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Justice and Moral Regeneration: Lessons from the Treaty of Versailles

Catherine Lu

In the opening pages of Ovid's *Metamorphoses*, the hopes and promise of a new world are stillborn as it suffers steady moral degeneration in four successive ages. The golden age is defined by moral purity: "no law / and no compulsion then were needed; all / kept faith; the righteous way was freely willed." With the introduction of natural and human adversity in the silver age, this utopia gives way to the third age of bronze, "more prone / to cruelty, more quick to use fierce arms," and culminates in the final age of iron, when earth becomes a "vast cabal of crime."¹ Consumed by righteous anger over this decline, Jove, the divine ruler, is able to effect moral renewal only by decreeing the destruction of humanity through a global flood.²

From Ovid's tale to the contemporary world, moral regeneration is a persistent theme in human affairs. Jove's response mirrors a common human reaction to moral violation: outrage accompanied by the drive to recreate a morally coherent world. In the aftermath of violent domestic and international conflicts, aspirations for justice and reconciliation dominate the political agenda. Victims and their loved ones typically seek ways to right the wrongs that they have suffered. Political leaders must respond to this demand at the same time that they seek to effect peaceful political transition and social reconciliation. The path to regeneration seems fraught with moral difficulty, partly due to a conflictual model of the relationship between justice and reconciliation. On the one hand, demands for justice typically involve a backward-looking process of moral accounting that assigns responsibility for wrongdoing, which is the basis of determining punishments for perpetrators and reparations to victims. The process of reconciliation, on the other hand, is a forward-looking endeavor aimed

¹Ovid, *The Metamorphoses of Ovid*, trans. Allen Mandelbaum (New York: Harcourt Brace, 1993), pp. 6–12.

²The flood destroys all but two humans, whose known virtues of justice and piety render them deserving of mercy.

at building positive bonds among victims, perpetrators, and their communities. The pursuit of justice seems divisive and, under this view, antagonistic toward reconciliation efforts that strive to promote solidarity.

The posited tensions between justice and reconciliation make the task of moral and social recovery controversial in many contemporary societies. Whether the problem is the legacy of mistreatment of aboriginals in Canada and Australia, the apartheid system in South Africa, the genocidal program by extremist Hutus in Rwanda, or intrastate and interstate wars, the importance of understanding the connections between processes of moral and social regeneration cannot be overstated. Misunderstanding their connections and tensions can have detrimental effects on even well-intentioned attempts to deal with the consequences of violence and war. The result is often a perpetuation of grievances and resentments that will serve only too well to pave the road to further mistrust, cruelty, and instability.

How do the processes of justice and reconciliation relate to each other, and how do they contribute to the project of moral and social regeneration? Although much of the current literature on this question has focused on intrastate cases such as South Africa, the theme of moral regeneration is just as pertinent and urgent in the realm of world politics. In this essay, I will explore conceptions of justice and reconciliation that shaped international political responses to World War I. The problem of establishing an enduring peace plagued world leaders after the war. Yet peace was not the only aim; both Germany and the Allies claimed to seek a “peace of justice.”³ The Allies drafted the Treaty of Versailles, confident “that it is not only a just settlement of the great war, but that it provides the basis upon which the peoples of Europe can live together in friendship and equality.”⁴ Sadly, the treaty seemed to bring neither peace nor justice, but only to pave the way to a second, more devastating, world war.

Gordon Martel notes that after World War II, “it seemed even more apparent that Versailles had been fundamentally flawed, that it led to Nazism, the

³ See “German Observations on the Conditions of Peace,” May 29, 1919, in *The Treaty of Versailles and After: Annotations of the Text of the Treaty* (Washington, D.C.: U.S. Department of State, 1947), p. 39; and “Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace, and Ultimatum,” June 16, 1919, in *The Treaty of Versailles and After*, p. 49. See also George A. Finch, “The Peace Negotiations with Germany,” *American Journal of International Law* 13, No. 3 (1919), pp. 536–557, esp. p. 537. Finch was assistant technical adviser to the American delegation at the peace conference.

⁴ “Reply of the Allied and associated powers,” in *The Treaty of Versailles and After*, p. 54. The principal Allied and Associated powers were the United States, Britain, France, Italy, and Japan. The treaty of peace with Germany was the most significant of four major settlement treaties that concluded formal hostilities between belligerents of World War I. The other peace treaties pertained to Austria, Bulgaria, Hungary, and Turkey, with the last signed on August 10, 1920.

war, and the Holocaust.”⁵ Although the revisionist reading of the Versailles Treaty is now undergoing a reevaluation, for our purposes, it is important to note the widespread popularity of the revisionist conclusion that the treaty was morally flawed.⁶ Some scholars have interpreted the treaty’s failure as evidence of the foolishness of pursuing justice at all in relations between states; at best, the treaty was an example of good intentions incurring evil. George Kennan, for example, has called the Versailles Treaty a “very silly humiliating and punitive peace imposed on Germany after World War I.” Kennan criticizes practically all the mechanisms of moral accounting after the war:

The vindictiveness of the British and French peace terms; the exclusion of Germany and Russia from the peace conferences; the economic miseries of the postwar years; the foolish attempts to draw the blood of reparations and war debts from the veins of the exhausted peoples of the continent—these phenomena, all direct consequences of the war, assured that only twenty years after its ending, Europe would stand confronted with . . . a second vast military conflagration, comparable in its tragic dimensions to the one that had just occurred.⁷

Realist pessimists might argue that the task of moral transformation from the ages of iron and bronze back to silver or gold is as doomed as the medieval project of alchemy.⁸ The desire for a morally coherent world is misguided because the human world is doomed to imperfection; the hard truth is that the world is not just. Although this is an incontrovertible truth—the sun shines on the just and the unjust—the persistent longing for justice following violence ought to lead us to ask how we may conceptualize justice so that such energy may be harnessed to serve rational and constructive ends. In other words, can the pursuit of moral values like justice be more than mere madness or folly?

If we take seriously the professed moral aim of the Treaty of Versailles to represent a “peace of justice,” its apparent failure prompts us to examine how

⁵ Gordon Martel, “A Comment,” in Manfred F. Boemeke, Gerald D. Feldman, and Elisabeth Glaser, eds., *The Treaty of Versailles: A Reassessment after 75 Years* (Cambridge, U.K.: Cambridge University Press, 1998), p. 624.

⁶ According to contemporary historians, “Scholars, although remaining divided, now tend to view the treaty as the best compromise that the negotiators could have reached in the existing circumstances.” Boemeke, Feldman, and Glaser, eds., *The Treaty of Versailles*, p. 3.

⁷ George F. Kennan, *At a Century’s Ending: Reflections 1982–1995* (New York: W. W. Norton, 1996), pp. 16, 18.

⁸ According to Robert Gilpin, “Realism is founded on a pessimism regarding moral progress and human possibilities.” See Gilpin, “The Richness of the Tradition of Political Realism,” in Robert O. Keohane, ed., *Neorealism and Its Critics* (New York: Columbia University Press, 1986), p. 304.

the treaty might have constituted a morally faulty response to the war. Did it set the wrong moral priorities, elevating the pursuit of justice over the goal of reconciliation? Did justice undermine reconciliation, or was there something defective with the model of justice manifested by the treaty? What lessons about the relationship between justice and reconciliation can we learn from the treaty?

