz* reminds us how little justice is ever done, or even attempted, where lives have been torn and scorched over generations of systemic oppression, with its opportunistic cruelty, its deliberately measured negligence, and its tightly managed "truths." Even so, Violet and Joe, and Alice and Felice, have their own lives to lead and to mend, their own truths to make and face. They, as we all, face their own specific tasks of moral repair and will seek justice, revenge, reparation, forgiveness, peace, reconnection, or lonely solace in such ways as their situations allow them, when they allow them, to renew hope and trust.

That is my point about moral repair. We should not think of moral repair as something for which there could be such a thing as *the*—one—beautiful theory that specifies always when and whether to punish or pardon or forgive or forget. It is not an equation in which crime plus correction yields right order restored, although we have powerful and not unreasonable needs to see things that way. What serves better are detailed understandings—practical, historical, political, and moral—of the many facets of moral repair as they apply to concrete situations. We need to understand kinds of moral repair as such within a common perspective that links them to the basic task of replenishing the trust and hope on which moral relations depend. It will always be the case that the trust and trustworthiness that need replenishing in the wake of wrongdoing are those of some number of particular people whose truths and histories, crimes and injuries, are never actually repeatable, even as they beg to be told. And we are never in positions to

begin at the very beginning with utterly fresh pages or perfectly balanced scales. We need lively imaginations but also realism and humility about the powers and limits of moral repair.[17]

Notes

1. Toni Morrison's *Jazz* is cited herein as *J.*

2. A good discussion of the deserved ill fate of "rehabilitation" in the United States in the 1960s and 1970s, an approach sunk in psychological speculation, manipulation, and arbitrariness, is found in Kathleen Dean Moore's *Pardons: Justice, Mercy, and the Public Interest.* For an analysis of community conferencing as a productive consensual alternative to trial in working with juvenile offenders, see John Braithwaite and Stephen Mugford's "Conditions of Successful Reintegration Ceremonies: Dealing with Juvenile Offenders."

3. Interestingly, some cross-cultural research on apology suggests that people in the United States and Japan more often choose "responsibility-accepting accounts," that is, apologies, for their interpersonal breaches, and that even when excuses are made in order to mitigate responsibility there is a strong tendency where damages are not severe to accept excuses that are recognizably "standard" in type, regardless of believability. This suggests what we all know: if the stakes are not terribly high, and even sometimes when they are, we are willing to bypass punishing or even punitive responses. See Ken-ichi Ohbuchi's "A Social Psychological Analysis of Accounts: Toward a Universal Model of Giving and Receiving Accounts."

4. A singular discussion of the problem of the irreversibility and unpredictability, the "endlessness" of human action in the world of human affairs, is Hannah Arendt's chapter titled "Action" in *The Human Condition.*

5. For founding documents related to the TRC, see "Legal Background to the TRC" and "Justice in Transition" booklet at <http://www.truth.org.za/legal/index.htm> (20 February 2001).

6. See the TRC Website, <http:/www.truth.org.za> (20 February 2001), for Executive Summary and Internet Version of the Final Report of 29 October 1998. The TRC continues its resolution of amnesty applications as of February 2001.

7. The "humanizing" phrase is Martha Minow's; see *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (78).

8. A strong argument against amnesty in cases of mass violence and political terror is made in Aryeh Neier's *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice.*

9. Andrew Sharp provides a suggestive discussion of reparative justice in another context in *Justice and the Maori.*

10. In *Justice and the Politics of Difference,* Iris Young offers a full theory of participatory justice.

11. A version of the TRC Final Report (29 October 1998) is available online on the TRC official Website, <http://www.truth.org.za> (20 February 2001). Fuller analysis can be found in Robert I. Rotberg and Dennis Thompson's *Truth v. Justice: The Morality of Truth Commissions.* See especially the essays by Elizabeth Kiss, André du Toit, Alex Boraine, Dumisa B. Ntsebeza, and Martha Minow.

