

Homo reparans

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Reparation, Johann Michel explains, is not just a moral principle dictated by our sense of justice. More fundamentally, it is an anthropological constant, through which we try to mitigate our inherent vulnerability.

Reviewed: Johann Michel, *Le réparable et l'irréparable, L'humain au temps du vulnérable (The Repairable and the Irreparable: The Human in the Age of the Vulnerable)* Paris, Hermann, 2021, 361 p.

In his book, Johann Michel proposes a "general philosophy of reparation" (8), revealing human beings as "*homo reparans*." The anthropological hypothesis that underpins his theoretical ambition is that reparation is a universal feature of the human condition, as human beings are simultaneously vulnerable, incomplete, *and* capable of establishing processes for overcoming this vulnerability. Human life, in its organic as well as its social aspects, would be impossible without reparative exchange. This philosophy seeks to present the multiplicity of reparative phenomena in their many phenomenological facets, while wagering on the concept's unity--in other words, that each example it explores is indeed concerned with reparation.

The book's goal is thus, on the one hand, to grasp the discourses and practices of reparation in their *multiplicity*. This can only occur in close dialogue with the positive knowledge acquired through the natural and social sciences, in which one encounters "reparation" in a wide range of meanings, as well as the senses and usages it acquires in specific grammars and techniques. Over the course of the book's chapters, Michel analyzes how reparation is conceived and manifests itself in different

domains of human life (286): the biological reparation of the living body, the model of which is healing (chapter 1); the psychological reparation of the suffering mind, through the work of mourning (chapter 2); the religious reparation of faults through expiation and the social reparation of offenses through apologies (chapter 3); the legal reparation of crimes, from the compensation of damages and retribution to restorative justice (chapter 4); and, finally, the historical reparation of the past, from restitution and commemoration to reconciliation and transitional justice (chapter 5).

On the other hand, Michel's theoretical move consists in ordering this multiplicity and grasping the principle of its *unity*. He tries to discover what these discursive and empirical variations have in common. Identifying and circumscribing reparation makes it possible, in the same gesture, to grasp what lies beyond it--namely, the irreparable. Something can be irreparable not simply because of empirical or technical constraints (as such constraints change with technological advances and the boundary between what can and cannot be repaired is constantly changing) but, far more fundamentally (that is, ontologically) because some objects, phenomena, and processes lie beyond the sphere to which reparation applies, since every reparation implies a remainder, a residue, or a fissure. Humans are creatures that are constantly repairing themselves--and who confront the irreparable.

Analogical hermeneutics as a method

To integrate multiplicity into unity, Michel, at a methodological level, could have proceeded by abstraction. For Immanuel Kant, for instance, creating a concept is the result of three acts of the understanding: comparison (of multiple representations), reflection (consciousness' consideration of possible unities), and abstraction (bracketing variable elements deemed irrelevant to the concept's unity). The medical act of resetting a broken bone, the social act of ceremonial giving, the ritual of restoring exchange and trust, and the penal act of imposing a fair sanction for a crime all contain empirical elements that do not involve reparation. Yet there are other features that a scholar could propose as common traits that make it possible to consider all three acts from the standpoint of the concept of reparation. Michel, however, does not proceed

this way. Rather, in keeping with his previous work,¹ he adopts the approach of "analogical hermeneutics" (13).

The goal of hermeneutics is to revive the theory of knowledge by avoiding the dangers of abstraction. Abstraction, which this perspective often denounces,² is accused of failing to do justice to the diversity of entities' phenomenological manifestations and the multiple facets of a matter that a concept is meant to encompass. For abstraction to be accurate and legitimate, one must be able to justify the selection of traits considered irrelevant and relevant to the phenomena being considered as well as to the concept's essential aspects. One must also ensure that the selective omission of some aspects of the phenomena does not occur prior to comparison and reflection, in the name of an ideal preconception or a confused preliminary understanding of the model one is trying to build. Otherwise, one risks purporting to build a "correct" concept (an epistemological issue) in the name of a moral belief about the right or just form of reparation (a normative issue). Avoiding the risk of arbitrary idealization inherent in abstraction, Michel uses, in his analysis of reparation, an analogical approach that is more respectful of difference. The analogical approach consists in grasping reparation's transversality by comparing the mechanisms at play in different domains and establishing an equivalency of relationships--a correspondence, in short, between the practices and domains he considers.