These issues are relevant to contemporary philosophical debates, as well as to practical ones over the moral efficacy of various mechanisms of moral accounting that have developed in recent years. Echoing realist critiques of the retributive flavor of the Treaty of Versailles, Stephen Krasner, for example, recently voiced his opposition to the International Criminal Court (ICC). He argued: “The consequences of carrying out its mandate may in fact prove to be destructive.”⁹ Although international institutional initiatives have focused on the establishment of criminal tribunals and the ICC, domestic experiences of moral accounting have also led to the development of truth commissions, most famously in South Africa following the end of apartheid. Criminal tribunals offer classic retributive justice, while critics and proponents characterize truth commissions as eschewing or modifying that justice in favor of reconciliation.¹⁰ Placing adjectives such as “restorative,” “transformative,” and “transitional” in front of “justice” represents attempts to identify conceptions of justice that might foster reconciliation rather than hinder it.¹¹ I argue that justice and reconciliation must be understood as parts of a larger project of moral regeneration. It is through an appreciation of such a multifaceted project that we may develop a coherent account of the moral functions and efficacy of trials and truth commissions, punishment and pardon, and retribution and reconciliation.

JUSTICE, RETRIBUTIVE EMOTIONS, AND PUNISHMENT

When the guns finally fell silent on November 11, 1918, the world had endured an unexpectedly long and brutal fifty-one months of unrelenting war. It is unlikely that any of the belligerents could have known in 1914 how much carnage they had unleashed by their decisions to go to war. At the war’s end, all European belligerents were economically depleted and suffered devastating losses in human life, which totaled nearly ten million.

⁹Stephen D. Krasner, “A World Court That Could Backfire,” *New York Times*, January 15, 2001.

¹⁰See Robert I. Rotberg and Dennis Thompson, eds., *Truth vs. Justice: The Morality of Truth Commissions* (Princeton, N.J.: Princeton University Press, 2000).

¹¹See, for example, Dennis Cooley, *From Restorative Justice to Transformative Justice* (Ottawa: Law Commission of Canada, 1999); discussion paper; Ruti Teitel, *Transitional Justice* (Oxford, U.K.: Oxford University Press, 2000).

Even before the hostilities ceased, Allied leaders made it clear that they conceived justice to be integrally linked to the future peace and reconciliation of Europe. During the Versailles negotiations, the Allied delegation reasserted this view in a letter to its German counterpart:

Not to do justice to all concerned would only leave the world open to fresh calamities. If the German people themselves, or any other nation, are to be deterred from following the footsteps of Prussia; if mankind is to be lifted out of the belief that war for selfish ends is legitimate to any state; if the old era is to be left behind and nations as well as individuals are to be brought beneath the reign of law, *even if there is to be early reconciliation* and appeasement, it will be because those responsible for concluding the war have had the courage to see that justice is not deflected for the sake of convenient peace.¹²

Justice was expected to serve the utilitarian function of deterrence, communicate a moral message about the intolerability of aggression, stimulate the rehabilitation of the offending people, transform the old world toward greater respect for the rule of law, and provide a basis for future reconciliation. Viewing justice as the *path* to peace rather than war, the framers appealed to utilitarian, educative, rehabilitative, transformative, and restorative functions of justice. What exactly did justice mean to them?

French premier Georges Clemenceau opened the Versailles peace negotiations on May 7, 1919, with these words: "It is neither the time nor the place for superfluous words. . . . The time has come when we must settle our account."¹³ Justice entails a process of moral accounting. The businesslike description of that accounting raises the image of a moral balance sheet, where wrongful acts are recorded as moral deficits. Justice as moral accounting involves determining and assessing the moral deficits of guilty parties and calculating proportionate punishments and reparations to balance the moral books. The conventional image of justice as a balance in which virtue is rewarded and vice punished also supports the notion of justice as a kind of moral accounting. Significant terms of the Treaty of Versailles conformed to this retributive understanding of justice. The treaty assigned blame for the war to Germany (Pt. VIII, Art. 231), called for trials to punish transgressions against the laws of war by defeated powers (Pt. VII), and set up a commission to determine the extent of reparations (Pt. VIII).¹⁴

¹²"Reply of the Allied and Associated Powers," in *The Treaty of Versailles and After*, p. 48; my emphasis.

¹³Quoted in Finch, "The Peace Negotiations with Germany," p. 536.

¹⁴According to the Allied delegation, "reparation for wrongs inflicted is of the essence of justice." From "Reply of the Allied and Associated Powers," in *The Treaty of Versailles and After*, p. 48. Payment for damages caused by war was not a new phenomenon. Previously, in the Treaty of Frankfurt, for example, France had had to

The desire for retribution appeals to a vision of a morally coherent universe in which the innocent are unharmed, the good are rewarded, and the wicked are disgraced and punished. Moral psychologists have noted that people are “motivated to assign responsibility for harm because they want to maintain a belief in a ‘just world.’”¹⁵ The “justice motive,” according to moral psychology, is “a reaction to a perceived discrepancy between entitlements and benefits.”¹⁶ Plato also refers to this motive in *The Republic*:

What about when a man believes he’s being done injustice? Doesn’t his spirit in this case boil and become harsh and form an alliance for battle with what seems just; and, even if it suffers in hunger, cold and everything of the sort, doesn’t it stand firm and conquer, and not cease from its noble efforts before it has succeeded, or death intervenes, or before it becomes gentle, having been called in by the speech within him like a dog by a herdsman?¹⁷

Similarly, Hobbes recognized that most people “choose rather to hazard their life, than not to be revenged.”¹⁸ People will expend scarce and valuable resources and energy to avoid being unavenged victims. As David Welch explains, the sense of injustice “triggers a unique emotional response. It engages powerful passions that have the effect of increasing the stridency of demands, amplifying intransigence, reducing sensitivity to threats and value trade-offs, increasing the willingness to run risks, and increasing the likelihood of violent behavior.”¹⁹ In a vivid account of the role of the justice motive in the origins of both world wars, Welch convincingly argues that the pursuit of justice between self-

pay huge “indemnities” to Germany following its defeat in the Franco-Prussian War. Interestingly, the word “indemnity” refers to compensation exacted by the victor against defeated parties in war. “Reparation,” the term in the Treaty of Versailles, has a moral quality and refers to compensation to make amends for wrongdoing. Reparations imply a moral judgment, which is not necessary in the case of determining indemnities. See Gordon Martel, *The Origins of the First World War*, 2d ed. (New York: Longman, 1996), p. 41; and Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton, 2000).

¹⁵ See D. Miller and N. Vidmar, “The Social Psychology of Punishment Reactions,” in Melvin J. Lerner and Sally C. Lerner, eds., *The Justice Motive in Social Behavior: Adapting to Times of Scarcity and Change* (New York: Plenum Press, 1981), pp. 145–167.

¹⁶ Melvin J. Lerner, “The Justice Motive in Human Relations,” in Lerner and Lerner, eds., *The Justice Motive in Social Behavior*, pp. 12–13.