12. A collection of documents that represents facets of the debate over the justice of TRC's amnesty and other functions is found in Roy L. Brooks's *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustice.* The debate continues in Rotberg and Thompson's *Truth v. Justice.*

13. Professor Mamdani's comments are taken from the transcriptions that appeared on the TRC Website. The first debate was a TRC Panel Discussion held at the University of Cape Town, 24 January 1997, transcribed at <http://www.truth.org.za/debate/recon.htm> (14 February 2001). The second debate was a TRC Public Discussion, "Transforming Society through Reconciliation: Myth or Reality?" held at Cape Town, 12 March 1998, transcribed at <http://www.truth.org.za/-debate/recon2.htm> (14 February 1999). In the text, I cite these as *RD1* and *RD2*, respectively. Summaries of Mamdani's statements appear as of 20 February 2001 at <http://www.truth.org.za/media/1998/9804/s980421c.htm> and <http://www.truth.org.za/media/1998/9803/s980303c.htm>. See also Mahmood Mamdani, "Reconciliation without Justice," *Southern African Review of Books* (November/December 1996): 3–5, cited in Charles Villa Vicencio and Wilhelm Verwoerd, "Constructing a Report Writing Up the 'Truth,'" in Rotman and Thompson, *Truth v. Justice.*

14. Weschler, in Steiner, *Truth Commissions* 13; see also Tamir 73. In "Attempts to Amend Human Rights Violations Will Not Alleviate Suffering," Michael Ignatieff questions whether truth alone may not lock those who perceive themselves wronged into an infernal present.

15. For a useful (but no longer fully current) survey of truth commissions, which have become political institutions in the past quarter century, see Priscilla B. Hayner's "Fifteen Truth Commissions—1974 to 1994: A Comparative Study."

16. See also Fr. Brian Hehir, in Steiner, *Truth Commissions* 22.

17. Special thanks to David Alliano, Evan Ebe, Jonathan Hogan, and Julianne LoMacchio, who spent a semester in my 1999 honors seminar thinking with me about alternative responses to wrongdoing. An earlier version of this paper was written for the David Ringelheim Lecture at Florida Atlantic University in 1999; I thank the university, the Ringelheim family, a lively audience, and Robin Fiore, who encouraged me to pursue this topic for the lecture. Versions were also given as an Ezra A. Hale Lecture at Rochester Institute of Technology and as an Austin and Hempel Lecture at Dalhousie University. A special thank-you to Katherine Mayberry, in the audience at RIT, who disagreed strongly with my reading of *Jazz;* I believe she would still disagree, but I have revised my reading as a result and learned a great deal in doing so. Thanks also to Wilhelm Verwoerd for catching errors regarding the TRC mandate and its members and to Martha Minow for reminding me to note the political origins of the TRC.

Works Cited

Arendt, Hannah. *The Human Condition.* Chicago: U of Chicago P, 1958.

Bok, Sissela. *Common Values.* Columbia: U of Missouri P, 1995.

Braithwaite, John, and Stephen Mugford. "Conditions of Successful Reintegration Ceremonies: Dealing with Juvenile Offenders." *British Journal of Criminology* 34 (1994): 139–71.

Brooks, Roy L., ed. *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustice.* New York: New York UP, 1999.

Hayner, Priscilla B. "Fifteen Truth Commissions—1974 to 1994: A Comparative Study." *Human Rights Quarterly* 16 (1994): 597–655.

Ignatieff, Michael. "Attempts to Amend Human Rights Violations Will Not Alleviate Suffering." *Human Rights: Opposing Viewpoints.* Ed. Mary E. Williams. San Diego: Greenhaven, 1998. 181–86.

Minow, Martha. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence.* Boston: Beacon, 1998.

Moore, Kathleen Dean. *Pardons: Justice, Mercy, and the Public Interest.* New York: Oxford UP, 1989.

Morrison, Toni. *Jazz.* New York: Plume, 1992.

Neier, Aryeh. *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice.* New York: Random House, 1998.

Ohbuchi, Ken-ichi. "A Social Psychological Analysis of Accounts: Toward a Universal Model of Giving and Receiving Accounts." *Japanese Apology across the Disciplines.* Ed. Naomi Sugimoto. Commack: Nova Science, 1999. 9–46.

Quinby, Lee. *Millennial Seduction: A Skeptic Confronts Apocalyptic Culture.* Ithaca: Cornell UP, 1999.

Rotberg, Robert I., and Thompson, Dennis, eds. *Truth v. Justice: The Morality of Truth Commissions.* Princeton: Princeton UP, 2000.

Sharp, Andrew. *Justice and the Maori.* 2nd ed. Auckland: Oxford UP, 1997.

Steiner, Henry J., ed. *Truth Commissions: A Comparative Assessment.* Cambridge: World Peace Foundation, 1997.

Young, Iris. *Justice and the Politics of Difference.* Princeton: Princeton UP, 1990.