With this approach, one obtains the following equivalencies (13): "healing [i.e., scarring over] is to life what the work of mourning is to psychology [and expiation to religion and apologies to society], what compensation is to law [and commemoration to history]."³ The analogical method makes it possible to think collectively--thanks to their commonalities--different reparatory situations and forms, without reducing one to the other. It "traces reparation's contours" (13) with forcing similarities through a systematic and coherent concept forged in one domain and imposed on others.

While more respectful of difference than abstraction, the analogical approach, Michel explains, takes the demand for unity much further than, say, Wittgenstein's analytical pragmatism. According to Wittgenstein, different kinds of reparation would share no more than a "family resemblance"--an open and non-exhaustive set of traits, no one of which would be necessary to a concept's correct usage: the different uses of

¹ Johann Michel, *Homo Interpretans*, Paris, Éditions Hermann, 2017.

² For example, Onora O'Neill, "Abstraction, Idealization and Ideology in Ethics," in *Moral Philosophy and Contemporary Problems*, ed. D. G. Evans, Cambridge, Cambridge University Press, 1988, pp. 55-69.

³ I have added the equivalencies in brackets.

reparation in these different domains would be tied to one another in a way that is highly variable, without being systematically comparable in terms of the same traits. Wittgenstein describes the similarities between the different uses of a concept as a "family resemblance," as "the various resemblances between members of a family: build, features, colour of eyes, gait, temperament, etc. etc. overlap and criss-cross in the same way" (*Philosophical Investigations* § 67). The problem with Wittgenstein's approach is, in a sense, the opposite of Kantian abstraction, with its "impulse to generality": if one looks for resemblances, everything ends up looking like everything else. The category risks making conceptualization impossible.

This is why, according to Michel, analogical hermeneutics is preferable: though analogies are not identities, they nonetheless make it possible to grasp reparation as a unified concept on the basis of an identity of relationships. Reparation, he suggests, can be understood as a "set of responses and reactions to an injury, to a loss" (9). That which is analogous between the various phenomenal forms he explores is an intentional and human process of reacting to mistakes, shortcomings, or imbalances: reparation is a "fundamental modality of regulating the human." Hence reparation occurs when (1) an acknowledged and formalized equilibrium (2) has been disrupted and (3) processes and mechanisms are deliberately established to restore the equilibrium.

A (partially) lost methodological wager?

This highly suggestive and fruitful method results in analyses of great phenomenological finesse. One can, on the one hand, discriminate between reparation and concepts that, while seemingly similar, nonetheless follow a different logic (for example, in the biological domain examined in the first chapter, Michel distinguishes healing from self-regeneration and augmented humanity), without discounting, on the other hand, certain forms of reparation in the name of the absolute truth or authenticity of the concept. This is what allows him to claim, in chapter four, which considers legal reparation, that compensation is indeed a kind of reparation even if it does not involve recognition and even if financial compensation creates an illusion of debt-cancellation and can, at times, be interpreted as blood money. The analogical approach makes it possible to show that compensation is reparation *in its own domain*--the juridical domain--even it fails from the standpoint of external social and moral expectations.

Yet it is not certain that Michel manages completely to dispel the difficulty identified earlier relating to abstraction, for two reasons. First, while he takes multiplicity into account, he does so while also building a "model" that functions as an ideal type of reparation in each domain (healing, the work of mourning, apologies, compensation, and so on). From this standpoint, once the forms of reparation have been described and historicized, he undertakes a normative evaluation of these forms. Indeed, the ambitions of Michel's "philosophy of reparation" are not only descriptive and theoretical, but also normative. He is not simply trying to determine whether particular practices relate to or diverge from reparation, but also to decide whether particular practices are "good" and just and whether they repair *correctly*. Yet the manner in which analogical hermeneutics produces or identifies *models* is not quite explicit: some practices seem to count as models because they seek to reestablish an equilibrium. The normative test thus rests on a diagnosis referring to a prior equilibrium that has been disrupted: for reparation to occur, there must be a "before" and "after"--the shift occurring because of a negative--and the implementation of ordinary procedures of restoring things to their previous condition. But how is one to be sure that one begins with a just concept of equilibrium, with no idealization of the initial situation, without anchoring oneself in a naturalist or functionalist model of regulation that prejudices the diagnosis, and which could arise from the researcher's own moral expectations? And if the presumed initial state was not a state of equilibrium, or was one only for some actors, and if the presumed rupture was in fact a shift to equilibrium, can the regulation still be understood as a reparation?