¹⁷ Plato, *The Republic of Plato*, 2d ed., trans. Allan Bloom (New York: Basic Books, 1991), Book 4, 440c, p. 120.

¹⁸ Thomas Hobbes, *Leviathan* (Markham, Ontario: Penguin, 1986), ch. 15, pp. 210–211.

¹⁹ David A. Welch, *Justice and the Genesis of War* (Cambridge, U.K.: Cambridge University Press, 1993), p. 20.

governing communities is especially fraught with moral danger. The absence of an authoritative account of justice and injustice at the international level means that retributive efforts to correct perceived injustice can lead to tragic cycles of violent conflict.

It is important here to clarify the meaning of causality in the realm of human conduct. The sense of injustice may cause violent conduct, but not in the way that gravity is said to cause water to flow downstream. For causation in the realm of human conduct, except the purely physical, can never be so determined. For example, if you put a hammer to my arm, you may cause a bone to break, but your action cannot determine my response—to put a hammer to your arm or your daughter's arm—when I get a chance. The sense of injustice creates outrage, so that a violent response becomes a part of the psychological options. To the extent that a person acts violently because of perceived injustice, that perception can be said to be the cause of the violence. In no way does that perception determine a violent response or justify it. Social institutions and conceptions of morality will influence the likelihood of a violent response to moral violation, as well as its justification.

While Welch identifies the justice motive as a source of modern international conflict and as a background condition leading to both world wars, its significance was perhaps more appreciated in ancient times. Herodotus, for example, highlights the justice motive in his account of the conflict between Persians and Greeks, who developed a condition of mutual hostility due to “a series of unjust acts” for which neither side could hold the other accountable.²⁰ The quest for retribution runs throughout Herodotus' *Histories*—that is, the theme of attempting to achieve accountability for perceived injustice.

The experience of suffering a moral wrong seems to lead to a propensity for violence, ignited mainly by a range of negative emotions generated by the experience of victimhood, from fear and resentment to hatred and vindictiveness. This response to injustice may be an indication of the centrality of our moral personality to our sense of self. Just as the threat of extreme physical danger can trigger powerful mental, emotional, and physical reserves in ordinary humans to defend physical integrity, it seems that the sting of injustice can call up similar resources to preserve the moral integrity and dignity of the self. Those who never feel moral anger after being wronged may lack an adequate level of self-respect, leaving themselves and others more vulnerable to further victimization. The retributive emotions seem to aid the preservation of some basic moral equality between persons, which is a condition of domestic justice. In the realm of international relations, the retributive emotions may serve to vindicate a basic moral equality between states, a condition of interstate justice.

²⁰Herodotus, *The Histories*, trans. Aubrey De Sélincourt (Toronto: Penguin, 1996), pp. 3–4.

The justice motive may also be triggered by a distorted sense of entitlement. A tyrant, for example, may feel resentment and hatred against a rebellious subject, although we hardly can call the punishment administered by the tyrant just in a moral sense. Wounded pride and honor may inspire the powerful passions leading to violent conduct; the justice motive becomes indistinguishable from a “pride” or “honor” motive. According to Martel, “By and large the men who made the decisions (at the time of World War I), drawn mainly from the traditional ruling classes of Europe, believed it better to die honourably than to survive in disgrace—and this applied to their states as well as to themselves.”²¹ For such men, living in a world of competitive great powers vying for honor and status among themselves and domination through colonization, a sense of honor easily may have been conflated with a sense of justice.

The identification of justice with the retributive emotions is complicated since the justice motive so understood can inspire moral retribution as well as immoral revenge. Both retribution and vengeance involve the experience of being harmed, the attribution of blame for the harm, and the drive to punish those responsible. The retributive emotions often generated by the experience of being harmed color statements made by the Allied delegation at Versailles. The shadow of loss and the need to compensate for it touched all survivors of the war: “There must be justice for the dead and wounded and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism.”²² In all conflicts involving cruelty and loss of life, the spirits of the dead, like the Furies, seem to haunt the living, seeking blood for blood.²³

Not surprisingly, what the Allied delegation at Versailles described as a “peace of justice,” its German counterpart condemned as the “victorious violence of our enemies.”²⁴ To the German delegation, the terms of the treaty spelled the physical, social, economic, political, and moral death of Germany. Within a couple of years, the justness of the peace settlement seemed flawed to almost everyone.

According to revisionists, the moral flaw of the treaty lay precisely in its preoccupation with the idea of retributive justice—with assigning blame for the

²¹ Martel, *The Origins of the First World War*, p. 86.

²² “Reply of the Allied and Associated Powers,” in *The Treaty of Versailles and After*, p. 47. On the German side, a defeated veteran of World War I, Adolf Hitler, proclaimed in 1922, “It cannot be that two million Germans should have fallen in vain. . . . No, we do not pardon, we demand—vengeance!” Quoted in John Keegan, *The First World War* (Toronto: Vintage Canada, 2000), p. 3.

²³ On the Furies, or the spirits of retribution, see Aeschylus’ dramatic trilogy, *Orestea: Agamemnon, The Libation Bearers, The Eumenides*, trans. Richmond Lattimore (Chicago: University of Chicago Press, 1953).

²⁴ “German Observations on the Draft Treaty of Peace,” in *The Treaty of Versailles and After*, p. 39.

war, dealing retribution, and exacting reparations. Gordon Craig and Alexander George have asserted that the architects of Versailles pursued hard-hearted justice at the expense of reconciliation: "There was little sentiment among the victors for reconciliation with the beaten foe. The impulse was rather to punish him, to place burdens upon him that would prevent his recovery or delay it for an indefinite period. . . . Too many of the participants were unreconciled and bent solely upon the most Draconian forms of punishment against the Germans or the Austrians or the Turks." Since the war devastated not only combatants, but also civilian populations, public opinion persuaded negotiators "to be unforgiving in their attitude and savage in their demand for reprisals."²⁵ John Keegan notes:

Forced to disgorge the conquests of 1870–71 in Alsace and Lorraine and to surrender to an independent Poland the historic areas of German settlement in Silesia and West Prussia, humiliated by a compulsory disarmament that reduced its army to a tiny gendarmerie, dissolved its battlefleet altogether and abolished its air force, and blackmailed by the continuation of starvation through blockade into signing a humiliating peace treaty, republican Germany came to nurture grievances stronger by far than those that had distorted its international relations and domestic politics before 1914.²⁶

Depicted in this way, the Treaty of Versailles seems more vengeful than just.

After acknowledged wrongdoing, how can vengeance and justice be distinguished if both are conceived solely as the requital of evil for evil done? The desire to inflict harm on those who have done harm may be a common human response to injustice, but we must ask how such a desire constitutes a *moral* response. Such a reaction may be *understandable* from a psychological point of view but not *justifiable* from a moral standpoint. Although proponents of retributive justice rely on the possibility of distinguishing between vengeance and retribution, they have had difficulty formulating the distinction, especially with regard to the limitation of punishments and reparations.²⁷ This problem is particularly acute after a prolonged war, with depleted resources, vast suffering, and offenders on all sides. Justice as a balancing of the moral books in such a context is frustrated by the problem of irretrievable losses, for no amount of compensation or punishment can ever restore the world that has been lost.

