

**Jill Stauffer.** *Ethical Loneliness: The Injustice of Not Being Heard*. Columbia University Press 2015. 240 pp. \$55.00 USD (Hardcover ISBN 9780231171502).

It is quite possible, and on Stauffer's reading almost a certainty, that systems of judicial process, reconciliation, and redress can themselves be responsible for the creation of unique forms of harm. Because these harms have the potential to affect all those involved—witness and defendant, victim and perpetrator—Stauffer's reflections on the phenomenology of testimony have the potential to explode many preconceptions about the ethical character of the law. Ultimately, achieving law's ethical potential may involve re-drawing some of these very borders that differentiate the individuals who participate and their roles (120). Stauffer accomplishes one of the most significant, and one of the furthest-reaching, applications of existential and phenomenological analysis to a contemporary problem in recent years. She has produced a text that at once pays scrupulous attention to the dynamics of speaking, listening, recording, and transmission and does so in order to make apparent the pervasiveness of the 'injustices of not being heard'.

It is impossible to capture the scope of the text, which is measured by the expansive plurality of those participating in it, all with different voices, roles, and dispositions. Perhaps the single most important is Jean Améry, insofar as his dual role as philosopher and as victim make painfully obvious the engagement that (especially Levinasian) ethics must have with the particularity of harm, if one is to understand the difficulties of repair. Améry's understanding of resentment, for example (captured succinctly by Stauffer as a deep engagement with the implications of the fact that time does not 'heal all wounds,' 121) allows for the possibility that the refusal to forgive can itself participate in the work of justice. The immediate problem Améry presents is for the rest of society, those who were less affected and for whom forgiveness is easier, insofar as the rush to forgive entails *not listening* to those who truly resent the past rather than embrace it forgivingly. Other forms of fruitful obstinacy on the part of the elsewhere excluded voices abound in Stauffer's attention to the unheard. Holocaust survivor Hannah F. insists, against her interviewer's assertion of heroism, that her survival can be ascribed to mere stupidity (73). The gentle persistence of South-African TRC commissioner Gobodo-Madikizela for the witness, Khutwane to recount her experiences with sexual violence is convincingly portrayed by Stauffer as an attempt on Gobodo-Madikizela's part to fit someone else's testimony into her own narrative, one that ultimately Khutwane had not chosen and might have resisted (82).

Many of these episodes seem to converge insofar as hopeful optimism for the future is shown for what it often is: an instrument of ignorance to present injustice and a confidence that the 'facts coming to light' with the right procedure will inevitably set things to right. Over and over, with crystal clear prose, Stauffer shows the vexing way such facts and procedures fail to hear, and from this arises a deep reflection on the nature of time. Stauffer illustrates certain tacit attitudes that arise in discourse about justice (such as hope or forgiveness, but also attitudes about what makes up a body, a culture, what is dehumanizing, or what it means to tell a story). But in so doing Stauffer allows for us to observe (her and others' attempts at) the recovery of the unheard.

One gains an appreciation on reading this text that there are many ways in which we do not listen, that those ways are to some degree knowable and thus can be accounted for, and finally that testimony itself can be understood critically in new ways. Stauffer is attentive, for example, to the way in which the aforementioned hope also has a specific function, as evidenced in the cathartic value of testimony. Stauffer observes that without further study one cannot use such hope for catharsis, on its own, as a justification for the burden placed on victims to establish justice (56). Judicial procedures, if the only path to justice, create an inevitable sense of isolation and lone

liness (a loneliness that does not restrict itself only to those who have done wrong,) at it is for this reason that Stauffer compels her reader to consider the need for ethical discourse within and about those institutions we take to be just.

Stauffer accordingly amplifies Améry's message that justice requires the revision of the past itself, our sense of what responsibility we bear for the actuality of injustice, in the world, as we find it. 'What Améry craved more than criminal sanction of the behavior of the most guilty was a broad responsiveness to—knowledge and acknowledgement of—what befell him and so many others. He wanted the wider world to accept a responsibility set free from legal culpability' (138). This vision of wide engagement with justice and the acquisition of justice as an ethical priority is a compelling vision. It is even more compelling given the richness with which Stauffer indicates the isolation of those who have personally touched or been touched by injustice. The victim, the prisoner, the court authority, and the survivor each become individuals (160) in a way that cannot help but separate them from the rest of humankind. Judicial institutions are many things, but they are also, compellingly on Stauffer's account, manufacturers of isolation. Justice within but also beyond such institutions requires ethical engagement with such isolation.

Stauffer practices and models philosophical listening, through her leveling of traditional philosophical authority, her embrace of specialists and non-specialists alike, her critical attention to the particular echoes of ignorance in various discourses, her embrace and re-invigoration of a wide range of philosophical sources (from literary criticism to existential phenomenology), and ultimately, her attempts to listen to victims, perpetrators and adjudicators of harm without presupposition. Her prose is delightfully lucid and, even in its hesitations, produces a palpable rhetorical force. The book begins with a quotation from Nietzsche that the 'I' is not the condition of thinking, but rather that the reverse is true (*ix*). Similarly, the author of *Ethical Loneliness* takes the thoughts of others as the occasion for thought itself, an opportunity to listen and to change the subject of justice from autonomy to responsibility, as 'other human beings open up a dimension of the future that I would not achieve on my own' (172). This text deserves a wide and attentive readership (at the very least from philosophers, social critics, and practitioners of law and political reconciliation, but also any writer of injustice and harm) as there is much to hear: how to address and seek revision of judicial institutions, how to seek redress for those who, through such institutions, are made to live a life apart, and how to think about injustice's temporal reach through generations. There are many reasons I may wish to separate my ethical life from the lives of others, but I cannot do so and at the same time hope for justice. The irony that our judicial systems are pervasively based on separation, isolation, and the refusal to hear comes into sharp focus here, and provides the occasion for renewed engagement within the ethical critique of the law.

**Timothy Stock**, Salisbury University