Furthermore, any analogical method, as it proceeds by building and identifying identical relationships and comparing different domains, leaves aside, as a matter of principle, the effects produced by the interweaving and articulation of different domains or fields. The analogical method, which is very fruitful for analysis within each field, ultimately remains prisoner to the boundaries between domains and largely incapable of thinking how they intersect or their effects on the way domains function. The effects in the models that may be produced by the interpenetration of domains can sometimes be interpreted as an illegitimate modification of the ideal type (as when, for example, the book denounces the excessive and illusory therapeutical dimension of restorative justice or expresses misgivings about the growth of the logic of social assistance).

The surprising absence of politics

Finally, there is one issue that may surprise readers that goes beyond the book's methodological considerations, even if this issue is also rooted in methodological premises: if different models of reparation are valid in different (discursive and practical) fields and domains, how are these domains determined? Can their internal coherence be assumed? Is an exhaustive list of such domains possible? One notes, over the course of the equivalencies of relationships and chapters that comprise the analysis, the absence of two domains in particular: morality and politics. Of course, they can, in a sense, be found in the book--transversally--in the social, religious, legal, and historical domains. But Michel proposes no ideal-typical model of moral and political reparation, nor are morality and politics explicitly treated as their own domains. The moral dimension of reparation is essentially treated in the social realm and the political dimension in the historical field. Yet one might suggest that recognition is to morality and reconstitution or re-institution to politics what compensation and retribution are to law and apologies to society. Reparative uses and phenomenal forms are, it would seem, no less self-evident in these cases than in the others.

What does their absence signify--or signal? Their absence is crucial as the legal, moral, and political domains are most enmeshed with norms, which can be difficult to disentangle. But it is precisely in these domains that the distinction between different norms produces profound hermeneutic effects. Consider the paradigmatic example of human rights, which are simultaneously norms, values, and moral, legal, and political principles, yet which have different scopes and effects depending on which domain they are deemed to belong to. In the case of reparation, the moral recognition of the status of personhood defined by equality of dignity, compensation and legal rehabilitation in the name of the status of being a victim of prejudice, and the political restitution of the status of full citizenship can be formulated as demands for reparation. Misunderstandings about or the rejection of reparation demands relating to colonial slavery in France--an example that appears throughout the book's final chapter--arise precisely from confusing these various issues.

Most of the moral and political issues arising from contemporary reparation demands lie in the "historical" domain, which is addressed in the final chapter ("History's Debt"). Its conclusion is largely aporetic, as it calls for an acceptance of the insoluble and irreparable due to the "radical nature of historical evil" (15) and its

incommensurability. But one may well suspect that this demarcation of reparable and the irreparable relating to past crimes, which enjoins us to admit "the desire to repair history *must* preserve its highly paradoxical nature" (337, emphasis added), results from the fact that "history" does not, in fact, constitute a homogenous domain: not only is it traversed by morality and politics, but political reparation is not simply a specific "use" of "moral reparation" (319). Even if one adheres to the analogical hermeneutic approach, why not identify three different domains--history, morality, and politics, with specific reparative forms and rooted, perhaps, in a matrix of reparative interactions that varies with the kind of injustice in need of reparation? This might have led to a conclusion that was more normatively robust and more precise in its understanding of the *political* dimension of "historical" reparation.

Clues to such a possibility can be found in several contemporary theories of transitional justice, mentioned in the last two chapters, which consider reparations not only in the framework of a corrective or restorative theory, but as aspects of a transformative⁴ theory with an eye to the future, rather than an imagined past, as the state of equilibrium to which reparation must return. In these forms, reparation is conceived not as homeostatic regulation, but as the necessary condition for creating a shared *political project*. It is not considered as an anthropological constant, but in terms of the political question of how reparation demands can be questions of *justice*. Addressing this question requires, perhaps, not simply an extension, but also a displacement of Michel's methodological perspective: it requires taking seriously the specificity of the political domain and the foundations of our duty to be just, yet without anchoring its normativity, analogically, in the normativity that regulates the living or the social. Herein lies part of this book's great interest. It asks us to revisit a question that resurfaces throughout the history of philosophy: do we need an anthropology to think about politics?

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⁴ Paul Gready and Simon Robins, eds., *From Transitional to Transformative Justice*, Harvard, Cambridge University Press, 2019; Lisa Laplante, "The Plural Justice Aims of Reparations," in *Transitional Justice Theories*, S. Buckley-Zistel et al, eds., New York, Routledge, 2019.