²⁵ Gordon A. Craig and Alexander L. George, *Force and Statecraft: Diplomatic Problems of Our Time*, 2d ed. (Oxford, U.K.: Oxford University Press, 1990), pp. 50, 51.

²⁶ Keegan, *The First World War*, p. 424.

²⁷ See Jean Hampton, "The Retributive Idea," in Jeffrie G. Murphy and Jean Hampton, eds., *Forgiveness and Mercy* (Cambridge, U.K.: Cambridge University Press, 1988), p. 135.

Jean Hampton points to the most defensible account of the role of retribution in a theory of justice. Most fundamentally, she argues, retribution signifies a repudiation of moral wrongs and contributes to reasserting moral truths that have been denied or violated by the wrongful act. In a superb essay on the retributive idea, Hampton writes, “A retributivist’s commitment to punishment is . . . a commitment to asserting moral truth in the face of its denial.” In a wrongful action, a “false moral claim has been made. Moral reality has been denied. The retributivist demands that the false claim be corrected.” Retributive punishment “is the defeat of the wrongdoer at the hands of the victim (either directly or indirectly through an agent of the victim’s, e.g., the state) that symbolizes the correct relative value of wrongdoer and victim.”²⁸ Although revenge and retribution may seek to defeat a moral wrong, revenge is retribution dissociated from a larger theory of morality and becomes self-defeating, while just retribution rejects a moral wrong in the context of a morality that aims to establish respect for fundamental moral truths.

When placed in such a context, retributive punishment can be appropriately limited. As Hampton argues, “The retributivist who is committed to reasserting moral truth must be aware that her way of reasserting it does not implicitly deny for the criminal what it seeks to establish for the victim.”²⁹ This means that victims have moral responsibilities in their pursuit of justice. While feeling hatred against those who have wronged us may be understandable and even excusable, to act on hatred to diminish wrongdoers, against moral truth, is not only self-defeating, but also morally wrong.³⁰ John Maynard Keynes was right

²⁸ Hampton, “The Retributive Idea,” p. 125. See also G.W.F. Hegel, *Hegel’s Philosophy of Right*, trans. T.M. Knox (Oxford, U.K.: Oxford University Press, 1967), pp. 68–74.

²⁹ Hampton, “The Retributive Idea,” p. 137. Speaking against retribution in the aftermath of apartheid, Nelson Mandela remarked after his release from prison, “I could not wish what happened to me and my people on anyone.” Quoted in Amy Gutmann and Dennis Thompson, “The Moral Foundations of Truth Commissions,” in Rotberg and Thompson, eds., *Truth vs. Justice*, p. 42. While Mandela’s restraint may seem exceptional, it is also the morally correct stance.

³⁰ See Jean Hampton, “Forgiveness, Resentment and Hatred,” in Murphy and Hampton, eds., *Forgiveness and Mercy*, pp. 35–87, on the self-defeating nature of retributive emotions. Similarly, George Orwell wrote about the sourness of revenge after surveying a prisoner of war camp in southern Germany in 1945: “The Nazi torturer of one’s imagination, the monstrous figure against whom one had struggled for so many years, dwindled to this pitiful wretch, whose obvious need was not for punishment but for some kind of psychological treatment. . . . Who would not have jumped for joy, in 1940, at the thought of seeing SS officers kicked and humiliated? But when the thing becomes possible, it is merely pathetic and disgusting.” See Orwell, “Revenge Is Sour,” in *The Collected Essays, Journalism and Letters of George Orwell*, vol. 4, *In Front of Your Nose 1945–1950*, (London: Secker and Warburg, 1968), pp. 4–5.

in arguing that the “policy of reducing Germany to servitude for a generation, of degrading the lives of millions of human beings, and of depriving a whole nation of happiness should be abhorrent and detestable . . . even if it were possible, even if it enriched ourselves, even if it did not sow the decay of the whole civilised life of Europe.”³¹ Vengeance, rooted in fear, aims for domination, while just retribution aims for equality.³² To refrain from fear-driven vengeful conduct is not being saintly or merciful; it is being just. The retributive emotions serve justice and moral regeneration when they help to establish respect for a basic equality between victims and perpetrators that has been denied by the moral violation. By affirming the moral worth of all, the achievement of justice becomes a source of moral solidarity and constitutes a major step toward moral reconciliation and regeneration.

We can understand the victim’s demand for justice not as a cry for vengeful retribution, but as a call for a way of assigning responsibility for wrongdoing, vindicating violated moral truths, and acknowledging the suffering of victims. In the case of Versailles, the ineffectual and selective assignment of responsibility for wrongdoing undermined the treaty’s claims of justice. Although Part VII of the Versailles Treaty called for punishing the Kaiser (Art. 227) and those among the defeated powers who were responsible for transgressing the laws of war (Arts. 228–230), no real punishment was ever effected. Kaiser Wilhelm II, charged with “a supreme offence against international morality and the sanctity of treaties,” lived out his life in Holland without ever facing prosecution. The vast majority of those German soldiers charged with war crimes escaped a guilty verdict or were allowed to escape from prison.³³

The lack of accountability for war crimes by the Allied powers also rendered dubious the moral truths being vindicated by the treaty.³⁴ E. H. Carr, noting this failure, seemed to support the development of an international criminal tribunal to investigate war crimes of all belligerents after World War I:

³¹ John Maynard Keynes, “Proposals for the Reconstruction of Europe (1919)” in his *Essays in Persuasion* (New York: W. W. Norton, 1963), pp. 17–18.

³² According to Rene Albrecht-Carrie, France was preoccupied (understandably) after World War I with its own security, and “French post-war policy was dominated by fear, which emotion is unquestionably an unstable and unsound basis for international relations.” See Albrecht-Carrie, “Versailles Twenty Years After,” *Political Science Quarterly* 55, No. 1 (1940), p. 21.

³³ See Geoffrey Robertson, *Crimes against Humanity: The Struggle for Global Justice* (New York: New Press, 1999), pp. 210–211.

³⁴ For a British soldier’s view of atrocities during the war, see Robert Graves, *Good-bye to All That* (Toronto: Doubleday, 1957), pp. 183–185. According to Graves, the “troops with the worst reputation for acts of violence against prisoners were the Canadians (and later the Australians)” (p. 184, my emphasis). There has not been much empirical investigation to support or refute Graves’ impression.

Had the passions of the time permitted the Allied Governments to make the arrangements reciprocal, and had they themselves been willing to bring to trial any of their own nationals accused of similar offences by the German Government, the whole procedure might have been a valuable innovation and an earnest of the desire of mankind to make international law an effective reality.³⁵

Against Krasner, Carr might have applauded the recent development of an international criminal court that can try individuals for acts of genocide, war crimes, and other crimes against humanity. Such a court institutionalizes a retributive model of justice in international society. In prudential terms, the ICC can help assuage and channel potentially destructive retributive emotions; in moral terms, it represents international society's growing commitment to vindicate and protect a basic moral equality among individuals, even at the expense of those who wield sovereign power or those who can claim victory on the battlefield.

