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Zakaria Rhani

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- 1 Few critical analyses of the concept and practices of “transitional justice” are written by the victims of political violence themselves. This book is one of them for it is a narrative of a personal history as it is intertwined with the history of political violence in Morocco. It is significantly important to specify, from the outset, the definition of “victim,” as posited by the author: a plural entity, given that the number of victims of any given politics of systematic violence always includes networks of other people who become indirectly victimized with the loss of a relative, for example. Indeed, when a person is victimized—that is to say, imprisoned, “disappeared” or murdered—it is the livelihood of all of his or her family that is jeopardized, an entire familial unit that has forever been affected and possibly destroyed.
- 2 It is in this sense that the author is a victim of political violence. She is not herself a former prisoner, nor has she been personally injured, but major tragic events that destabilized the author’s family marked a significant part of her life and, as they are embodied and incorporated into her memory, constitute the catalyst for writing this account. Early in the seventies of the last century, when the author was one month old, her father, Aziz Loudiy, a twenty-three-year-old Marxist-Leninist, was arbitrarily arrested and sentenced to ten years in prison for his political activism, as a vice-president of the National Union of Moroccan Students (UNEM)—which was considered

to be a clandestine organization seeking to overthrow the monarchy. The father's brother-in-law, the author's uncle, Aziz Mnebhi, and the president of UNEM, was also kidnapped, kept in secret captivity and tortured for over a year. When he was released pending his sentencing, he escaped to France, where he sought political asylum. His own sister, the author's aunt, Saida Mnebhi, was arrested, sentenced and thrown in jail in 1975 where she died two years later following a hunger strike to demand the status of political prisoner. In addition to her father's, uncle's and aunt's ordeals, her mother, Khadija Mnebhi, was also subjected to regular interrogations and harassment for almost ten years.

- 3 This personal tragedy is situated within the global history of state-sponsored political violence in Morocco, namely the "Years of Lead," a period, extending from the Independence of the country, in 1956, to the death of the former King Hassan II, in July 1999. It was, in fact, an epoch marked by sheer violence and utter repression of all those who were considered a threat to the king's legitimacy and the nation security. Forcible disappearances, torture and long prison sentences targeted men and women, children and old people, sons and daughters, mothers and fathers, husbands and wives, sisters and brothers. Yet, besides her personal involvement, Fadoua Loudiy's objective is not to scrutinize this very history of violence but how to exit from it and, beyond the Moroccan experience of dealing with its bloody past, she seeks to problematize the whole idea of transitional justice relying on her academic expertise in rhetoric and the philosophy of communication. Loudiy draws mainly from Paul Ricœur's philosophy of memory and justice in which the historical work is defined as a narrative about suffering and injustice of those who have survived atrocities—the "all-too-often forgotten voices of transitional justice." In contrast to a legalistic perspective, more concerned by textual amendments, this approach is focused on how victims, individually and collectively, rely on rhetorical practices to negotiate their victimhood and attempt to reconstruct a civic identity as part of their national community. The need to revisit the past, Loudiy argues, comes from the phenomenological understanding that its legacy, with its sacrifices and injustices, constitutes the thread that makes people part of a given community; hence, the future of a nation cannot be built on the negation or selective remembering of its past, cruel as it might be, for the history of violence is embodied by the victims in their flesh and bones.
- 4 On the basis of these specifications, the author addresses relevant criticisms to the Moroccan experience of transitional justice led by the Commission of Equity and Reconciliation (IER). Despite many accomplishments—notably the gathering of a significant archive of material evidence—the experience, according to her, has been a missed opportunity since the process lacked the fundamental tenets of authentic truth and reconciliation. Therefore, the process has failed to provide the nation with renewed *ethos*, one based on a sense of justice conceived in both a social and symbolic sense. In other words, the State's efforts to remedy the harm incurred by victims of the "Years of Lead" have been insufficient in securing justice, leading to victims becoming cynical about the authenticity of the State's motives in addressing that legacy. Loudiy argues precisely that the initial framework of this Moroccan commission was, in essence, anti-democratic for unlike most Truth and Reconciliation Commissions (TRC), only a select number of victims were invited to participate in the hearings and the selection criteria were never made public. The IER's hearings were seen as disingenuous and exclusive by many victims and human rights advocates, to such an extent that some associations, *i.e.*, the Moroccan Association of Human Rights and the

Moroccan Forum for Truth and Justice, sponsored alternative public hearings in which many witnesses raised the fact that the State's efforts were not successful in providing either truth, justice or reconciliation.