We could argue that political philosophy's preoccupation with theories of justice stems from recognizing the need to discipline or regulate the passions stirred by the sense of injustice, which may push the course of inevitable social and political disagreements and conflicts to destructive consequences. Yet while justice may have primitive roots, retributive justice, if it is to be a virtue of individuals and institutions, must be connected to the project of moral regeneration.

Hampton argues that punishment plays an important role in moral regeneration, as it "is uniquely suited to the vindication of the victim's relative worth, so that no other method purporting to achieve vindication could be preferred to it."³⁶ Against the utilitarian justification of punishment, Hampton argues, "Punishment has a *telos* . . . not so much to produce good as . . . to establish goodness."³⁷ Although Hampton's understanding of retribution is compelling, it is clear that punishment only serves to establish goodness negatively, since "all punishment is nothing but a form of rejection."³⁸ Perhaps it would be more accurate to say that punishment is, at best, a repudiation of moral falsehoods implied by moral wrongs or evil. But it does not positively establish goodness; to defeat evil and to promote goodness are related but distinct tasks.

The punitive terms of Versailles, at best, express a rejection of wrongdoing. Yet justice so conceived does not necessarily promote goodness; the punished

³⁵ E. H. Carr, *International Relations between the Two World Wars (1919–1939)* (London: Macmillan, 1965), p. 48.

³⁶ Hampton, "The Retributive Idea," p. 128.

³⁷ *Ibid.*, pp. 125–126. On the philosophical debates about the moral functions and justifications of punishment, see H.B. Acton, ed., *The Philosophy of Punishment* (London: Macmillan, 1969).

³⁸ Daniel Cappon, "Punishment and the Person," *Ethics* 67, No. 3 (1957), p. 188.

perpetrator may or may not learn the right moral lesson; punishment alone may or may not deter others, rehabilitate offenders, restore victims, or transform society for the better. The multiple aspirations of moral regeneration—deterrence of future wrongdoing, moral education of society, rehabilitation of offenders, restoration of victims, transformation of moral norms, and reconciliation with the past—require much more than a retributive model of justice that functions through punishment mainly to defeat wrongdoing rather than establish goodness.

While it is always right to pursue justice in terms of establishing the truth of moral responsibility for wrongdoing, it is not always right or moral to exact punishment or reparations, except perhaps in a symbolic sense. The moral utility of these measures depends on their contribution to moral regeneration; that is, punishment and reparation make moral sense only if they do not undermine but are consonant with the *positive* promotion of respect for the moral truths violated by the wrongdoing.

Allied leaders did have a positive conception of international morality, which they sought to establish after World War I. The Versailles peace settlement represented the “most far-reaching and the widest-ranging system of treaties made up to that time.”³⁹ The most significant institutional instrument of international normative order, the Covenant of the League of Nations, certainly enjoyed pride of place in the Treaty of Versailles (Pt. I) and established the terms of justice in international society following World War I. Entry into the league was not automatic.⁴⁰ Unfortunately, excluding Germany from membership in the League of Nations saddled the body “with the odium of being a forum for the victorious powers.”⁴¹ In failing to promote the equality of states in international society, the league lacked a necessary foundation of international justice, reconciliation, and security.

TRUTH, RECONCILIATION, AND THE QUEST FOR MORAL SOLIDARITY

If the idea of retributive justice is linked to the affirmation of moral truth, the development of any retributive notion of international justice depends on whether it is possible to talk intelligibly about moral truths at all in international rela-

³⁹ “Preface,” in *The Treaty of Versailles and After*, p. iii.

⁴⁰ See Manley O. Hudson, “Membership in the League of Nations,” *American Journal of International Law* 18, No. 3 (1924), pp. 436–458.

⁴¹ Hans Mommsen, *The Rise and Fall of Weimar Democracy*, trans. Elborg Forster and Larry Eugene Jones (Chapel Hill: University of North Carolina Press, 1996), p. 107.

tions. During the Versailles negotiations, U.S. secretary of state Robert Lansing opposed some of the proposed punitive articles of the treaty, arguing that “there is no fixed and universal standard of humanity” by which to determine moral transgressions in the context of interstate war.⁴² Still, at the time of World War I, belligerent countries had accepted fundamental humanitarian claims in basic rules of war that had received general accord at the Hague Peace Conferences in 1899 and 1907.⁴³ At Versailles, justice as a truthful accounting of moral responsibility seemed to interest the German delegation, which proposed establishing a neutral inquiry to examine responsibility for the war, as well as culpable acts in the war.⁴⁴ An impartial commission, argued the German delegation, was the only way to inspire confidence of all belligerent parties in an authoritative judgment of moral responsibility for the war. In hindsight, it is regrettable that such an inquiry did not take place. The idea foreshadows contemporary institutional innovations to achieve a moral accounting of past injustices.

Pragmatic politics in societies that face an uncertain political transition have led to the development of truth commissions as an alternative to criminal prosecutions. How does truth contribute to the project of moral regeneration? Its importance in the prevention of future conflict may be appreciated when we consider the role that falsehoods and illusions play in the road to war. Fritz Klein writes of the “German dreamland,” which Hitler manipulated in his rise to power in Germany. One of the illusions was fostered by the German high command, which tried to preserve a military sense of honor by covering up the fact that it had persuaded the government to negotiate a cease-fire in 1918. Klein argues that this and other illusions did as much to undermine an enduring peace as the punitive terms of Versailles: “When a majority of the German people proved unwilling after 1919 to be realistic about the defeat, when people’s thoughts were clouded by senseless slogans regarding an ‘undefeated army,’ and when the criticism of Versailles was used with growing success to lay the intellectual groundwork for a war of revenge, continued mistakes, illusions, and disorientation proved disastrous.”⁴⁵ As Elizabeth Kiss observes in an excel-

⁴² Quoted in Robertson, *Crimes against Humanity*, p. 210. See also Robert Lansing, “Some Legal Questions of the Peace Conference,” *American Journal of International Law* 13, No. 4 (1919), pp. 631–650.

⁴³ *Ibid.*, pp. 172–173. For the various Hague conventions, including those on the Laws and Customs of War on Land in 1899 and 1907, see Leon Friedman, ed., *The Law of War: A Documentary History* (New York: Random House, 1972), pp. 204–256, 270–397.

⁴⁴ See Finch, “The Peace Negotiations with Germany,” p. 544.

⁴⁵ Fritz Klein, “Between Compiègne and Versailles: The Germans on the Way from a Misunderstood Defeat to an Unwanted Peace,” in Boemeke, Feldman, and Glaser, eds., *The Treaty of Versailles*, p. 220.

lent discussion about the South African Truth and Reconciliation Commission (TRC), its work not only exposed ignored injustices, but also challenged distortions and disinformation and “decisively discredited some widely circulated accusations and counteraccusations.”⁴⁶ War propaganda, with its characteristic dehumanization of the enemy and exaggerations of moral transgressions, may be instrumental during war to motivate soldiers to fight and sustain civilian support for the war effort, but such distortions can result in poisoning the prospects of moral regeneration.

A truthful accounting also allows for greater understanding of the sources and mechanisms of hostility to effect the necessary institutional and ideological transformations so as not to repeat the tragedy. In many ways, criminal tribunals such as the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), while determining responsibility for wrongdoing, also face the daunting task of uncovering the truth about tens of thousands of crimes. Yet the adversarial nature of the criminal trial process and the prospect of punishment serve as disincentives for both victims and perpetrators to make full and truthful disclosures. Criminal trials also render individuated justice based on a victim/perpetrator and guilt/innocence distinction. Although a criminal trial process may be effective in establishing a moral accounting of those who gave the orders and committed the dirty deeds, it may be less capable of providing an accounting of the political, normative, and social conditions that made moral violations politically, morally, and socially possible. The most culpable actors may escape the moral accounting rendered through criminal trials. Truth commissions have been able to gather a fuller narrative of the conditions, ideologies, and institutions that perpetuated moral wrongs.⁴⁷

In addition to helping to prevent future recurrences of wrongdoing, truth commissions seem most distinct from criminal tribunals in their contribution to the process of healing the moral wounds of victims.⁴⁸ Rajeev Bhargava takes the truth commission “to be a backward-looking institution designed primarily to rehabilitate political victims.”⁴⁹ Helping victims involves restoring not only their physical well-being, but primarily their senses of agency, dignity, and

⁴⁶Elizabeth Kiss, “Moral Ambitions within and beyond Political Constraints: Reflections on Restorative Justice,” in Rotberg and Thompson, eds., *Truth vs. Justice*, p. 72.

⁴⁷Kiss notes, “Most truth commissions prepare a report offering specific recommendations for legislative, political, institutional, educational, or other changes that are needed to ensure that abuses do not recur.” They provide accountability by establishing “as a matter of public record the institutional mechanisms responsible for past abuses.” Kiss, “Moral Ambitions,” p. 75.

⁴⁸See Martha Minow, “The Hope for Healing: What Can Truth Commissions Do?” in Rotberg and Thompson, eds., *Truth vs. Justice*, pp. 234–260.

⁴⁹Rajeev Bhargava, “Restoring Decency to Barbaric Societies,” in Rotberg and Thompson, eds., *Truth vs. Justice*, p. 59.

positive connection with others. One way to do that is to acknowledge victims' voices and accounts of their suffering. José Zalaquett observed in his capacity as a member of the Chilean Commission for Truth and Reconciliation that "Most [of the relatives of the victims] stressed that in the end, what really mattered to them was that the truth be revealed, that the memory of their loved ones not be denigrated or forgotten, and that such things never happen again."⁵⁰ At the same time, it is important to note that truth telling can be profoundly difficult for victims of violence and war. Psychotherapist Judith Herman points out, "The ordinary response to atrocities is to banish them from consciousness."⁵¹ Victims may support truth commissions, not only for the information they can uncover about the fate of missing loved ones (for example), although that is an important accomplishment. Truth commissions are not about the impartial gathering of objective facts; rather, like trials, they are about the affirmation of fundamental *moral* truths and entail constructing a narrative of the past that expresses moral solidarity with victims. As Kiss notes on the South African TRC, "Those whose lives were shattered are entitled to have their suffering acknowledged and their dignity affirmed, to know that their 'pain is real and worthy of attention.' We have an obligation to tell them . . . 'You are right, you were damaged, and *it was wrong*.'"⁵² Ariel Dorfman also has written about the importance of winning the battle over the moral truth of Pinochet's reign in Chile.⁵³

The publicity of truth commissions can vindicate the worth of victims and survivors in an especially powerful way. Although perpetrators may initially participate in truth commissions to avoid prosecution, truth telling is often difficult for perpetrators, who must challenge their own previously accepted elaborate cognitive rationalizations for their wrongful conduct. Confronting the inadequacy of their justifications and revealing their roles in harming others can lead to moral disgrace.⁵⁴ As long as people live in communities, a public acknowledgment of moral responsibility for wrongdoing can sting as much as any punishment.

⁵⁰ José Zalaquett, "Balancing Ethical Imperatives and Political Constraints: The Dilemma of New Democracies Confronting Past Human Rights Violations," *Hastings Law Journal* 43 (1992), at p. 1437.

⁵¹ Judith Herman, *Trauma and Recovery: The Aftermath of Violence—From Domestic Abuse to Political Terror* (New York: Basic Books, 1997), p. 1.

⁵² Kiss, "Moral Ambitions," p. 73; emphasis in original.

⁵³ Ariel Dorfman, "History Will Now Remember Pinochet in One Way Only," *Globe and Mail*, September 28 1999, A13.

⁵⁴ See Kiss, "Moral Ambitions," pp. 76–78. For example, after giving accounts in the TRC of their conduct, amnestied perpetrators were often shunned by friends, spouses, and families.

The contribution of truth commissions to the cause of justice, despite their limited punitive powers, requires a reassessment of the conventional depiction of retributive justice. Instead of the commercial image of justice as a balancing of the moral books, we can see justice as a different kind of accounting. In the sense of a moral narrative that identifies moral wrongdoing, justice tells the truth of moral responsibility and affirms the moral truths violated by wrongdoing. Punishment may be part of this moral narrative, perhaps as an exclamation mark signifying strong disapproval of certain wrongful conduct, but a narrative understanding of justice allows for more creativity and flexibility in conveying such disapproval than the conventional commercial view.

While retributivists typically characterize truth commissions as expedient compromises of justice, well-conceived truth commissions qualify as institutions of moral accounting because they foster a certain kind of moral reconciliation that can be distinguished from “reconciliations” or peace settlements based on political expediency.⁵⁵ Jonathan Allen argues, “Morally justifiable reconciliation requires the disclosure of truth and some concern to see justice served. Reconciliation on other terms is demeaning or in other ways morally unjustified.”⁵⁶ Under this view, the vindication of victims’ moral worth is crucial to reconciliation understood as part of moral regeneration. Peace and security may be temporarily achieved without such reconciliation—through superior force on one side, for example—but moral regeneration envisions justice and reconciliation to be inextricably linked.

The connection between justice and reconciliation becomes apparent when we recognize that contexts of intrastate and interstate violence, oppression, and war do not only upset the moral balance and undermine justice. Such violations also entail a radical moral and psychological disconnection among victims, perpetrators, and bystanders who do nothing to prevent the victims’ suffering. A fundamental aim of moral regeneration is to connect victims, as well as perpetrators and bystanders, within the circle of humanity. As Amy Gutmann and Dennis Thompson assert about the South African TRC, “By respecting the voices of victims who testify to the crimes committed under the apartheid regime and providing reparations, a truth commission can help restore public recognition of the *humanity* of apartheid victims.”⁵⁷ If it is to be part of the project of

⁵⁵ Some earlier truth commissions, offering blanket amnesties, were more expedient than moral.

⁵⁶ Jonathan Allen, “Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission,” *University of Toronto Law Journal* 49, No. 3 (1999), p. 317.