- 5 Moreover, the official rhetoric of transitional justice in Morocco has been focused on counting to the detriment of accountability, as the moral idea of the pursuit of truth and justice is confused with the more practical issue of material compensation. In other words, reparations were exclusively related to cash, while other forms of reparation, such as official apology and expressions of remorse and regret which are equally, if not more, important than material compensations, have been neglected. Money, as Loudiy put it, can repair some of the physical damages, but it cannot erase the trauma and losses suffered by the victims, nor can it restore confidence in State institutions and officials. This is true because when reparations are not part of a wider project of institutional reforms that seek to prevent the repetition of abuses, they cannot participate in changing dominant political culture. Some victims, as in many other experiences of transitional justice, have refused to accept monetary compensations unless they are accompanied by political, rhetorical and symbolic efforts to acknowledge their suffering and by public attempts to “make good again” and to avoid rebounding violence. In their point of view, genuine reparations, *i.e.*, accountability, responsibility, apology, and preserving the memory of victims of political injustices, should focus on effecting political and economic change that is conducive to social justice and democracy.
- 6 However, since a kind of retributive justice is difficult to achieve in the case of mass atrocities, especially when the State bureaucracies, as in Morocco, are involved and crime has been institutionalized as part of the State policy. Hence, distinguishing between guilt and responsibility can become a tedious and morally challenging endeavor. In this case, what does the praxis of justice entail? To answer this question, the author draws mainly from Paul Ricœur's philosophy of justice in which both retributive (or punitive) justice and restorative justice are doomed to be inadequate in achieving the just, for they both run the risk of reproducing the original injustice. While retributive justice focuses excessively on the guilty party, restorative justice focuses excessively on the other party, the victim, and can contribute to a culture of victimhood. Accordingly, Loudiy argues that seeking punitive justice should not preclude the possibility of a more relational and dialogic approach in which the outcome of any justice must involve the persons who committed the harmful acts and those who were affected directly or indirectly by them. In Morocco, the exclusion of perpetrators from the process was part of the deal negotiated between the monarchy and those former political prisoners who accepted to be part of the IER. The mandate of the IER did not allow for judicial prosecutions or indictment of those accused of torture, disappearance or murder of thousands of innocent citizens. Furthermore, the fact that the IER's scope was limited to victims entails that any truths that the State had been seeking through this process were bound to be one-sided and partial.
- 7 The author calls for “symbolic justice”—more focused on “symbolic” forms of reparation—that can help in “restoring” the relationship between victims and perpetrators, in order to rebuild a responsible and ethical community. Therefore, reparations should be part of the effort to repair political relationships and ensure that measures are put in place to safeguard against such happenings in the future, highlighting simultaneously the moral and political necessity that the State (and its

machineries and officials) be held accountable for criminal actions against their own citizens. While focusing on restoring past victims within society, notably through active, ongoing public discourse and writings about the past and preserving the community's public memory, symbolic justice does not preclude accountability. On one hand, this justice entails a sense and practice of "recapacitation," for those who have been incapacitated, deprived of their status not only as citizens but also as human beings. In short, what can be progressively acquired through reparative programs is a sense of capability and the power to act. On the other hand, tantamount to recognition and capacity is an imperative for some measure of accountability for criminal behaviors against innocent victims, especially when officials acting on behalf of the State conduct these actions.

- 8 It is necessary, therefore, to establish the proper distance between the author of a crime and his or her victim(s), a distance that is crucial for the ethical and political foundations of any human community. The perpetrators' *ethos* needs to be revealed, so that any authority they might still have is effectively abolished and that, even without punishment, they are still socially judged and obliged to bear the burden of their evil actions. This second aspect of symbolic justice concerns the issue of "imputability." This notion is capital to Loudiy's argument: if a criminal act cannot be imputed to its author, impunity becomes the rule that undermines the law in a society. In other words, if actions, whether just or unjust, cannot be imputed to particular actors within a society, impunity becomes a norm that can lead to ethical confusion and moral corruption. Thus, imputability is not only about accountability and responsibility, but also about establishing morality as the basis of social and political relations and interactions.
- 9 According to Loudiy, such a new way of conceiving justice, as symbolic justice, offers a change in the *telos* embodied in the ideas of restoration and reconstruction that are often invoked in the resolution of social conflicts. In her perspective, the end is neither the law, nor the victim nor the accused, but it is rather the organic bond that holds a human community together. When harm is done and not imputed, it is not only the suffering of the victim and her intimate identity that are at stake, but the whole social bond that is damaged. This is why, for the author, transitional justice should first and foremost be an occasion for civic deliberation about the *ethos* of the *polis*, which should involve conversations that aim at reconfiguring a distant past, redefining a people's ethical aim, and reinvigorating citizens' political capacity to act. In other words, justice should be, as in Ricœur's perspective, a project (the same project as memory) that shapes and gives form to the future.