⁵⁷ Gutmann and Thompson, “The Moral Foundations of Truth Commissions,” p. 32, my emphasis.

moral regeneration, reconciliation must be founded on mutual respect for the humanity and equality of others, including former enemies.⁵⁸

In many cases, a truth-telling process does not *restore* respect for the humanity and equality of others so much as *create* a new societal respect for these norms. E. H. Carr bemoaned the nostalgic fixation on restoring life to pre-1914 ways in the interwar years: “It is curious to reflect how many of the economic slogans of the period between the two wars began with the prefix *re*. We were successively concerned with reconstruction, retrenchment, reparations, repayment of war debts, revaluation of currencies, restoration of the gold standard, recovery and removal of trade barriers.”⁵⁹ Carr also warned that after violence and war, to think that the old ways were the good ways is a fatal error—in economics and politics as well as morals. Regeneration does not necessarily mean restoration to a preexisting set of norms or arrangements; more often than not, moral regeneration will require that previously established power relationships and norms not be restored. Although apartheid South Africa seemed stable, for example, it was characterized by a profound lack of moral reconciliation between white and black South Africans, a symptom of the profound injustice of the regime. Moral regeneration in such a context requires establishing a basis of moral reconciliation between these groups that is founded on mutual respect for the dignity and equality of all citizens of South Africa.

Although truth commissions have shown promise in fostering moral reconciliation in the aftermath of intrastate violence and oppression, some may argue that in cases of interstate wars, truth commissions are only likely to reflect hostilities in terms of radically competing narratives from the opposing parties. Is it possible, for example, for the American and Vietnamese governments to agree on the moral lessons to be learned from the U.S.-Vietnam War? Although U.S.-Vietnamese relations have reached an impressive level of political reconciliation, the process of a joint truth commission may still provide a valuable opportunity, not only for the war’s direct participants to try to make sense of their ordeals, but also for contemporary governments and peoples to learn or affirm important moral truths.⁶⁰ The process itself may not yield a

⁵⁸ Cynthia Ngewu, mother of Christopher Piet, stated, “This thing called reconciliation . . . if it means this perpetrator, this man who has killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back . . . then I agree, then I support it all.” Quoted in Antjie Krog, *Country of My Skull: Guilt, Sorrow and the Limits of Forgiveness in the New South Africa* (New York: Three Rivers Press, 1999), p. 142.

⁵⁹ E. H. Carr, *Conditions of Peace* (London: Macmillan, 1944), p. xviii.

⁶⁰ See David E. Sanger, “Huge Crowd in Hanoi for Clinton, Who Speaks of ‘Shared Suffering,’ ” *New York Times*, November 18, 2000. Sanger’s observation that Clinton’s “comments equating the struggles of American and Vietnamese forces made for the kind of speech that it would be hard to imagine any president giving if he had to face

common view of the moral lessons of the war. Yet by listening to each other's accounts of the causes and consequences of the war on their personal and national lives, participants in such a truth commission would signal a basic respect for former enemies that can serve to cultivate the roots of moral reconciliation.

In this vein, we might find that the most grievous fault of the Treaty of Versailles lay in its process, which facilitated neither a truthful accounting of the war's causes and consequences, nor the affirmation of moral truths by victors or vanquished. Instead of tense, direct, and rancorous verbal dialogue, Versailles was pervaded by a steely silence; no oral discussions were admitted between the Allied and German delegations. E. H. Carr wrote of the "unnecessary humiliations" of the process, which "fixed in the consciousness of the German people the conception of a 'dictated peace'; and they helped to create the belief, which became universal in Germany and was tacitly accepted by a large body of opinion in other countries, that the signature extorted from Germany in these conditions was not morally binding on her."⁶¹ The lack of an authoritative and public moral accounting of the war undermined both justice and reconciliation, not to mention the project of the moral regeneration of international society. Carr condemned this self-defeating use of power, arguing, "Historical truth cannot be established by international treaty—least of all by a treaty imposed by victors on vanquished. The Allied governments, in the passion of the moment, failed to realize that this extorted admission of guilt could prove nothing, and must excite bitter resentment in German minds."⁶² While critics have complained about the moral messiness of truth commissions like the South African TRC compared with the kind of closure achieved through the verdicts of criminal trials, the Versailles Treaty process clearly suffered from premature closure, with disastrous consequences for the project of moral and social regeneration.

Martel characterized the dispute over the Versailles Treaty's failures in an interesting way: "Was the absence of realism or morality more fatal?"⁶³ Perhaps we can say that Versailles suffered from too much of the realism of fear

re-election" is disheartening from the moral point of view. See also Robert S. McNamara, James G. Blight, and Robert Brigham, *Argument without End: Searching for Answers to the Vietnam Tragedy* (New York: Public Affairs, 1999).

⁶¹Carr, *International Relations between the Two World Wars*, p. 5. On June 23 the German government, "yielding to superior force and without renouncing in the meantime its own view of the unheard of injustice of the peace conditions . . . declares that it is ready to accept and sign the peace conditions imposed." Finch, "The Peace Negotiations with Germany," p. 554.

⁶²Carr, *International Relations between the Two World Wars*, p. 46.

⁶³Martel, "A Comment," p. 624.

and not enough of the realism of truth, from too much of the justice motive and not enough of justice, rightly understood.⁶⁴

CONCLUSION

The project of moral regeneration following war must seek to effect three aims: vindicate the moral worth of victims, affirm transgressed moral truths, and mend the broken moral bond among victims, perpetrators, and the relevant communities. When located in the context of such a multidimensional project, justice and reconciliation no longer compete in a zero-sum game. Rather, such a theory conceives pursuing justice as a process of moral accounting, which aims to affirm fundamental moral truths and views promoting reconciliation as a process of fostering a condition of common respect for those moral truths. Although justice and reconciliation are not synonymous or conflated, they share the same *telos* of moral regeneration.

Is the project of moral regeneration so conceived too ambitious? Kiss remarks that restorative justice “requires a leap of faith, a belief in the possibility of moral transformation of both persons and institutions.”⁶⁵ If this belief constitutes a leap, then restorative justice is problematic, since faith is exactly what is lacking after war. Martel describes a common sentiment after “the war to end all wars”:

All of the Victorian verities came under attack in the aftermath of World War I: progress was a myth, rationality a veneer, industry a mistake. No one in authority was to be trusted; politicians and generals had turned lying into an art form; mothers and fathers would patriotically send their sons off to die. Nothing in the newspapers was true; it was all propaganda, all facts were invented.⁶⁶

Herodotus reminds us that the belief in the capacity for individuals and institutions to change may not be utopian but may find roots in a realist appraisal of the human condition. He recounts the story of Croesus, the Lydian king, who attacked Persia and was captured. Cyrus, the king of the Persians, was determined to exact retribution by burning Croesus on a great pyre. Facing death, Croesus sighed and told Cyrus about a moral he had failed to learn: that no man could be called happy until he was dead. Herodotus explains:

⁶⁴ We may argue that the flawed conception of justice in the Treaty of Versailles contributed to the genesis of World War II, but it would be absurd to argue that Versailles made Hitler’s rise to power unavoidable or that it justified German aggression during the war.

⁶⁵ Kiss, “Moral Ambitions,” p. 83.

⁶⁶ Martel, “A Comment,” p. 635.

The interpreters told Cyrus what Croesus had said, and the story touched him. He himself was a mortal man, and was burning alive another who had once been as prosperous as he. The thought of that, and the fear of retribution, and the realization of the instability of human things, made him change his mind and give orders that the flames should at once be put out.⁶⁷

Cyrus' act of political forgiveness, stemming not from a leap of faith in Croesus but from a realistic appraisal of Cyrus' own affinities with the fallen king, allows Croesus to later accept moral responsibility for his actions, which leads eventually to reconciliation.⁶⁸

It may be human to assign responsibility for harm, but being human, it is important to remember that our actions and decisions often lead events to unfold in ways that are completely disproportionate to our intentions and even contradictory to our original aims. The Allied delegation at Versailles was understandably overwhelmed by the devastating outcome of the war, evident in the rhetorical questions it posed in a letter to the German delegation: "Somebody must suffer for the consequences of the war. Is it to be Germany, or only the peoples she has wronged?"⁶⁹ While it is right to aspire to a just world, it is also important to locate justice in a human context of defective moral knowledge and limited control over the connection between agency and consequence. It may be indisputable that the Kaiser and the German high command bore the main responsibility for initiating the war, but like most other parties, German leaders did not foresee or intend the length and brutality of the ensuing war. In the case of World War I, we might be inclined to agree with Churchill, who wrote,

One rises from the study of the causes of the Great War with a prevailing sense of the defective control of individuals upon world fortunes. It has been well said, 'there is always more error than design in human affairs.' . . . This must surely be considered before the complete condemnation of the vanquished or the complete acquittal of the victors can be pronounced.⁷⁰

World War I wrought great injustices, but more than that, like most wars, it was a monumental tragedy. In this vein, historian John Keegan laments that in the final analysis, "graveyards . . . are the Great War's chief heritage."⁷¹ The

⁶⁷ Herodotus, *The Histories*, book 1, p. 86.

⁶⁸ On political forgiveness, see Peter E. Digeser, *Political Forgiveness* (New York: Cornell University Press, 2001).

⁶⁹ "Reply of the Allied and Associated Powers," in *The Treaty of Versailles and After*, p. 48.

⁷⁰ See Winston Churchill, *The World Crisis* (London: Longmans, Green, 1938), p. 50.

⁷¹ Keegan, *The First World War*, p. 421.

pursuit of justice after such devastation, if it is to be fit for humans, must be mindful of human fallibility and vulnerability.

Skeptics of the project of moral regeneration might point to the enduring hostilities of postconflict societies and reject mechanisms of moral accounting as largely ineffectual. Why put people through the painful and costly processes of truth commissions and criminal tribunals if they yield no significantly visible payoffs in terms of societal reconciliation? It may be more expedient if not to forgive, at least to forget the past and focus solely on the tasks of social and economic recovery. Proponents of this view are too impatient. Erna Paris observes, “Seen through a long lens, peacemaking founded on ‘forgetting’ appears to have a limited lifespan.”⁷² Given the enduring nature of human relationships, domestic and international, it is important to remember that the effects of various institutional mechanisms of responding to injustice are unlikely to be known for many years, if not decades, later.

While political expediency might try to dismiss the project of moral regeneration as exceedingly ambitious or ineffectual, pessimism generated by fear and misanthropy challenges the very idea of a moral response to violence and war. Is it possible, after the losses they have endured, to expect anything like a moral response from victims? They may display a wide range of reactions to their suffering, from furious vengeance to impotent resignation to sincere forgiveness. Retributive emotions do not arise naturally but are linked to cognitive content, such as our conception of our self-worth, the worth of others, of justice, reconciliation, and so on.⁷³ Political leaders with a right understanding of the moral meanings and functions of justice, punishment, reparation, and reconciliation can shape international and domestic institutions that will harness the retributive emotions to serve the cause of moral and social regeneration rather than undermine it.⁷⁴

While we should not be unduly pessimistic about the prospects of moral regeneration, we also cannot expect immediate success or steady progress. Aeschylus’ dramatic trilogy of vengeance, justice, and reconciliation recognized the poignant yearning of victims to find a “place free of all grief and

⁷² Erna Paris, *Long Shadows: Truth, Lies and History* (Toronto: Knopf, 2000), p. 464.

⁷³ See William Lyons, *Emotions* (Cambridge, U.K.: Cambridge University Press, 1980), for a cognitivist theory of emotions. Jean Hampton write that the retributive emotions “involve certain distinctive evaluative beliefs and desires which accompany any feelings or physiological changes in the person who experiences them.” See Hampton, “Forgiveness, Resentment and Hatred,” p. 54.

⁷⁴ Aristotle wrote, “So too it is easy to get angry—anyone can do that . . . but to feel or act towards the right person to the right extent at the right time for the right reason in the right way—that is not easy.” See Aristotle, *The Nichomachean Ethics*, trans. J. A. K. Thomson (Markham, Ontario: Penguin, 1953), p. 109.

pain.”⁷⁵ Only a god perhaps can offer such a place; there may never be emotional or moral closure for some victims.⁷⁶ Although the goddess Athena initially relies on the threat of Zeus’ thunderbolts to achieve reconciliation, she successfully persuades the Furies to relinquish their claim to Orestes only by offering them the status of a goddess in the city, a place of honor and power to shape the future.⁷⁷ In Athena’s arguments, we find empowering ingredients such as recognition, reparation, and remembrance to facilitate turning victims’ attention from the past to the future. In many contemporary contexts, these ingredients are in short supply.

After World War I, those left behind faced the difficult tasks of rebuilding their lives and societies while mourning irretrievable losses. Jay Winter powerfully reveals that European cultural attempts to make moral sense of World War I ultimately highlighted the universality of suffering rather than partisan accounts of atrocities, and shared moral responsibility for the future rather than one-sided blame for the past.⁷⁸ Pat Barker uses the image of nerve regeneration to explore the theme of individual and social regeneration in her fictional account of men and women living through World War I.⁷⁹ Her metaphor reminds us that such regeneration is a long, painful, and often crooked process that is fraught with danger and deception. Caught between the rage of the vengeful Furies and the despair of living in a morally broken world, survivors—whether they be victims, perpetrators, or bystanders—must fashion a moral response to experiences of cruelty and suffering that lies somewhere between the threatening dystopia of Aeschylus’ Furies and the lost utopia of Ovid’s golden age. The road of moral regeneration following violence and war is hard and perilous, the people damaged and fearful, and their institutions imperfect and fragile. Yet it is a path that is as dangerous to avoid as it is to travel. Even realist prudence and morality may counsel embarking on the long and crooked journey.

⁷⁵ Aeschylus, *Eumenides*, line 892. Aeschylus’ tragic tale captures the logic of many contemporary conflicts, whereby estrangements, betrayals, and vengeance entangle ruinously with love, loyalty, and justice to undermine the mortal players.

⁷⁶ See Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998).

⁷⁷ Aeschylus, *Eumenides*, lines 824–890.

⁷⁸ Jay Winter, *Sites of Memory, Sites of Mourning: The Great War in European Cultural History* (Cambridge, U.K.: Cambridge University Press, 1995).

⁷⁹ Pat Barker, *Regeneration* (Toronto: Penguin, 1991). On nerve regeneration, see p. 46.